

Report to: **Planning Committee**
 Date of Meeting: **13 December 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No: HM/11/0437
 Planning Proposal: Installation of One BT Cabinet Measuring Approximately 1408mm (H) x 750mm (W) x 407mm (D)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : BT Openreach
- Location : Opposite 44 Auchingramont Road
Hamilton

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission – Subject to Conditions (Based on the Conditions Attached)

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other Information

- ◆ Applicant's Agent: Mono Consultants
- ◆ Council Area/Ward: 17 Hamilton North and East
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
 DM 1 – Development Management Policy
 DM12 – Telecommunications Development
 ENV 25 – Conservation Areas Policy
 ENV 4 – Protection of the Natural and Built Environment Policy
 RES 6 – Residential Land Use Policy

◆ Representation(s):

- ▶ 0 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Planning Application Report

1 Application Site

- 1.1 The application site relates to a small section of the public footway along southern side of Auchingramont Road, Hamilton. The site is directly opposite 44 Auchingramont Road (a traditional semi detached sandstone property) and is located midway between the vehicular entrance serving the flatted development 31 to 51 Auchingramont Road and the junction with Union Street. To the rear of the site is a low sandstone wall with trees/bushes behind. An existing equipment cabinet exists close by.
- 1.2 The application site is within a residential area located within Hamilton Outstanding Conservation Area No 1.

2 Proposal(s)

- 2.1 The applicants seek planning consent for the installation of a single green coloured BT cabinet measuring approximately 1408mm (H) x 750mm (W) x 407mm (D). The cabinet will be positioned against the aforementioned backdrop of trees and sandstone wall defining the boundary of the adjoining flatted development.
- 2.2 The applicant has advised that the proposed cabinet installation is required to facilitate Super Fast Fibre Access (SFFA) broadband services in the local area.

3 Background

3.1 Local Plan Status

- 3.1.1 In terms of the South Lanarkshire Local Plan the site is identified as being within a residential area (as defined by Policy RES6). Policy RES6 states that the Council will resist any development which will be detrimental to the amenity of those areas.
- 3.1.2 Policy DM1 requires all planning applications to take account of the local context and built form. In addition all proposals should be compatible with adjacent buildings and surrounding streetscape in terms of scale, massing, design, external materials and impact upon amenity. In addition as the site is within the Hamilton No. 1 Conservation Area Policies ENV4 – Protection of the Natural and Built Environment and ENV25 – Conservation Areas also apply. Within such areas there is a presumption in favour of retaining and converting existing buildings and all new development must be in keeping with the character of the area. Furthermore the Council is required to assess all development proposals in terms of their effect on the character and amenity of the natural and built environment.
- 3.1.3 The South Lanarkshire Local Plan also includes a specific policy on Telecommunications Development (Policy DM12). This policy states that the Council in assessing telecommunications proposals will require to minimise any adverse impact on the visual amenity, character and appearance of the surrounding area, minimise environmental and visual impact through exploration of a range of options and sets out the criteria which proposals relating to these sites must comply with. In addition individual proposals shall be sited and designed as sensitively as possible in order to minimise potential adverse cumulative impact.

3.3 Planning Background

- 3.3.1 There have been no previous applications for the site.
- 3.3.2 Normally a development of this nature would be permitted development under Class 67, Part 20 of Schedule 1 to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). However in this instance planning consent is required as the cabinet will be located within a Conservation Area. In addition as the cabinet will be installed on the footway, the Council has an interest in the land and the application requires to be referred to Committee in accordance with new planning legislation which came into force in 2009.

3.2 Relevant Government Advice/Policy

- 3.2.1 Given the nature and scale of the proposal there is no specific Government guidance or advice relevant to the proposed development. In general terms however the government does support modern, high speed information communication technology.

4 Consultation(s)

- 4.1.1 **Roads and Transportation Services** - Have no issues with the proposal as more than a 1.5 metre minimum clear width of pavement will be left to ensure pedestrian safety. (The footway is 2.5 metres wide at this location and the cabinet has a width of 407mm leaving approximately a 2 metre wide footway).
Response: - Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was undertaken, a site notice displayed and the application was advertised as a development affecting the character of the Conservation Area. No third party representations have been received.

6 Assessment and Conclusions

- 6.1 The proposal relates to the installation of 1 green coloured BT DSLAM cabinet measuring 1408mm (H) x 750mm (W) x 407mm (D) on a small section of the public footway along Auchingramont Road, Hamilton close to the junction with Union Street. The main determining issues in this case are compliance with government guidance, local plan policy, any adverse impacts on road or pedestrian safety and the impact of the proposal on the character and amenity of the Conservation Area.
- 6.2 In terms of government guidance the proposed site is located adjacent to another item of street furniture and the backdrop of the site, namely the wall/landscaping, will help mitigate its visual presence. In addition there are other items of street furniture within the carriageway including traffic calming measures. Collectively the introduction of another equipment cabinet will not be visually disruptive and it is therefore considered that this location is acceptable. On this basis the proposals comply with government guidance.
- 6.3 In terms of adopted local plan policy, the South Lanarkshire Local Plan identifies Policies RES6 – Residential Areas and Policy DM1 Development Management - as being relevant. These policies seek to safeguard the residential amenity of the surrounding area. Policy DM12 – Telecommunications also offers advice in regard to the siting and design of telecommunication developments, particularly masts. Given

the proposal is located within a residential area where features of this nature are commonly found together with the minor nature of the proposed works it is considered that the proposal will not be detrimental to the amenity of the residential area and raises no issues in respect of compliance with the above policies.

- 6.4 The proposal is located within Hamilton No 1 Outstanding Conservation Area and therefore Policies ENV4 and ENV25 must also be considered. Given the minor nature of the works to be undertaken it is considered that the scale and design of the cabinet are appropriate to the character of the Conservation Area. It is considered that the backdrop of the existing sandstone wall and trees adjacent to the site will help mitigate the cabinet's presence on the street. As such it is considered that the proposal does not introduce a feature that will be detrimental to the quality or character of the area. There will therefore be no adverse impact to the character of the conservation area. Subsequently, it is considered that the proposal accords with the provisions of Policies ENV4 and ENV25 of the adopted South Lanarkshire Local Plan.
- 6.5 In terms of traffic and pedestrian safety Roads and Transportation Services were consulted and have offered no objection as the footpath width that will remain will be greater than 1.5 metres. Statutory neighbour notification was undertaken and the proposal was advertised as Development Affecting the Character or Appearance of a Conservation Area in the local newspaper. In addition a Site Notice was also displayed however no letters of representation have been received.
- 6.6 Overall it is considered that given the minor nature of the works proposed the proposal will have no material impact on either residential amenity, the character of the Conservation Area or on road and/or pedestrian safety. Given the above, it is recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal has no adverse impact on residential amenity or the character of the Conservation Area. Subsequently, the proposal complies with the provisions of Policies RES6, DM1, DM12, ENV4 and ENV25 of the adopted South Lanarkshire Local Plan. The proposal also raises no issues in terms of traffic or pedestrian safety.

Colin McDowall
Executive Director (Enterprise Resources)

24 November 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan

- ▶ Consultations
Roads and Transportation Services (Hamilton Area)

18/10/2011

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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Detailed Planning Application

PAPER APART – APPLICATION NUMBER : HM/11/0437

CONDITIONS

- 1 This decision relates to drawing numbers: Plan 1, Plan 2, Plan 3 and Plan 4.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 In the event that equipment becomes obsolete or redundant it must be removed and the site reinstated to the satisfaction of the planning authority within 6 months.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

For information only

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