

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

Application No: HM/11/0440
 Planning Proposal: Installation of a DSLAM Cabinet on Pavement

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : BT Openreach
- Location : Leechlee Road/Cadzow Street
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)**
COM 1 - Town Centre Land Use Policy
DM 1 - Development Management Policy
ENV 4 - Protection of the Natural and Built Environment Policy
ENV 25 - Conservation Areas Policy

◆ Representation(s):

- ▶ 2 Objection Letters
- ▶ 0 Support Letters
- ▶ 0 Comment Letters

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Planning Application Report

1 Application Site

- 1.1 The application site forms part of the public footway along Leechlee Road in Hamilton town centre. In particular, the site is located at the end of Leechlee Road before it turns onto the restricted vehicular access zone/pedestrian precinct of Cadzow Street. The proposed equipment cabinet (also known as a DSLAM cabinet) will be positioned adjacent to the gable wall of No. 47/49 Cadzow Street. next to shrubbery where the pavement is particularly wide.
- 1.2 Leechlee Road is characterised with 'localised' landscaping by means of intermitted stretches of low shrubbery/bushes (approximately 1 metre in height). A pedestrian guard rail exists along the edge of the pavement immediately opposite the location of the proposed cabinet. A pedestrian crossing point exists close to the site and street lighting, road signs and other forms of street furniture exist nearby.
- 1.3 Being within the town centre of Hamilton the sites surroundings are predominantly commercial in nature although some residential properties and/or flats exist, primarily above commercial premises. There are however no residential properties with an access door immediately adjacent to the site. Hamilton Parish Church and commercial properties and flats are located on the opposite side of the road.
- 1.4 The site is within the Hamilton No 1 Conservation Area where several listed buildings also exist although there are no listed buildings immediately adjacent to the proposed site. Of particular note however is the gable wall of No. 47/49 Cadzow Street adjacent to the site which is partially covered by discrete artwork depicting Hamilton mausoleum. The artwork has been formed with facing bricks and appears to be a relatively recent addition to the building.

2 Proposal(s)

- 2.1 The applicants seek planning consent for the installation of a British Telecom equipment cabinet at the site. It will be coloured dark green and will be approximately 1200 mm in height, 750mm in width and 407mm in depth.
- 2.2 The applicant has advised that similar cabinets are being installed within each of their telephone exchange areas throughout the country. They state that they will be used to provide high-speed broadband services to residents and businesses in the exchange area. This service is known as 'Super Fast Fibre Access' (SFFA), which will provide up to 40Mb per second download speeds and up to 10Mb upload speeds. They advise that the equipment will provide an important contribution to the development of broadband services in the UK and following the installation of the required cabinets, local residents and businesses will benefit significantly from them.

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 Hamilton town centre and the Hamilton No. 1 Conservation Area. As such Policies COM1, ENV4 and ENV 25 are applicable. These policies also require that development should comply with Policy DM1.
- 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.

3.1.3 Policies ENV4 – Protection of the Natural and Built Environment and ENV25 – Conservation Areas state that all new development must be in keeping with the character of the area. 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. In particular, the design, materials, scale and sitting of any development must be appropriate to the character of the conservation areas and its setting.

3.1.4 In general terms Policy COM1 supports a mixture of uses which are compatible with the town centre's role as a commercial and community focal point.

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.

3.3 **Planning Background**

3.3.1 None. 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.

4 **Consultation(s)**

4.1 **Roads and Transportation Services** - Have raised no issues with the proposal.
Response: - Noted.

5 **Representation(s)**

5.1 Following statutory neighbour notification, an advertisement in the local newspaper and the display of a site notice (due to the location of the site in a Conservation Area) 2 letters of objection have been received. The points raised can be summarised as follows:

a) **No objection in principle but note that the proposed cabinet will be positioned in front of the gable wall of a tenement building that has architectural brickwork depicting Hamilton Mausoleum. This public art work/feature honours the town's world famous icon and the cabinet in the proposed position will affect its visual integrity and cultural significance.**

Response: This concern was raised with the agent and they have repositioned the cabinet to the edge of the gable wall which is out with the art work area. While it will still be close to the artwork the cabinet is relatively small and will be inconspicuous in terms of its presence thereby limiting any adverse visual impact or infringement on it. Furthermore, the shrubbery adjacent to the site is similar in height and colour and will help, to a limited extent, to mitigate its presence. Indeed the cabinet may visually merge into the shrubbery when viewing the building from parts of Leechlee and Cadzow Street. The revised position is therefore considered to be acceptable.

- b) **The proposed positioning of the cabinet will affect pedestrian traffic at a particularly busy crossing zone.**

Response: Roads and Transportation Services were consulted on the proposal. They have stated that a minimum 1.5m footway clearance is required between the cabinet and the edge of the footway to ensure pedestrian safety. They have highlighted that this is easily achieved and offer no objections to the proposal.

These letters have been copied and are available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 The main determining issues in relation to this proposal are its compliance with local plan policy, impact on amenity and road safety.
- 6.2 The proposed cabinet is reasonably small and will occupy a discrete corner position close to landscaping. It will therefore be relatively unobtrusive within the area and streetscene. Given this it will have no direct impact on the adjacent artwork and architecture, the conservation area in general or result in “street clutter”. Importantly the shrubbery adjacent to the site is similar in height and colour and will help mitigate its presence. Indeed the cabinet may visually merge with the landscaping when viewed from a distance. It will also have no greater visual impact than the existing street furniture and fascia signs that surround the site. The proposal therefore complies with the design and contextual parameters of Policies DM1, ENV4 and ENV25. In addition the proposals raise no amenity issues.
- 6.3 In providing an enhanced broadband service, the cabinet will help the town centre’s role in being commercial focal point and is also thereby acceptable with Policy COM 1.
- 6.4 In terms of traffic and pedestrian safety, Roads and Transportation Services were consulted and offered no objection. They have also stated that the minimum 1.5m footway clearance width for pedestrian safety is achievable.
- 6.5 Two letters of objection were received the points of which have been summarised in Section 5 of this report. It is considered that the concerns raised are not of sufficient weight or merit, either individually or collectively, to merit refusal of the application.
- 6.6 Overall it is considered that the proposal will have no serious impact on the visual integrity of the conservation area, the integrity of the streetscene or adjacent public artwork and is acceptable in terms of local plan policy. There will also be no impact on road and pedestrian safety. The principle of the cabinet is also supported by Policy COM 1. Given the above, it is recommended that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal will have no adverse impact on the visual integrity or amenity of the area and is acceptable with Policies COM1, DM1, ENV 25 and ENV4 of the South Lanarkshire Local Plan. The proposal also raises no issues in terms of traffic or pedestrian safety.

Executive Director (Enterprise Resources)

24 November 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Plan 2009

- ▶ Consultations
 - Roads and Transportation Services (Hamilton Area) 28/10/2011

- ▶ Representations
 - Representation from : John Jackson and Dick, 48 Cadzow Street, Hamilton, ML3 6DT, DATED 12/10/2011

 - Representation from : Mr John Hart, 10 Cadzow Lane, Hamilton, ML3 6AY, DATED 21/10/2011

Contact for Further Information

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

Zara Stewart, Planning Officer, Montrose House, Hamilton
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Detailed Planning Application

PAPER APART – APPLICATION NUMBER: HM/11/0440

CONDITIONS

- 1 This decision relates to drawing numbers: 1, 2 Rev A, 3 Rev A and 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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