

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

Application No: HM/11/0442
 Planning Proposal: Installation of a DSLAM Cabinet on Pavement

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : BT Openreach
- Location : 2-4 Quarry Street
Hamilton

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):

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

◆ Consultation(s):

Roads and Transportation Services (Hamilton Area)

Planning Application Report

1 Planning Application Report

- 1.1 The application site forms part of the public footway on the pedestrian precinct of Quarry Street in Hamilton town centre. In particular, the site is located at the northern end of Quarry Street close to the junction with Townhead Street, Keith Street, Castle Street and Cadzow Street (the Old Cross). The proposed equipment cabinet (also known as a DSLAM cabinet) will be positioned between an existing stainless steel bench and a pedestrian directional sign. The closest building is a newsagent at No. 2 Quarry Street which is approximately 5 metres away.
- 1.2 Being within the town centre area of Hamilton the site is predominantly commercial in nature although some residential properties and flats do exist above the commercial premises and within the wider area. The site also forms part of Hamilton No. 1 Conservation Area where there are several listed buildings, the nearest being on the opposite side of Cadzow Street.
- 1.3 The site is surrounded by various items of street furniture including street lighting, bins, bollards, seating and street signs etc. Small equipment cabinets also exist that are similar to the proposal. Indeed, the street is visually “busy” in this regard.

2 Proposal(s)

- 2.1 The applicants seek planning consent for the placement of a BT equipment cabinet also known as a DSLAM cabinet at this location. It is normally coloured dark green and will measure 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 within the exchange area 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 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. A continuous improvement in the design quality of the centre is sought.

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 encourage efficient information communication technology such as broadband.

3.3 Planning Background

- 3.3.1 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 Statutory neighbour notification was undertaken, the application was advertised in the local newspaper and a site notice erected (due to the site being located within the conservation area). No third party representations have been received.

6 Assessment and Conclusions

- 6.1 The determining issues in this instance are the proposals compliance with local plan policy, affect on visual amenity and potential impact on road safety.
- 6.2 The cabinet is relatively small and will be surrounded by other elements of street furniture. Given this physical setting, an additional cabinet as proposed will be relatively inconspicuous and will not introduce a feature significantly detrimental to the integrity, quality and character of the conservation area in particular or the wider streetscape in general. Indeed the presence of the existing street furniture will to a degree absorb the proposals visual presence mitigating its appearance within the street. It will also have no greater visual impact on the character of the conservation area or setting of near-by listed buildings than the existing contemporary street furniture and fascia signs that have previously been approved and erected in the area. From a collective perspective the proposal therefore complies with Policy DM1, ENV4 and ENV25.
- 6.3 In terms of visual amenity is noted that the surrounding street elements primarily have a stainless steel finish or colour. In order therefore that the cabinet more

effectively matches these, a condition regarding its colouring to match them is appropriate and should be attached.

- 6.4 In terms of traffic and pedestrian safety Roads and Transportation Services were consulted and have offered no objection. In particular they have advised that the minimum 1.5m footway clearance width for pedestrian safety is achievable.
- 6.5 In providing an enhanced broadband service the cabinet is compatible with the town centre's role as a commercial focal point and consequently the proposal can be viewed positively in terms of Policy COM 1.
- 6.6 Overall it is considered that the proposal will have no serious impact on the visual integrity of the conservation area, surrounding listed buildings or the streetscape 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 in terms of 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.

Colin McDowall
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) 17/10/2011
- ▶ Representations - None

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/11/0442

CONDITIONS

- 1 This decision relates to drawing numbers: 1, 2, 3 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.
- 4 That notwithstanding the terms of condition No. 2 above the cabinet hereby approved shall be painted grey to match the surrounding street furniture neighbouring the site to the satisfaction of the Council as Planning Authority.

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.
- 4 In the interests of amenity and in order to retain effective planning control.

For information only

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