



APPLICATION FOR PLANNING PERMISSION (13/00039/DPP) FOR THE INSTALLATION OF TELECOMMUNICATIONS CABINET AT FOOTPATH TO WEST OF 10 THE SQUARE, BRIDGE STREET, PENICUIK

Report by Head of Planning and Development

1 SUMMARY OF APPLICATION AND RECOMMENDED DECISION

- 1.1 The application is for the installation of a telecommunications cabinet on an area of footpath on Bridge Street, Penicuik. One representation, objecting to the application, has been received and no consultations were required. The relevant development plan policies are RP20, RP22 and UTIL2 of the Midlothian Local Plan. The recommendation is to grant planning permission subject to conditions.**

2 LOCATION AND SITE DESCRIPTION

- 2.1 The proposed location for the cabinet is an area of pavement on the east side of Bridge Street immediately adjacent to the side elevation of the residential property at 10 The Square, Penicuik. The side elevation of the property at no.10 is on a different plane to the front elevation of the property at 4 Bridge Street and this creates a small triangular area of footpath set back from the main pavement on Bridge Street; the cabinet would be sited on this triangular area of footpath.
- 2.2 The properties at the Square and on the east side of Bridge Street are predominantly 19th century residential buildings of traditional design and materials. On the west side of Bridge Street, opposite the application site, there are modern residential properties at Thorburn Terrace. The site is within Penicuik Conservation Area.

3 PROPOSAL

- 3.1 It is proposed to install a telecommunications cabinet measuring 1.2 metres wide, 0.45 metres deep and 1.6 metres tall. The cabinet will be formed from stainless steel and painted dark green.

4 BACKGROUND

- 4.2 The cabinet is part of a network of proposed cabinets within Penicuik that will facilitate the roll out of super-fast broadband within the town. In

order to connect the new broadband network to the existing network it is necessary to locate the new cabinets within a 50 metre radius of the existing network cabinets. The majority of the cabinets in the network do not require planning permission as they are deemed to be permitted development in terms of Class 67 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended 2001). The cabinet which is the subject of this application requires planning permission as it is to be located within a Conservation Area.

- 4.2 Application 12/00657/DPP for the installation of a telecommunications cabinet at Land to north of No.10 The Square, Penicuik was submitted in October 2012. The application was for a cabinet of the same size as the current application at a site 15 metres north of the current site. The proposed location was adjacent to the small grassed area from which The Square takes its name. Three objections were received from properties at 10, 11 and 23B The Square; all objected to the visual prominence of the proposed location. As a result an alternative location, that is the subject of this application, was considered and application 12/00657/DPP was withdrawn on 8th November 2012.
- 4.3 The site is Council owned and under the control of the Council's Roads Section. Regulation 3 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 requires applications that relate to land in the ownership of the planning authority to be considered by the Planning Committee.

5 CONSULTATIONS

- 5.2 No consultations were required.

6 REPRESENTATIONS

- 6.1 One objection has been received from the occupants of 10 The Square, the property immediately adjacent to the application site. The reasons for objection are: the fact that the site is within a Conservation Area and that the objectors were refused permission for a gas meter box in 1984; the proximity of the box to the wall at no.10 and the implications on access for repairs; the affect on the security of no.10 due to the box allowing easier access to no.10's side window; and the size and colour of the box. The objectors suggest that the box be located adjacent to the existing cabinet.
- 6.2 In addition to the statutory neighbour notification procedures, which expired on the 18 February 2013, the Council advertised the application in the local paper under the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, because the application is in a Conservation Area. This advert does not expire until 28 February 2013. Any representations made in response to the

advert prior to the 28th February, but after the meeting of the Planning Committee will be considered prior to the issuing of the decision or referral back to this Committee.

7 PLANNING POLICY

- 7.1 Scottish Planning Policy (SPP) published in February 2010 contains subject policies relating to *Communications Infrastructure*. The SPP notes that “high quality electronic communications infrastructure is an essential component of economic growth across Scotland”. It goes on to state that

“Planning Authorities should support the expansion of the electronic communications network, including telecommunications, broadband and digital infrastructure, through the development plan and development management decisions, taking into account the economic and social implications of not having full coverage or capacity in an area”.

- 7.2 In relation to the design and siting of apparatus the SPP states that all components of the equipment should be considered together. In addition the SPP states that equipment should be “designed and positioned as sensitively as possible”.
- 7.3 The development plan is comprised of the Edinburgh and the Lothians Structure Plan 2015, approved in June 2004, and the Midlothian Local Plan, adopted in December 2008. The following policies are relevant to the proposal:
- 7.4 Midlothian Local Plan Policy **RP20: Development within the Built-up Area** states that development will not be permitted within the built-up area where it is likely to detract materially from the existing character or amenity of the area;
- 7.5 Midlothian Local Plan Policy **RP22: Conservation Areas** seeks to prevent development which would have any adverse effect on the character and appearance of Conservation Areas;
- 7.6 Midlothian Local Plan Policy **UTIL2: Telecommunications** seeks to ensure that telecommunications developments should be sited and designed to minimise environmental impact;

8 PLANNING ISSUES

- 8.2 The main planning issue to be considered in determining this application is whether the proposal complies with development plan policies unless material planning considerations indicate otherwise.
- 8.3 While of functional design the cabinet, by virtue of its size and colour, will not be a significant feature within the streetscape. The cabinet will

be viewed in the context of the building immediately adjacent to it and as such will not be unduly prominent in any views of the streetscape. The recessed location, in relation to the line of the main section of pavement, means that the cabinet will not be visible in views from either end of Bridge Street. The possibility of locating the cabinet adjacent to the existing cabinet, 25 metres to the north, was discussed with the applicant; however the presence of two mature trees at the current cabinet location mean that it is not possible to locate further cabinets at that location due to the root network of the trees.

- 8.4 It is acknowledged that the location of the box may allow the potential for easier access to the side window at no.10; however the box will be located within clear view of one of the main routes into and out of Penicuik and as such benefits from substantial passive security. There are numerous properties on Bridge Street with ground floor windows that open onto the street and the side window at no.10 will continue to be less readily accessible than these properties.
- 8.5 With regard to the other points raised by the objectors; any decision made in 1984 regarding a gas meter box would have taken account of legislation and policy in place at the time. The installation of a gas meter box within a Conservation Area is permitted development under current Scottish Government regulations; no application for planning permission would be required. Any rights of access for maintenance of the wall are a private legal matter between the owners of no.10 and the applicants.
- 8.6 Telecommunication cabinets are a common feature of the contemporary urban environment and as such the proposed cabinet will not be an unduly prominent addition to the area. The scale and location of the cabinet will ensure that it will not detract from the character of the Conservation Area and will not have a detrimental impact on the amenity of the neighbouring residential property.

9 RECOMMENDATION

- 9.2 That planning permission be granted for the following reason:

The proposed development will not detract materially from the existing character of the built-up area and does not conflict with adopted Midlothian Local Plan Policies RP20, RP22 and UTIL2 or with Government Policy Guidance given in Scottish Planning Policy.

Subject to the expiry of the statutory minimum period for comment specified in the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987 and the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Subject to the following condition:

1. The development hereby permitted shall be begun within three years from the date of this permission. Prior to the development commencing the planning authority shall be notified in writing of the expected commencement of work date and once development on site has been completed the planning authority shall be notified of the completion of works date in writing.

Reason: *To accord with Section 58 and 27A of the Town and Country Planning (Scotland) Act 1997 (as amended by Planning etc (Scotland) Act 2006).*

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Date: 19 February 2013

Application No: 13/00039/DPP (Available online)

Applicant: Openreach

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Validation Date: 25th January 2013

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Background Papers: None