



APPLICATION FOR PLANNING PERMISSION (13/00383/DPP) FOR THE INSTALLATION OF TELECOMMUNICATIONS CABINET AT LAND TO THE NORTH OF 10 THE SQUARE, 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 grass at The Square, 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.**

2 LOCATION AND SITE DESCRIPTION

- 2.1** The proposed location for the cabinet is at the northern point of the small grassed area from which The Square takes its name. The cabinet is to be sited behind an existing telecommunications cabinet measuring 1.4 metres wide, 0.4 metres deep and 1.1 metres high.
- 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 Thornburn Terrace. The site is within the 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

- 4.1** 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 10 metres south 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 was considered and application 12/00657/DPP was withdrawn on 8th November 2012.
- 4.3 Application 13/00039/DPP for the installation of a telecommunications cabinet at footpath to the west of No.10 The Square, Bridge Street, Penicuik was submitted in January 2013. The application was for a cabinet of the same size as the current application at a site 25 metres south of the current site. The proposed location was immediately adjacent to the side elevation of the residential property at 10 The Square, Penicuik. An objection was received from the occupants of 10 The Square. The reasons for the objection were: 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.
- 4.4 The application was considered by the Planning Committee at their meeting on 26 February 2013. The Committee deferred the consideration of the application to enable a site visit to take place with the applicants. During the site visit an alternative site, which is the subject of this application, was considered and application 13/00039/DPP was withdrawn on 15 April 2013.
- 4.5 The site is Council owned and under the control of the Council's Roads Section. The Council's current Scheme of Delegation requires applications that relate to land in the ownership of the planning authority to be considered by the Planning Committee.

5 CONSULTATIONS

- 5.5 No consultations were required.

6 REPRESENTATIONS

- 6.1 One objection has been received from the occupants of 11 The Square, a property 18 metres to the south east of the application site.

The reasons for objection are: the fact that the site is within a Conservation Area and that the scale of the box means that it will be out of character with the surrounding area; the likelihood of grass adjacent to the cabinet being compacted by workers accessing the cabinet; and the fact that the cabinet will be visible from within the property at no.11.

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

- 8.1 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.
The representation received is a material consideration.

- 8.2 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 existing cabinet immediately adjacent to it.
- 8.3 The cabinet will be located within the canopies of 2 mature trees. The applicant previously advised that it would not be possible to locate further cabinets at that location due to the root network of the trees; however following further consideration the applicant has now advised that given the scale of the works and the presence of the existing cabinet it will be possible to locate a further cabinet without damaging the root network. While the installation of the cabinet will result in the loss of a small area of grass the footprint of the cabinet is small enough to ensure that the overall character of the grassed area will be retained.
- 8.4 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 any neighbouring residential properties.

9 RECOMMENDATION

- 9.1 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.

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Application No: 13/00383/DPP (Available online)
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Validation Date: 21st May 2013
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Background Papers: None