

KEY INFORMATION

Ward West End

Proposal

1 X DSLAM
telecommunications
broadband cabinet (PCP003)
1,200mm X 450mm X
1,600mm

Address

Opposite Flat
30 Strawberrybank
Magdalen Yard Road
Dundee

Applicant

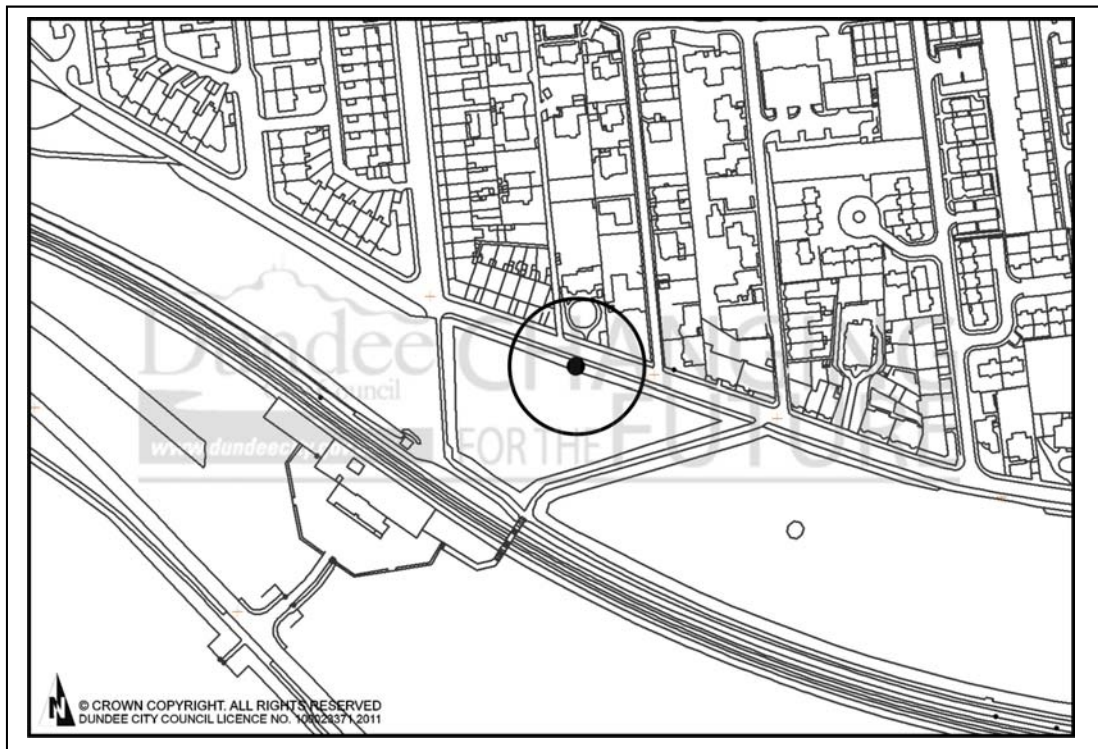
Openreach
c/o Harlequin Ltd
Innovation Centre
Maidstone Road, Chatham
Kent ME5 9FD
FAO William Osborne

Agent

Harlequin Ltd
Innovation Centre
Maidstone Road, Chatham
Kent ME5 9FD
FAO William Osborne

Registered 18 Mar 2011

Case Officer Eve Young



Broadband Cabinet at Magdalen Green

The 1 X DSLAM telecommunications broadband cabinet (PCP003) 1,200mm X 450mm X 1,600mm is **RECOMMENDED FOR APPROVAL**. Report by Director of City Development.

RECOMMENDATION

It is considered that the location of the proposed equipment cabinet complies with Policy 61 Development in Conservation Areas of the Dundee Local Plan Review 2005 and with National Planning policies. This is part of a national programme to provide Superfast Broadband which is of benefit to individuals and the community. Accordingly, the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- Planning permission is sought for the installation of a cabinet measuring 1.6m x 1.2m x 450mm which forms part of the installation of Superfast Broadband by BT. Planning permission is required for the installation of such cabinets within a Conservation Area. This application is referred to Committee for determination at the request of a local Member.
- The new cabinet has to be located as close as possible to the existing BT Openreach cabinet and power supply. It converts fibre optic cabling to copper cabling which is then connected to the existing Openreach telecoms cabinet and thus into the surrounding properties. It provides the necessary link as close as possible to the end user and provides the necessary speeds for Superfast Broadband.
- The site lies on the south side of Magdalen Yard Road on the margins of Magdalen Green, to the east of the junction with Strawberry Bank and 2.2 metres from the edge of the road. There is an existing BT cabinet 1 metre to the west of the proposed broadband cabinet and this grouping of 2 equipment cabinets together will minimize the visual impact of development and ensure that the character of the surrounding area will be preserved.
- Dundee Local Plan 2005 - Policy 61: Development in Conservation Areas applies. The application was the subject of statutory Neighbour Notification which resulted in 3 properties being notified. The application was also the subject of a statutory advertisement in the local newspaper. There were no objections.
- There is one design of cabinet being installed across the whole of the United Kingdom. It is a simple steel cabinet, finished in green anti-graffiti paint. 18,000 cabinets will be installed per year throughout the UK as part of a 5 year national project. 8 cabinets in Dundee require planning permission but a further 39 can be installed as permitted development.

DESCRIPTION OF PROPOSAL

Planning permission is sought for the installation of a cabinet measuring 1.6m x 1.2m x 450mm which forms part of the installation of Superfast Broadband by BT. Under the terms of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, planning permission is required for the installation of such cabinets within a Conservation Area amongst other categories of land and building with special protection. Other cabinets elsewhere in the City can be installed as permitted development under the terms of the same legislation. This application is referred to Committee for determination at the request of a local Member.

SITE DESCRIPTION

The application site lies on the south side of Magdalen Yard Road on the margins of Magdalen Green. The site lies to the east of the junction with Strawberry Bank and 2.2 metres from the edge of the road. At this location in the Green, there is an existing BT cabinet 1 metre to the west of the proposed broadband cabinet. There are 4 further underground BT junction boxes to the south west of the site. The site is not close to any of the existing trees.

The site lies within the Perth Road Lanes Conservation Area.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

Dundee Local Plan 2005

The following policies are of relevance:

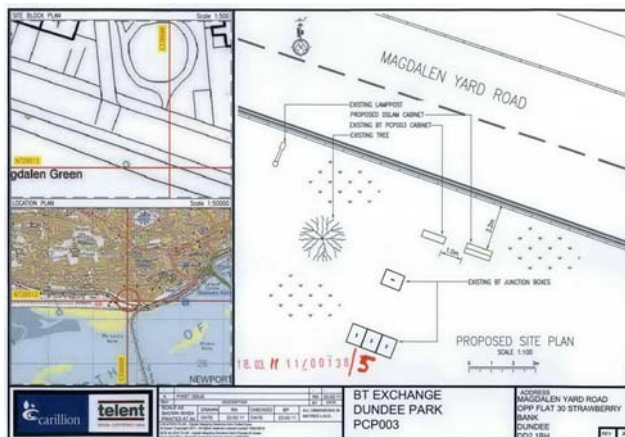
Policy 61: Development In Conservation Areas - Scottish Planning Policies, Planning Advice Notes and Circulars - the following are of relevance:

- Scottish Planning Policy; and
- Scottish Historic Environment Policy.

Dundee City Council Development Management Committee

Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.



SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

There is no relevant planning history.

PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification which resulted in 3 properties being notified. The application was also the subject of a statutory advertisement in the local newspaper. There were no objections.



CONSULTATIONS

Scottish Water had no objections.

OBSERVATIONS

The cabinet is a Digital Subscriber Line Access Multiplexer (DSLAM) cabinet which converts fibre optic cabling to copper cabling which is then connected to the existing Openreach telecoms cabinet and thus into the surrounding properties. The DSLAM cabinet provides the necessary fibre link as close as possible to the end user and provides the necessary speeds for Superfast Broadband. The new cabinet has to be located as close as possible to the existing Openreach cabinets and the power supply.

The supporting statement explains the technical reasons for the location and that the site specific circumstances of footpath width and the location of walls, fences and trees are all taken into account. The statement also states that the DSLAM cabinet installation forms part of the government's Digital Britain project to benefit not only individuals but the local economy.

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 61: Development In Conservation Areas - "Within Conservation Areas all development proposals will be expected to preserve or enhance the character of the surrounding area. This will require the retention of all features which contribute to the character and appearance including unlisted buildings of townscape interest, trees and landscape features and the historic pattern of streets and spaces, as identified in the Conservation Area management plans to be advanced in the near future."

The proposed cabinet will be located close to an existing BT cabinet, principally for technical reasons, and this grouping of 2 equipment cabinets

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together will also minimize the visual impact of development and ensure that the character of the surrounding area will be preserved. The development will not affect any of the existing trees.

The Scottish Planning Policy provides the following guidance on the assessment of the impact of new development in Conservation Areas.

"115. Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character or appearance of a conservation area (i.e. does no harm) should be treated as one which preserves that character or appearance. The design, materials, scale and siting of new development within a conservation area, and development outwith the conservation area that will impact on its appearance, character or setting, should be appropriate to the character and setting of the conservation area. Planning permission should normally be refused for development, including demolition, within a conservation area that fails to preserve or enhance the character or appearance of the area."

This guidance has been applied to assess the impact of this development.

It is considered that the proposal would have a neutral effect upon the character of the area due to the location adjacent to the existing cabinet and accordingly it is concluded that the installation of the proposed cabinet in this location will comply with Policy 61.

It is concluded from the foregoing that the proposal complies with the provisions of the Development Plan.

Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 - Section 64 of the Act requires that in considering whether to grant planning permission for development in a Conservation Area, the planning authority shall have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. It is considered, for the reasons set out above, that Section 64 would be

satisfied by the approval of this proposal.

Other Material Considerations

The other material considerations to be taken into account are as follows:

Scottish Planning Policy (SPP) has been used to inform the assessment against Policy 61 of the Dundee Local Plan Review. However the policy is also a material consideration in the determination of this application. For the reasons given it is considered that approval of the application complies with the Policy.



Scottish Historic Environment Policy (SHEP)

The SHEP notes that it is the duty of the planning authority to pay special attention to the desirability of preserving or enhancing the character and appearance of a Conservation Area when exercising its powers under the planning legislation. It is considered that the requirements of the SHEP have been taken into account in the determination of this application.

National provision of broadband - the proposed broadband cabinets are part of a national project to provide enhanced broadband connections for both personal and business users. The project involves the installation of 18,000 cabinets per year for a 5 year

programme. Dundee is in the first year of the installation with Glasgow and Edinburgh. Within Dundee, 8 cabinets require planning permission under the terms of the legislation. However 39 further cabinets will be installed as permitted development. The provision of improved communications can be regarded as a material consideration in support of the installation of additional equipment cabinets in certain selected locations within Conservation Areas.

It is concluded from the foregoing that sufficient weight can be accorded to the material considerations such as to justify the grant of planning permission in accordance with the provisions of the development plan.

Design

There is one design of cabinet being installed across the whole of the United Kingdom. It is a simple steel cabinet, finished in green. All cabinets are finished in anti-graffiti paint to enable them to be easily cleaned. The agent has advised that BT Openreach has a programme to address graffiti which will include these new cabinets.

CONCLUSION

It is concluded from the foregoing that planning permission should be granted.

RECOMMENDATION

It is recommended that consent be GRANTED subject to the following conditions:

- 1 No conditions attached to this consent.

Reasons

- 1 No reasons attached to this consent.