

KEY INFORMATION

Ward West End

Proposal

1 x DSLAM
Telecommunications
Broadband Cabinet
(PCP004) 1,200mm x
450mm x 1,600mm

Address

Outside 24 Taylors Lane
Dundee

Applicant

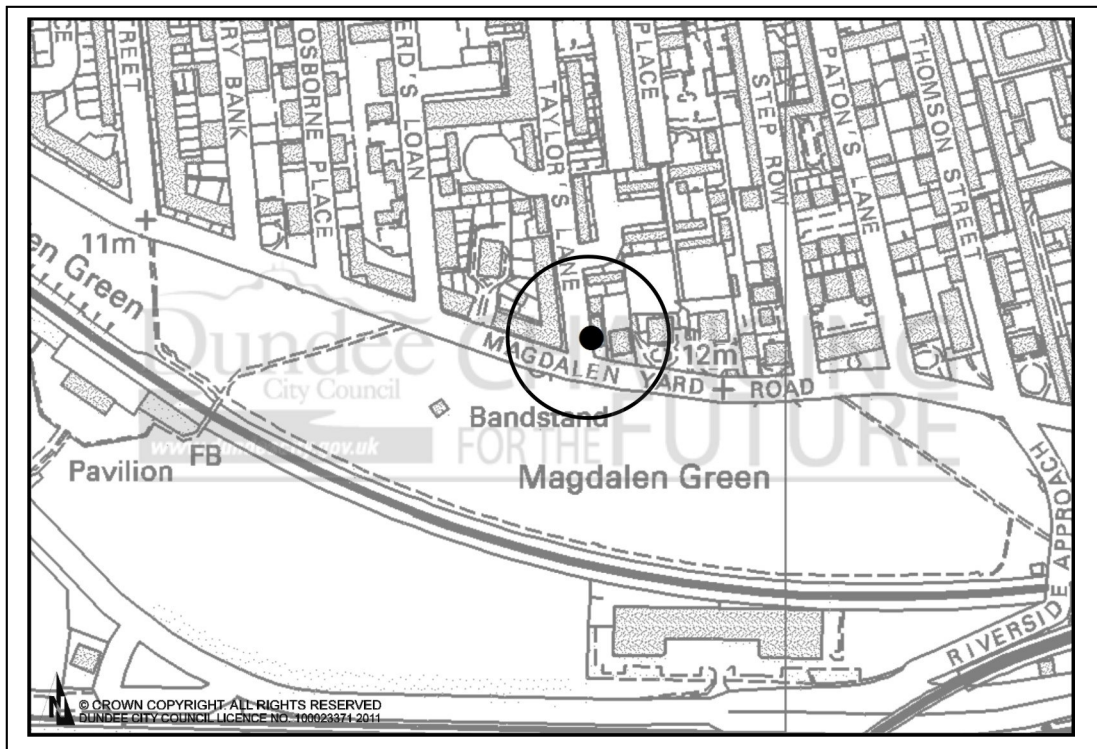
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Registered 31 Mar 2011

Case Officer Eve Young



Broadband Cabinet at Taylors Lane

The 1 x DSLAM Telecommunications Broadband Cabinet (PCP004) 1200mm x 450mm x 1600mm 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. The 5 objections are not supported for the reasons given in the report. 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. 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. 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. The agent has submitted a detailed justification including 4 alternative sites which were rejected in the selection process.
- The site lies on the east side of Taylors Lane, north of its junction with Magdalen Yard Road. The site is adjacent to the side wall of a modern block of flats. Dundee Local Plan 2005 - Policy 61: Development in Conservation Areas applies.
- The application was the subject of statutory Neighbour Notification to 34 residential properties and a statutory advertisement in the local newspaper. There were 5 objections on grounds of unsightly appearance in Conservation Area, attract graffiti and vandalism, narrow footpath, noise and should be on alternative sites. The objections are not supported as it is considered this is the most appropriate site both technically and in respect of the Conservation Area, the minimum footpath width is retained and anti graffiti paint is used.
- 8 cabinets in Dundee require planning permission of which 6 have now been approved, 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 buildings 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 east side of Taylors Lane, close to its junction with Magdalen Yard Road. The cabinet will be located adjacent to the gable wall of a modern block of flats. There are no windows on the gable wall close to the site. There are traditional tenement flats to the west and Magdalen Green lies to the south. 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.

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.

- should be relocated in a more suitable site; and
- noise impact on neighbours.

The objections will be considered in the Observations below.

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

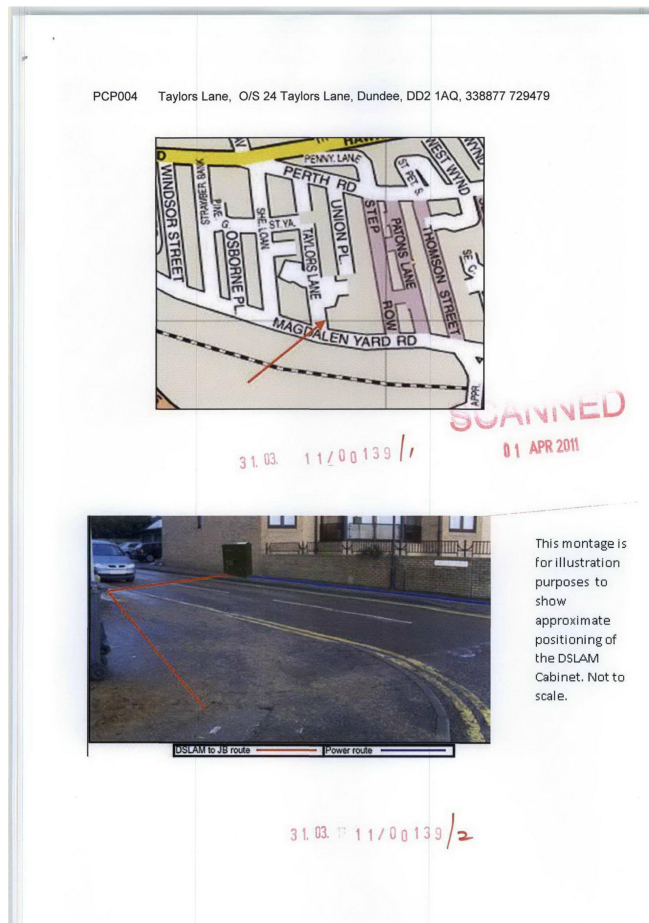
the development plan unless material considerations indicate otherwise.

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



PUBLIC PARTICIPATION

The application was the subject of statutory Neighbour Notification to 34 residential properties and was also the subject of a statutory advertisement in the local newspaper. There were 5 objections on the following grounds:

- unsightly design in Conservation Area;
- restricts footpath;
- will attract graffiti and vandalism;

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 location has been chosen principally for technical reasons. The box requires to be connected to the existing BT network and to a power source. At this location, there are underground BT junction boxes on the west side of Taylors Lane and on the south side of Magdalen Yard Road. The power supply for the proposed cabinet is on the east side of Taylors Lane. Siting it elsewhere to the west or south would require the installation of a new power cable which would involve substantial road works on Magdalen Yard Road.

The site is adjacent to the gable wall of a modern block of brick built flats. There are no windows on the gable close to the site. The houses to the north have low boundary walls to the gardens. Due to technical requirements, the cabinet needs to be located on this side of Taylors Lane and it is considered that the location, next to a modern building, helps to reduce the visual impact of development on the Conservation Area as a whole and ensure that the character of the surrounding area will be preserved. The minimum required width of footway of 1.2m would be available for pedestrians, wheelchairs etc.

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

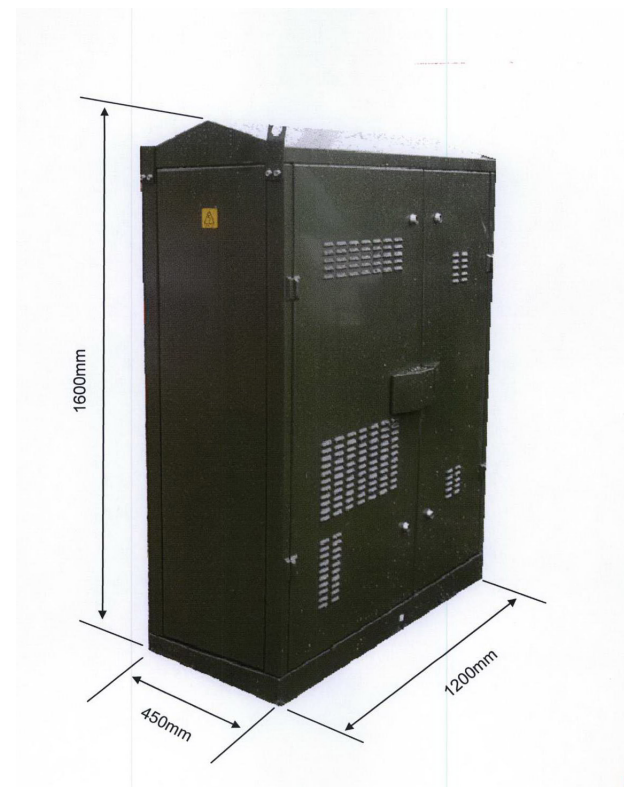
"115. Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Their designation provides the basis for the positive management of an area. A proposed development that would have a neutral effect on the character 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 a modern building 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:

Site Selection Process - the agent has submitted detailed information on the site selection process at this location and the alternatives which were considered.

" With regards to the visual impact of the proposal the DSLAM cabinet is set against a pale brick wall of a modern flat development. Whilst the cabinet would cause a minor negative impact on this side of the property, it is considered that any viable alternative locations would have more significant visual impact. Considering the alternative locations listed below this location is considered to have the least impact upon visual amenity and therefore is acceptable.

Alternative Locations

Several alternative locations were considered during the survey stage:

- 1 Sited adjacent to the existing PCP unit in Magdalen Green.
- 2 Sited to further to the north along Taylor's Lane adjacent to the rear garden wall of the first house on the southern side of Spinners Wynd.

- 3 Sited on the western side of Taylor's Lane.
- 4 Sited at the rear of the pavement to the north side of Magdalen Yard Road, west of Taylors Lane.

Reasons for discounting alternative locations, as provided by the agent.

- "1 This location was discounted firstly due to the lack of a low voltage power supply on this side of Magdalen Yard Road. This would mean that a trench would need to be dug across Magdalen Yard Road, which would entail the closure of this road and disruption both to local residents and road users alike. Secondly this would mean the setting of another piece of street furniture in Magdalen Green which is typically an uncluttered grassed area with uniformly spaced mature trees, uniformly spaced benches and a bandstand. The proposed cabinet would add further street furniture to this space ... causing a greater negative visual impact than the proposed location harming the character of the conservation area. For these reasons this option was discounted.
- 2 This location would set the DSLAM cabinet further away from the PCP cabinet thus requiring a greater amount of excavation to reach appropriate junction boxes. This would cause greater disturbance to local residents in the area, particularly as the contractors would have to excavate the pavement outside of several garages and the entrance to the flats. This location would also provide access to the rear garden of the first property to the southern side of Spinners Wynd. It is questionable whether the visual impact of locating here would provide any less impact than the location chosen. For these reasons this option was discounted due to increased distance, security and causing a far greater impact through the construction phase.
- 3 This location was discounted firstly due to the narrow nature of the footway on this side of Taylor's Lane. Locating the cabinet here would decrease the width of the footway to below minimum standards set by

highways authority guidance. Secondly the properties on this side of Taylor's Lane are bounded by low walls and front gardens, the cabinet would therefore cause greater negative impact upon visual amenity from both views along the street and from the windows of the ground floor flats on the west side of Taylor's Lane. For these reasons this option was discounted.

- 4 This location again has low front walls and garden, also this would impact upon views along Magdalen Yard Road arguably a more important part of the conservation area. Locating here would therefore have a greater negative impact upon visual amenity of the area. as such this location was discounted."

This detailed site selection process supports the application site both in terms of technical requirements, minimising the impact on the Conservation Area and reducing the disruption during installation.

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.

Objections

There were 5 objections on the following grounds:

- unsightly design in Conservation Area - this is a standard design, common to the whole country. It has the same general appearance as other "street furniture" which is required by various public utilities. The location has been chosen to minimise the visual

impact on more traditional buildings in the area.

- restricts footpath - the minimum width of 1.2m is retained.
- will attract graffiti and vandalism - the cabinet will be finished in anti graffiti paint which will enable it to be cleaned more easily. Planning cannot address social problems and it is considered that the provision of enhanced broadband facilities will have benefits for the wider community and the City as a whole.
- should be relocated in a more suitable site - the site has been chosen principally for technical reasons relating to the relative position of the BT equipment and the power supply and the alternative sites were less suitable.
- noise impact on neighbours - the cabinet contains a fan which will only function during periods of hot weather. The noise is rated at 40dB during daytime and 35dB at night time. The supporting statement explains that the noise emitted is equivalent to a standard fridge compressor at 0.5m distance. Accordingly it is considered that the noise impact will be minimal.

It is concluded that the design and location of the cabinet has been chosen to meet technical requirements and to minimise any adverse impact on neighbours. For the reasons given, the objections are not supported.

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. To date, 6 of these boxes have now been approved. However 39 further cabinets are being 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 therefore recommended that planning permission be granted.

RECOMMENDATION

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

- 1 No Conditions attached to this consent.