

**Planning Permission 11/02485/FUL**  
**at**  
**Proposed Telecommunications Cabinet 5 Metres**  
**South Of**  
**1 Montgomery Street**  
**Edinburgh**

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**Development Management Sub-Committee**  
**of the Planning Committee**

12<sup>th</sup> October 2011

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**Previous Committee**

This application was previously considered by Committee on **14.09.2011**

**Outcome of previous Committee**

Site visit - This application was continued by the Committee for a site visit. This site visit has now taken place and the application is returning to Committee for a decision.

**1 Purpose of report**

To consider application 11/02485/FUL, submitted by Openreach. The application is for: **1x DSLAM telecommunications broadband cabinet, 1408mm x 750mm x 407mm.**

It is recommended that this application be **GRANTED** subject to the conditions below.

## **2 The Site and the Proposal**

### **Site description**

The application site is an area of public footpath on Montgomery Street. It is to front of the footpath and is set against a metal safety barrier approximately 1m in height. The depth of the footpath at this location is approximately 8.1m. Opposite the proposal site, to the south across Montgomery Street, is 1-23 Elm Row and 2 Montgomery Street which is a Category A Listed Building (HB Number 28734).

This property is located within the New Town Conservation Area.

### **Site History**

None.

### **Pre-Application Process**

Pre-application discussions were undertaken concerning the application process for telecommunications cabinet throughout the city.

### **Description Of The Proposal**

It is proposed to install a freestanding green coloured telecommunications cabinet 750mm wide by 407mm deep by 1408mm high. The cabinet is required as part of an upgrade that will be used to provide high speed broadband services to residents and businesses in the area. The cabinet requires to be connected to existing telecommunications apparatus including an underground junction box.

The applicant has provided a supporting statement which is available to view on the Planning and Building Standards Portal.

## **3. Officer's Assessment and Recommendation**

### **Determining Issues**

Do the proposals harm the character or appearance of the conservation area?  
If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

## ASSESSMENT

To address these determining issues, the Committee needs to consider whether:

- a) the proposal will adversely affect the character or appearance of the conservation area; and
- b) the proposal have a detrimental impact on the appearance or character of the listed building; and
- c) the proposal has implications for road/public safety.

a) The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

The proposal is located on a junction with a primarily commercial character and is set against a backdrop of commercial premises. Two existing PCP boxes are located approximately 10m north east of the proposal with railings and a road sign immediately adjacent. In the context of its surroundings the proposed telecommunications cabinet will not constitute an incongruous feature.

There will be no detrimental impact on the character or appearance of the conservation area.

b) The proposed telecommunications cabinet will be located on the opposite side of Montgomery Street from the listed buildings. As the proposal will be viewed against the backdrop of the commercial premises on the north side of the junction of Montgomery Street and Leith Walk there will be no detrimental impact on the appearance or character of the listed building

c) Transport Planning has been consulted and has no objections to the proposal. There are no implications for pedestrian or road safety.

In conclusion, the proposal complies with the development plan and relevant non-statutory guidelines. The proposal preserves the character and appearance of the conservation area, and would not prejudice road/public safety. There are no material considerations which outweigh this conclusion.

As the proposal does not involve the erection of a telecommunications mast or antenna, an ICNIRP declaration is not required.

As the Council is the land owner, it has an interest in the application and a Committee decision is required.

It is recommended that the Committee approve this application subject to removal of the equipment when obsolete.

### REASON FOR DECISION

The proposal complies with the development plan and relevant non-statutory guidelines and there is no significant impact on character or road and pedestrian safety.

**John Bury**  
Head of Planning

<b>Contact/tel</b>	Colin Bryans on 0131 529 4279
<b>Ward affected</b>	A12 - Leith Walk
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	Urban Area New Town Conservation Area
<b>Date registered</b>	28 July 2011
<b>Drawing numbers/ Scheme</b>	01-04 Scheme 1

#### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Control Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner,  
Paul Devaney on 0131 529 3519. Email: [paul.devaney@edinburgh.gov.uk](mailto:paul.devaney@edinburgh.gov.uk).

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee Agenda papers.

## Appendix A



**Application Type** Planning Permission  
**Application Address:** Proposed Telecommunications Cabinet 5 Metres South Of  
1 Montgomery Street  
Edinburgh

**Proposal:** 1x DSLAM telecommunications broadband cabinet, 1408mm x  
750mm x 407mm.

**Reference No:** 11/02485/FUL

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### Consultations, Representations and Planning Policy

#### Consultations

Transport Planning

No Objections.

#### Representations

Two material representations were received from neighbours objecting to the proposal. The material points of consideration are:

- a. Visual amenity issues taken into account in assessment a):
- b. Pedestrian and road safety issues taken into account in assessment b).

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

#### Planning Policy

The proposal site is located in an urban area and within the New Town Conservation Area, as designated by the Edinburgh City Local Plan.

## **Relevant Policies:**

### **Relevant policies of the Edinburgh City Local Plan.**

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Inf 5 (Telecommunications) sets criteria for assessing telecommunication developments.

### **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** on "RADIO TELECOMMUNICATIONS" set out detailed guidance for the siting and design of masts, antennas, cabins and equipment in all locations, with special reference to listed buildings and other sensitive situations

**The New Town Conservation Area Character Appraisal** states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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### Conditions/Reasons associated with the Recommendation

#### Recommendation

It is recommended that this application be **GRANTED** subject to the conditions below.

#### Conditions

1. 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 3 months from that date.

#### Reasons

1. To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.

#### INFORMATIVES

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

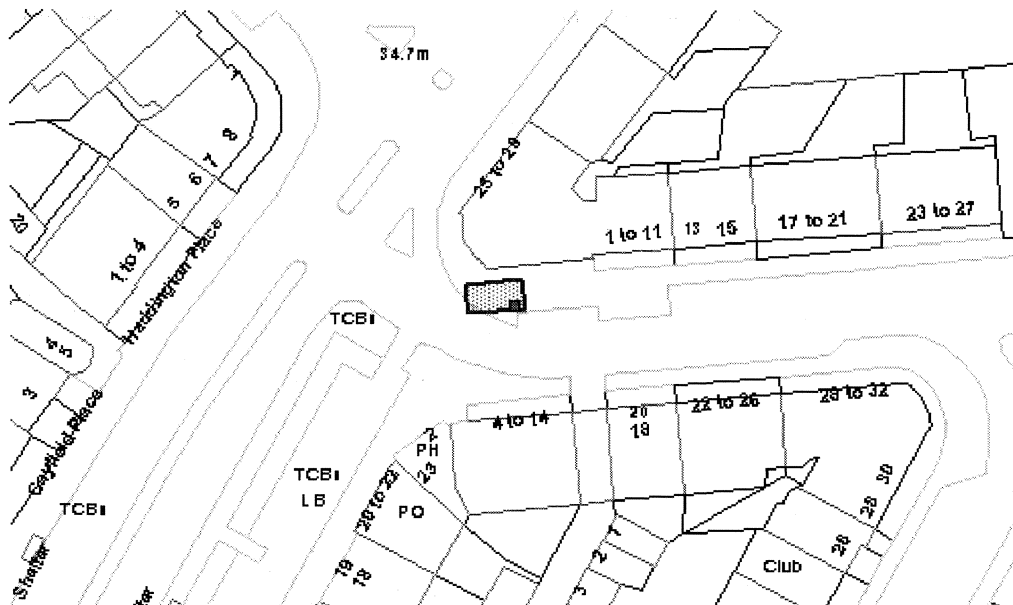
**End**

## Appendix C

**Application Type** Planning Permission

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### Location Plan

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