

# Development Management Sub Committee

Wednesday 28 August 2013

**Application for Planning Permission 13/01685/FUL  
At Telecomms Apparatus 16 Metres North Of 4, Smith's  
Place, Edinburgh  
Installation of 1 x DSLAM telecoms cabinet measuring  
1408mm x 750mm x 407mm.**

Item number	5.2
Report number	
Wards	A12 - Leith Walk

## Links

<a href="#">Policies and guidance for this application</a>	LPC, CITE3, CITE6, CITI5, NSG, NSLBCA, NSRTEL, CRPLEI,
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# Executive summary

## **Application for Planning Permission 13/01685/FUL At Telecomms Apparatus 16 Metres North Of 4, Smith's Place, Edinburgh Installation of 1 x DSLAM telecoms cabinet measuring 1408mm x 750mm x 407mm.**

### **Outcome of previous Committee**

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This application was previously considered by Committee on 03.07.2013 and 31.07.2013.

This application was originally considered at committee on 3 July 2013 where it was decided to continue consideration of the application for a presentation at the following committee meeting. This application was subsequently presented to committee on 31 July 2013 where it was decided to continue consideration of the application for further discussions with the applicant on alternative siting of the proposed telecommunications cabinet. The outcome of these discussions can be found in the addendum at the end of Section 2 of the report.

### **Summary**

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The proposal complies with the development plan and relevant non-statutory guidelines. The proposal preserves the character and appearance of the conservation area, will not prejudice road/public safety, and will not have a detrimental impact on the setting of a listed building. There are no material considerations which outweigh this conclusion.

### **Recommendations**

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It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

### **Financial impact**

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There are no financial implications to the Council.

### **Equalities impact**

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The application has been assessed and has no impact in terms of equalities or human rights.

## Sustainability impact

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This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## Consultation and engagement

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### Pre-Application Process

Pre-application discussions took place on this application.

### Publicity summary of representations and Community Council comments

Two letters of objection were received, one of which was from the Leith Central Community Council. The material reasons for objecting include a detrimental impact on the conservation area, a detrimental impact on the setting of listed buildings, with particular reference made to 19 Smiths Place, the category A listed building ( Historic No. 26934) , and a detrimental impact on pedestrian and road safety.

The non-material issues raised include concerns about flooding of this section of the street and the possibility of future vandalism which are not a material planning consideration.

## Background reading / external references

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- To view details of the application go to
- [Planning and Building Standards online services](#)

## **Application for Planning Permission 13/01685/FUL At Telecomms Apparatus 16 Metres North Of 4, Smith's Place, Edinburgh Installation of 1 x DSLAM telecoms cabinet measuring 1408mm x 750mm x 407mm.**

### **1. Background**

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#### **1.1 Site description**

The application site is to the front of a public footpath on the south side of Smiths Place, approximately 12m east of its junction with Leith Walk, and is set against a backdrop of the parking bays, a public road and single storey commercial properties. The proposed cabinet will be approximately 12m west of an existing telecommunications cabinet (PCP057). The width of the footpath at this location following the proposed installation will be 6m. This property is located within the Leith Conservation Area.

#### **1.2 Site History**

There is no relevant planning history for this site.

### **2. Main report**

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#### **2.1 Description Of The Proposal**

It is proposed to install a freestanding, green coloured, telecommunications cabinet, measuring 1408mm by 407mm by 750mm. 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 needs to be connected to existing telecommunications apparatus including an underground junction box.

#### **2.2 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?

## 2.3 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;
- b) the proposal has implications for road/public safety;
- c) will have a detrimental impact on the setting of the adjacent listed building;
- d) the proposal will have any detrimental impact on equalities and human rights; and
- e) the representations raise issue to be addressed.

### a) Conservation Area.

*The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.*

In the context of its surroundings, the proposed cabinet will not constitute an incongruous feature and will not adversely affect the appearance of the conservation area. In terms of the character of the area, telecommunications equipment and cabinets are common features and this proposal will have little visual impact, and does not significantly harm the traditional character of the area.

### b) Road and Pedestrian Safety.

Transport Planning has been consulted and has no objections to the proposal. There are no implications for pedestrian or road safety as there will still be sufficient pavement width retained.

### c) Listed Building.

With specific reference to 19 Smiths Place, the category A listed building (Historic No. 26934) (listed 17/12/1970) situated at the far eastern end of the street, the degree of physical separation, at approximately 64m, is such that the proposed cabinet will have no impact on its setting, particularly given the size of the cabinet and the number of parking bays located between the proposal and 19 Smiths Place.

The proposed telecommunications cabinet will not have an adverse visual impact on the setting of the adjacent listed buildings and will not represent an incongruous feature. There will be no detrimental impact on the setting of the listed buildings.

### d) Equalities and Human Rights.

This application was assessed in terms of equalities and human rights. No impact was identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

e) Public Comments.

Two letters of objection were received.

**Material Issues**

A detrimental impact on the conservation area - this is addressed in section a) above.

A detrimental impact on the setting of listed buildings, with particular reference made to 19 Smiths Place, the category A listed building (Historic No. 26934) - this is addressed in section c) above.

A detrimental impact on pedestrian and road safety - this is addressed in section b) above.

**Non Material Issues**

Flooding of this section of the street is not relevant to the determination of this application.

The possibility of future vandalism is not a material planning consideration.

Conclusion

As the proposal does not involve the erection of an electronic communications antenna there is no requirement for the developer to make a declaration under the provisions of the radio frequency public exposure guidelines of the International Commission on Non-ionising Radiation Protection [ICNIRP].

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

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, would not prejudice road/public safety, and will not have a detrimental impact on the setting of a listed building. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee approves this application subject to a condition requiring the removal of the equipment if it is no longer needed.

**Addendum to Assessment**

This application was originally considered at committee on 3 July 2013 where it was decided to continue consideration of the application for a presentation at the following committee meeting. This application was subsequently presented to committee on 31 July 2013 where it was decided to continue consideration of the application for further discussions with the applicant on alternative siting of the proposed telecommunications cabinet.

The applicant has provided supporting information, that shows the reasoning behind the proposed location and rules out a number of alternative locations within the immediate vicinity. A number of alternative locations were deemed unfeasible for reasons including the location of power cables, drainage ducts and glazed commercial frontages. As such, the proposal represents the only possible location within this vicinity without those constraints. It is requested that the application is determined as proposed.

### **3. Recommendations**

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**3.1** It is recommended that this application be Granted subject to the details below

#### **3.2 Conditions/reasons**

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.

**Statutory Development  
Plan Provision**

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

**Date registered**

15 May 2013

**Drawing numbers/Scheme**

01-03,

Scheme 1

**David R. Leslie**

Acting Head of Planning and Building Standards



## Links - Policies

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### **Relevant Policies:**

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

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.

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** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

**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 Leith Conservation Area Character Appraisal** emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

# Appendix 1

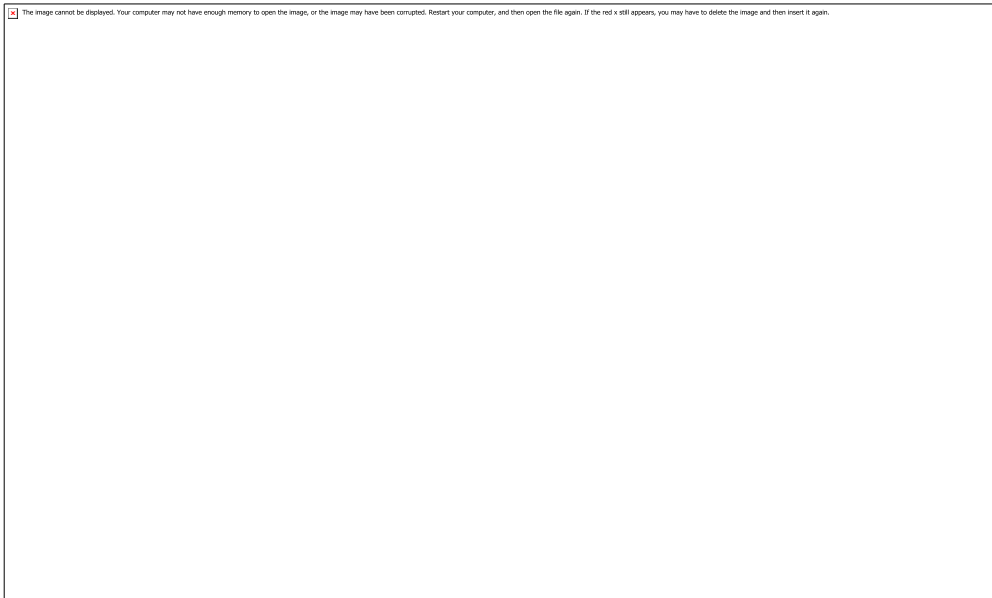
## Consultations

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Transport Planning raised no concerns.

## Location Plan

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