

Catsurveys Group Ltd. (Nick Hilton)  
The Stable  
Codham Hall  
Brentwood  
CM13 3JT

Morrison Utility Services.  
FAO: Robert Carchies  
Alexander Bain House  
James Watt Street  
Glasgow  
G2 8LA

**Decision date: 21 December 2017**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS  
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Installation of a PCP and BT Broadband cabinet which provides super-fast fibre optic broadband to the area - on behalf of the BDUK Scotland program.  
At Proposed Telecoms Apparatus 15 Metres West Of 25 South Gray Street Edinburgh

**Application No:** 17/04566/FUL

**DECISION NOTICE**

With reference to your application for Planning Permission registered on 17 October 2017, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

**Conditions:-**

**Reasons:-**

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas- Development and Policy RS 7 in respect of Telecommunications, as the proposal in this location will bring a combine total of four telecom cabinets in close proximity, which in turn, will visually clutter the amenity of the streetscene and adversely impact on the character and appearance of the conservation area.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 01-08, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

This application will result in an unacceptable level of street clutter when considering previously consented schemes for telecommunication cabinets on this street as a whole. The proposal will undermine the character and appearance of the conservation area. The proposal is contrary to policy Env 6 and RS 7 in the adopted Edinburgh Local Development Plan. It is recommended that the application be refused.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Rachel Webster directly on 0131 529 3442.

*D R Leslie*

David R. Leslie  
Chief Planning Officer

## NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at [www.eplanning.scot](http://www.eplanning.scot) or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email [localreviewbody@edinburgh.gov.uk](mailto:localreviewbody@edinburgh.gov.uk).

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

# Report of Handling

**Application for Planning Permission 17/04566/FUL  
At Proposed Telecoms Apparatus 15 Metres West Of 25,  
South Gray Street, Edinburgh  
Installation of a PCP and BT Broadband cabinet which  
provides super-fast fibre optic broadband to the area - on  
behalf of the BDUK Scotland program.**

<b>Item</b>	Local Delegated Decision
<b>Application number</b>	17/04566/FUL
<b>Wards</b>	B15 - Southside/Newington

## Summary

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This application will result in an unacceptable level of street clutter when considering previously consented schemes for telecommunication cabinets on this street as a whole. The proposal will undermine the character and appearance of the conservation area. The proposal is contrary to policy Env 6 and RS 7 in the adopted Edinburgh Local Development Plan. It is recommended that the application be refused.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LRS07, LDES01, LEN06, NSG, NSBUS,
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# Report of handling

## Recommendations

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**1.1** It is recommended that this application be Refused for the reasons below.

## Background

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### 2.1 Site description

The site lies on the west side of South Gray Street adjacent to a stone boundary wall that encloses Duncan Street Dental Centre.

This application site is located within the Blacket Conservation Area.

### 2.2 Site History

#### Same site

5 May 2017 - Planning permission refused for Installation of a PCP and BT broadband cabinet which provides super-fast fibre optic broadband to the area - on behalf of the bduk scotland program (17/00582/FUL).

This appears to be a near identical application to the current submission.

#### Adjacent site

13 April 2017- Planning permission granted for the Installation of a PCP and BT broadband cabinet (17/00434/FUL).

## Main report

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### 3.1 Description Of The Proposal

The application seeks approval for a DSLAM and PCP type telecom cabinet. The cabinets will be a dark green colour and positioned to the rear of the footway. The cabinet is to provide superfast fibre optic broadband to the area.

The dimensions are:

DSLAM - 1200mm wide, 450mm deep and 1600mm tall

No details of the PCP dimensions have been submitted and therefore cannot be fully assessed.

### 3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the

development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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?

### **3.3 Assessment**

To address these determining issues, it needs to be considered 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) the public comments have been addressed.

#### **a) Conservation Area**

The site lies within the Blasket Conservation Area where the Character Appraisal emphasises the following characteristics:

*The West Blasket area demonstrates a diverse mix of building types given coherence by the limited range of traditional materials.....Front and back gardens of terraced and villa properties provide open space relief... A grouping of public and commercial buildings helps bring a diversity of townscape features to this otherwise residential area...*

The proposed telecommunication cabinets are to be positioned further south west of two telecommunication cabinets, which were recently approved as part of permission 17/00434/FUL. This would bring a total number of four cabinets on the same street and within close proximity. The proposal, by virtue of introducing two additional cabinets will visually clutter the amenity of this street, which in turn, will undermine the character and appearance of the conservation area. The proposal is contrary to policies Env 6 and RS 7 in the adopted Edinburgh Local Development Plan.

#### **b) Road safety**

There are no implications for road or public safety as there is an adequate depth of footway remaining. As the proposal does not involve the erection of a telecommunications mast or antenna, an ICNIRP declaration is not required. There are no implications for pedestrian, road or public safety.

#### **c) Public comments**

Two objections were received which raised the following material concerns;  
- No change in acceptability of proposal since 17/00582/FUL was refused;

- Would result in an unacceptable level of street clutter which would be to the detriment of the amenity of our Conservation Area
- Two cabinets already at installed at this location.

These issues are addressd above.

## CONCLUSION

In conclusion, this application will result in an unacceptable level of street clutter when considering previously consented schemes for telecommunication cabinets on this street as a whole. The proposal will undermine the character and appearance of the conservation area. The proposal is contrary to policy Env 6 and RS 7 in the adopted Edinburgh Local Development Plan. It is recommended that the application be refused.

It is recommended that this application be Refused for the reasons below.

### 3.4 Conditions/reasons/informatives

#### Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas- Development and Policy RS 7 in respect of Telecommunications, as the proposal in this location will bring a combine total of four telecom cabinets in close proximity, which in turn, will visually clutter the amenity of the streetscene and adversely impact on the character and appearance of the conservation area.

## Risk, Policy, compliance and governance impact

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4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## Equalities impact

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### 5.1 The equalities impact has been assessed as follows:

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

## Consultation and engagement

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## 6.1 Pre-Application Process

There is no pre-application process history.

## 6.2 Publicity summary of representations and Community Council comments

Two objections and one neutral comment.

### **Background reading / external references**

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

## Statutory Development

### Plan Provision

This application site is located within the Blacket Conservation Area.

### Date registered

17 October 2017

### Drawing numbers/Scheme

01-08

Scheme 1

David R. Leslie  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Rachel Webster, Planning officer  
E-mail:rachel.webster@edinburgh.gov.uk Tel:0131 529 3442

## Links - Policies

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### Relevant Policies:

#### **Relevant policies of the Local Development Plan.**

LDP Policy RS 7 (Telecommunications) sets criteria for assessing telecommunication developments.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

**Non-statutory guidelines** 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

# Appendix 1

## Consultations

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No consultations undertaken.

END

# Comments for Planning Application 17/04566/FUL

## Application Summary

Application Number: 17/04566/FUL

Address: Proposed Telecoms Apparatus 15 Metres West Of 25 South Gray Street Edinburgh

Proposal: Installation of a PCP and BT Broadband cabinet which provides super-fast fibre optic broadband to the area - on behalf of the BDUK Scotland program.

Case Officer: Rachel Webster

## Customer Details

Name: Mrs Fiona Cowan

Address: Duncan Street Dental Centre 14 - 16 Duncan Street Edinburgh

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Whilst having no objection to this in principal I would like to request further information on the delivery of this proposal. The site is close to the rear entrance to the dental clinic which is used for patients with mobility and other issues. It is essential that access is maintained to the rear entrance at all times. A reassurance of this would be appreciated.

# Comments for Planning Application 17/04566/FUL

## Application Summary

Application Number: 17/04566/FUL

Address: Proposed Telecoms Apparatus 15 Metres West Of 25 South Gray Street Edinburgh

Proposal: Installation of a PCP and BT Broadband cabinet which provides super-fast fibre optic broadband to the area - on behalf of the BDUK Scotland program.

Case Officer: Rachel Webster

## Customer Details

Name: Mr Ewan McIntyre

Address: 25 South Gray Street Edinburgh

## Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this application. It relates to telecoms cabinets which would be a duplication of two identical cabinets already installed. Aside from being a straight duplicate of a previously consented application, additional cabinets in the location would be overdevelopment in this conservation area.

## WEST BLACKET ASSOCIATION

Bartholomew House flat 3  
12 Duncan Street  
Edinburgh EH9 1SZ  
28 October 2017

Head of Planning & Transport, PLACE  
Waverley Court  
4 East Market Street  
Edinburgh EH8 8BG  
fao Rachel Webster

Dear Sir

### **Re 17/04566/FUL Opposite 25 South Gray Street, EH9 1SZ**

I write in a personal capacity but also on behalf of the West Blacket Association to object to this application for installation of telecom cabinets on the pavement on the west side of South Gray Street. I would also suggest that the application should not have been accepted for publication because it is identical to an earlier application -17/00582/FUL - which was refused on 5 May.

Earlier in the year I questioned the status of two very similar applications for telecom cabinets – 17/00434/FUL and 00582/FUL – which were for similar although not identical locations on the west pavement of South Gray Street. I initially assumed that one or other was a duplication and contacted Laura Marshall to whom both applications were allocated. She indicated that there had been no approach from or discussions with the applicant about possible duplication.

The earlier application – 00434/FUL – was subsequently approved but 00582/FUL was refused on the grounds that it would result in an unacceptable level of street clutter which would be to the detriment of the amenity of our Conservation Area. We agree entirely with that assessment, and that the circumstances have not changed in the few intervening months. The reasons for refusing the application therefore remain unchanged and we trust that you will agree this to be the appropriate decision.

Yours faithfully

Ian Carter for West Blacket Association  
Copy to Grange Prestonfield Community Council



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: [planning.systems@edinburgh.gov.uk](mailto:planning.systems@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100088115-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="ALEXANDER BAIN HOUSE"/>
First Name: *	<input type="text" value="THOMAS"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="CAMPBELL"/>	Address 1 (Street): *	<input type="text" value="YORK STREET"/>
Company/Organisation	<input type="text" value="OPENREACH"/>	Address 2:	<input type="text" value="ATLANTIC QUAY"/>
Telephone Number: *	<input type="text" value="07483108015"/>	Town/City: *	<input type="text" value="GLASGOW"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="SCOTLAND"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="G28LA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="thomas.2.campbell@openreach.co.uk"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

25 SOUTH GRAY STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH9 1TE

Please identify/describe the location of the site or sites

Northing

671965

Easting

326546

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

17/04566/FUL | Installation of a PCP and BT Broadband cabinet which provides super-fast fibre optic broadband to the area - on behalf of the BDUK Scotland program. | Proposed Telecoms Apparatus 15 Metres West Of 25 South Gray Street Edinburgh

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.



What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

The roll out of Superfast Broadband infrastructure is a nationally important policy being promoted by the Scottish Government to establish access to superfast broadband speeds for all premises. It is a core Government policy that has social economic and equality benefits. Street Cabinets are reqd to connect premises. A Joint Survey with Council officials was held in AUGUST 2017 and no alternative feasible location was found. If CAB cannot be placed it will be dropped from the programme.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

This installation is part of the Scottish Government commitment to provide 100% coverage to the population by 2021. It is Scottish Government policy see link <http://saltire/our-organisation/director-general-organisational-development-and-operations/digitaldirectorate/connectivity-economy-and-participation>.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/04566/FUL

What date was the application submitted to the planning authority? \*

17/10/2017

What date was the decision issued by the planning authority? \*

21/12/2017

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr THOMAS CAMPBELL

Declaration Date: 20/03/2018