DELEGATED REPORT

Recommendation Made: 9 August 2011

Reference:- 11/00537/GDOT **Parish:-**

Applicant:-
BT Openreach
C/O Agent

Location:- 3 Stamford Street Ratby Leicester Leicestershire LE6 0JT

Proposal:- INSTALLATION OF DSLAM CABINET

Introduction:-

This is a prior approval application for the erection of a telecommunications cabinet on the corner of Stamford Street and Main Street in Ratby. This development falls under Part 24 'Development by Telecommunications Code System Operators' and the notification has been submitted by Openreach.

The cabinet measures 1.2m x 0.45m with a height of 1.6m and it is proposed to be finished in a dark green colour. The highway path on which the cabinet is proposed is sited within the conservation area for Ratby.

Relevant Planning History:-

None

Consultations:-

A site notice was displayed.

No responses have been received.

Development Plan Policies:-

Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment)(England) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001.

Appraisal:-

The main considerations with regards to this application are whether it meets the criteria contained within Part 24, and whether the proposal is acceptable in terms of appearance and siting.

Criteria

The proposed cabinet is regarded as the installation of apparatus (Class A (a)) and will be situated on the public footpath, within a Conservation Area (Article1 (5) land) and would not stand on any building or any other structure. As such, the applicable permitted development limits for a proposed apparatus are stated in paragraphs A.1 (a), (e) and (h).

A.1 (a)- The cabinet at a maximum height of 1.6 metres would not exceed the 15 metres in height limit set by this Class.
A.1 (e)- The proposed cabinet would not qualify as a mast, antenna , public call box, radio equipment housing and would project above the surface level of the ground and as such should not have a base area exceeding 1.5 square metres.

The cabinet with a length of 1.2 metres and a width of 0.45 metres would have a base area of 0.54 square metres and as such falls with the limit set by this Class.

A.1 (h)- The proposed cabinet falls within article1(5) land but does not include the installation or alteration of an antenna or apparatus to support such an antenna.

The proposed cabinet would not exceed any of the limits stated within Class A (a) of Part 24 of 'the order' however development under Class A(a) is permitted subject to applicable conditions. The development is situated on Article 1(5) land, would have a cubic volume of 0.864 metres (under 2 cubic metres) and as such Conditions 2(b) and 4 would apply.

Condition 2(b) requires the land on which the apparatus stands, as reasonably practicable after it is no longer required, to be restored to its original condition. Condition 4 requires Class A development on Article 1(5) land be applied for to the Local Planning Authority for determination as to whether prior approval is required to the siting and appearance of the development. It also states a written description of the development and a location plan should be submitted with the application.

The applicant is Openreach who are a telecommunications code system operator. As such the installation, alteration or replacement of any telecommunications apparatus required for the purpose of the operators system is permitted development within stated limits.

Siting and Appearance

The proposed cabinet falls within the limits of the Order but stands within a Conservation Area and as such the siting and appearance and its impact on the Conservation Area should be considered. The cabinet is small scale and of a simple and unobtrusive design. The cabinet sited adjacent a boundary wall would not be prominent in the conservation area and the impact on the area is considered negligible and would be acceptable.

It should be noted that there are a number of these telecommunication cabinets located on highway paths thoughout the conservation area in Ratby. Indeed there are existing cabinets of similar size and colour located on Stamford Street immediately to the north, but within the conservation area. In terms of its siting the proposed cainet is proposed to be positioned immediately adjacent to the boundary wall of Weavers Court to ensure it is not a prominent feature within the street scene and the highway footpath remains unobstructed. In terms of its size the proposed cabinet will be significantly lower than the boundary wall to Weaver Court to which it is to be sited adjacent to. The proposed cabinet is to be finished in a dark green colour to match the existing telecommunications equipment already installed within the highway limits and within the conservation area. Therefore in terms of its siting, size and colour finish the proposed telecommunications cabinet is considered to preserve the character and appearance of the Ratby conservation area.

Conclusion

Overall the proposed cabinet (apparatus) due to its siting on a pavement within a Conservation Area, its base size, cubic content and limited height all result in a development which falls within the permitted development limits set out in Part 24, Class A (a) of 'the order'. In addition the development is not considered to adversely affect the visual amenity of the Ratby Conservation Area. The erection of the metal cabinet by virtue of its siting, appearance, use and dimensions would fall within the permitted development limits as defined by Part 24, Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and would therefore be acceptable to the Local Planning Authority.

The erection of the metal cabinet by virtue of its siting, appearance, use and dimensions would fall within the permitted development limits as defined by Part 24, Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and would therefore be acceptable to the Local Planning Authority.

Reasons :-

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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