

THE HIGHLAND COUNCIL

**NORTH PLANNING APPLICATIONS COMMITTEE
21 May 2013**

Agenda Item	6.8
Report No	PLN/054/13

**13/01409/FUL : Openreach
Land adjacent to St Clements Church, Tulloch Street, Dingwall**

Report by North Area Manager

SUMMARY

Description: Installation of telecom cabinet

Recommendation: GRANT

Ward: 09 - Dingwall And Seaforth

Development category: Local Development

Pre-determination hearing: Not required

Reason referred to Committee: Development on Council land

1. PROPOSAL

- 1.1 The application seeks detailed permission for the installation of a telecoms cabinet on a public footpath. In this instance, the location of the cabinet within Dingwall Conservation Area removes permitted development rights that are normally awarded to telecoms operators under class 67 of the General Permitted Development Order. The proposed cabinet is required to provide super fast broadband to the area and forms a wider part of the government's Digital Britain project.

The steel cabinet is dark green and measures 1.408 metres in height, 0.5 metres in width and 0.407 metres in length.

2. SITE DESCRIPTION

- 2.1 The cabinet is sited on a small area of public footpath on the western side of Tulloch Street. The cabinet will be located adjacent to the stone boundary wall, which forms the eastern boundary of St Clement's Parish Church.

3. PUBLIC PARTICIPATION

- 3.1 Advertised: Development affecting a conservation area
Timeous representations: 0
Late representations: 0

4. **POLICY**

- 4.1 Policy 57.1 (Natural, Built and Cultural Heritage) is applicable to this application as the site is located within Dingwall Conservation area. This policy states that we will only allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the amenity resource.

Policy 45 (communications) of the Highland-wide Local Development Plan states that “The Council will support proposals which lead to the expansion of the electronic communications network in Highland. This includes delivery of core infrastructure for telecommunications, broadband and other digital infrastructure”.

The proposal forms part of a wider project to install super fast broadband across the UK and shall provide economic benefit to the local area. Moreover the siting of the cabinet ensures visual intrusion is minimised and there is no adverse impact on road users or pedestrians. Therefore, the proposal accords with policies 57 and 45 of the Highland-wide Local Development Plan.

5. **PLANNING APPRAISAL**

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 This is a straightforward application involving a minor development and is referred to Committee because it is a development in which the Council is a landowner. There are no policy implications and no third party comments have been received. There are no technical or consultee objections.
- 5.3 The proposal is therefore recommended for grant of planning permission.

6. **CONCLUSION**

- 6.1 The proposal accords with Development Plan policy and there are no other material considerations which would warrant refusal of the application.

RECOMMENDATION
Action required before decision issued N
Subject to the above , it is recommended the application be Granted subject to the following conditions and reasons:

None.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your

local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at:
<http://www.highland.gov.uk/yourenvironment/roadsandtransport>

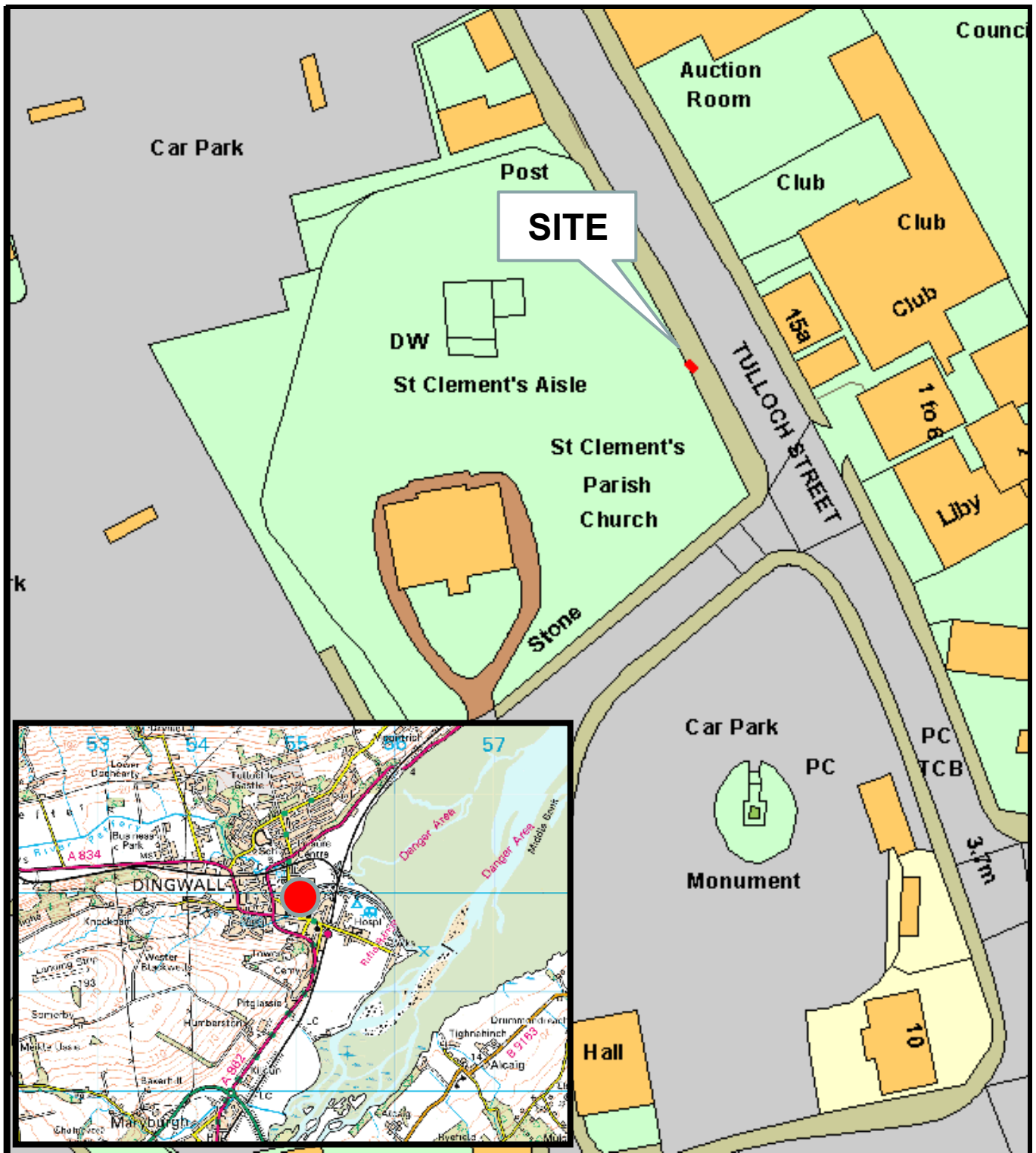
Application forms and guidance notes for access-related consents can be downloaded from:

<http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

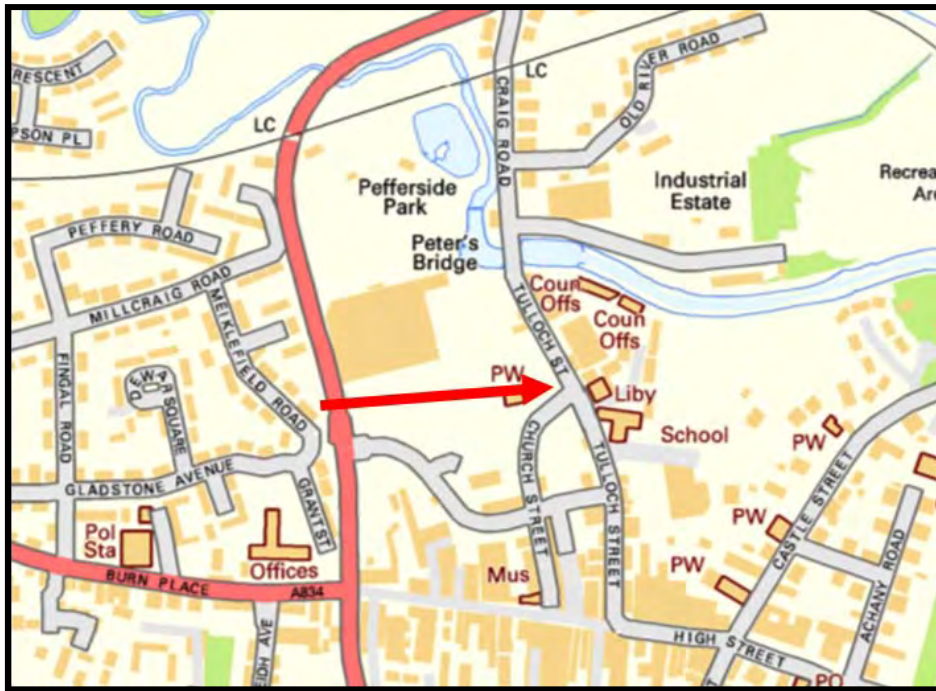
Mud & Debris on Road

Please note that it is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Signature: Dafydd Jones
Designation: North Area Planning Manager
Case Officer: Rebecca Hindson
Background Papers: Highland wide Local Development Plan
Relevant Plans: Plan 1 – Location plan
Plan 2 – Location Plan/Visualisations
Plan 3 - General plan of cabinet



PCP003 Tulloch Street, OPP 15A Tulloch Street, Dingwall, IV15 9JZ



DSLAM to JB route ——— Power route ———

ECI Cabinet

