

Report to Planning applications committee
Date 18 April, 2013
Report of Head of planning services
Subject 13/00352/T Site of proposed DSLAM Cabinet in front of
12 Pottergate Norwich

Item
5(5)

SUMMARY

Description:	Installation of DSLAM telecommunications equipment cabinet 750mm wide x 374mm deep x 1408mm high.
Reason for consideration at Committee:	Objections
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mr James Bonner Planner 01603 212542
Valid Date:	25th February 2013
Applicant:	Openreach
Agent:	Morrison Utility Services (Tom Blaber)

INTRODUCTION

The Site

Location and Context

1. The site is located on the southern side of Pottergate, between Upper Goat Lane and Dove Street. The proposed cabinet is to be sited on the pavement around one metre forward of the front elevation of number 12. The cabinet will be against the wall of the west elevation of the 3 storey grade II listed number 10, which itself is currently painted pink. Adjacent to number 12 to the west is an entrance to a car park that sits to the south of Pottergate.
2. The site is situated within the City Centre conservation area.
3. There is one existing (PCP) cabinet in close proximity to the site (in front of 14b Pottergate) which is situated around 25.5m west of the proposed DSLAM cabinet. Nearby this existing cabinet there are some bicycle stands and further east towards the proposed site there are other bicycle stands, a bin and a tree.

Planning History

12/01834/T - Installation of dark green DSLAM telecommunications equipment cabinet 750mm wide x 374mm deep x 1408mm high. (REFUSED - 08/11/2012). Reason for refusal:-

“The cabinet is proposed in a sensitive location and is deemed to have a detrimental impact upon the streetscene, the City Centre Conservation Area and the setting of the listed building itself. The proposal does not therefore accord with saved policies HBE8, HBE9, HBE12 and HBE20 of the City of Norwich Replacement Local Plan Adopted Version November 2004, Policies 1 and 2 of the Joint Core Strategy for Broadland, Norwich and South Norfolk March 2011 and the objectives of the National Planning Policy Framework.”

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

4. As this is a prior approval application the key considerations for this application are design and siting. This application is only required as the cabinet is in a conservation area and would otherwise be Permitted Development. The Local Planning Authority can simply approve or refuse this on these limited grounds and no conditions can be attached to an approval.
5. The application is for an equipment cabinet to be used in the existing phone network. The cabinet will be used to provide high-speed broadband services to residents and businesses in the locality proposed equipment cabinet is 1.4m tall, 0.75m wide and 0.37m deep.
6. The proposal is a resubmission of a previously refused application. The application is identical except this time the cabinet is proposed be painted pink to match the wall it sits against in contrast to the dark green of the previously refusal. The cabinet will be sited on the highway (shared surface) with underground cabling running to the west to connect this cabinet to the telephone cable networks.
7. The DSLAM cabinet converts the fibre optic cabling to copper cabling which then links into an existing cabinet, which then provides superfast broadband connections to the properties in the surrounding area. The DSLAM negates the need to excavate trenches to each individual property to feed fibre optic directly to them.

Representations Received

8. Advertised on site and in the press. The neighbouring shop has been notified in writing. Four letters of representation have been received citing the issues as summarised in the table below.
- 9.

Issues Raised	Response
---------------	----------

Impact on grade II listed building	See paragraph 20
Impact adversely on Conservation Area, street scene and amenity of the area.	See paragraph 20
Existing cabinets already attract graffiti and posters	See paragraph 21
There is already a cabinet in the area	See paragraphs 13-14
Cabinet will act as a 'table' to encourage the consumption of alcohol and drugs.	No evidence for this.
Will make the end gable wall more difficult to maintain for the owner.	
Will clutter area outside number 12 Pottergate and negatively impact pedestrians approaching shop	See paragraph 22

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 5 – Supporting high quality communications infrastructure
- Section 7 – Requiring good design
- Section 12 – Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 1 – Addressing climate change and protecting environment assets
- Policy 2 – Promoting good design

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- HBE8 – Development in conservation areas
- HBE9 – Listed buildings and development affecting them
- HBE12 – High quality of design
- HBE20 – Telecommunications equipment
- TRA14 – Design of pedestrian routes and network

Supplementary Planning Documents and Guidance

City Centre Conservation Area Appraisal (2007)

Emerging policies of the forthcoming new Local Plan (submission document for examination, April 2013):

Development Management Policies Development Plan Document – Pre-submission policies (April 2013).

- DM1 Achieving and delivering sustainable development
- DM9 Safeguarding Norwich's heritage
- DM10 Supporting the delivery of communications infrastructure
- DM16 Employment and business development

Procedural Matters Relating to the Development Plan (JCS and RLP) and the NPPF

The RLP has been adopted since 2004 and in accordance with the Planning and

Compulsory Purchase Act 2004. The JCS has been adopted since 2011. With regard to paragraphs 211 and 215-216 of the NPPF, both sets of policies have been subjected to a test of compliance with the NPPF. Some RLP policies are considered to be only partially compliant with the NPPF (HBE9 and HBE20) and as such those particular policies are given lesser weight in the assessment of this application. All JCS policies are considered to be NPPF compliant. The Council has also reached submission stage of the emerging new Local Plan policies, and considers most to be wholly consistent with the NPPF. Where discrepancies or inconsistent policies relate to this application they are identified and discussed within the report; varying degrees of weight are apportioned as appropriate.

Principle of Development

Background

10. The site is within the Elm Hill and Maddermarket character area of the City Centre Conservation Area and is deemed as being of 'very high' significance in the 2007 Conservation Area appraisal. This part of Pottergate is identified within the appraisal as having a positive frontage and is home to attractive buildings such as the Georgian (or Georgian-fronted) buildings opposite the site on the north side of Pottergate.
11. The majority of the surrounding buildings are grade II listed with the exception of 12 to 16 Pottergate. It is therefore considered that the proposed cabinet is within a sensitive location and so its positioning must be assessed with this in mind.
12. As has been noted there is already an existing primary connection point cabinet (PCP) along this section of Pottergate along with a number of other items of street furniture and as such the proposed cabinet would in itself not be an alien feature within the streetscene, nor is it considered that it will clutter the area.
13. The existing cabinet is necessary as the proposed DSLAM cabinet connects into this existing 'PCP' cabinet in order to connect into the wider BT phone network. The DSLAM cabinet must be located within 50m of the existing cabinet, but the shorter the distance the better as the more copper cable used, the weaker the signal will be and thus the slower the broadband service will be.
14. There are numerous constraints in locating a new DSLAM cabinet, which can include: highway safety, pedestrian safety, distance from existing PCP cabinet, location of existing street furniture, footings of adjacent buildings, existing telecommunications ducting and underground cabling, gas and mains. The limitations imposed by these constraints means that suitable locations are small in number and this needs to be balanced alongside the need for the cabinet and the benefits provided to the community and business owners from the improved internet service provided.
15. This is a resubmission of a previously refused cabinet in the same location, save for a change of colour. The previous refusal recommended exploring alternative locations to reduce the impact upon the grade II listed building and the streetscene. Prior to resubmission a search was done with the Design Conservation and Landscape manager however no alternative sites were identified that were suitable given the constraints both above and below ground.

Alternative locations

16. Following the refusal of the previously application (12/01834/T) the applicant was recommended to investigate an adjacent site east of the entrance of 12 Pottergate. Following investigation this has since been discovered to be not possible due to the base of the cabinet being wider than the cabinet itself and the need for the doors to open for maintenance.
17. Many of the other possible alternative locations along Pottergate would be outside the front of much more historically important buildings and therefore would arguably lead to more of a detrimental effect on the sensitive setting and retail frontage. The proposed location, whilst in front of the row of shops (12-16 Pottergate), is against a relatively plain gable wall.
18. An alternative location could be against the locally listed 'The Birdcage public house', facing onto the open space and St Gregory's Alley. However the cabinet would have to lie against the brick banding and ceramic tiles and would make it more conspicuous compared to the plain wall of 10 Pottergate. Such a site would have similar implications for the wider conservation area and surrounding statutory listed buildings.
19. Alternative locations around this area would have an adverse effect on the setting of the grade I listed St Gregory's Church, the open space and therefore the wider City Centre conservation area. There are also limitations due to the sloping nature of the area and involve digging trenches across to connect into the existing cabinet outside 14b Pottergate. In addition the recently laid attractive paving here is very unlikely to be reinstated in the way it is currently done, leading to further negative implications for the streetscene and wider conservation area.

Representations

20. As has already been mentioned, the proposed site of the cabinet is within the City Centre Conservation Area and within the Elm Hill and Maddermarket character area which is of high significance. The listed buildings which front Pottergate (8 to 10) are considered to offer a positive frontage however the cabinet would be set against the side (west facing) wall of 10 Pottergate and in front of the negative buildings (12 to 16) which are slightly set back from the Pottergate frontage and which are more recent mid 20 century buildings. It is considered that by painting the cabinet in a RAL colour to closely match the side wall of 10 Pottergate that the potential visually negative aspects of the proposed cabinet in this relatively conspicuous position are diminished.
21. There can never be an absolute guarantee that there will be no graffiti or fly-posting, especially if - as an objector claims – the wall is already prone to this. However the applicant has agreed to apply colour coded anti-graffiti/poster paint to the cabinet to help to avoid this problem. Our experience in other parts of the City) would suggest that this is effective in reducing graffiti/flyposting and making it easier to refresh the colour.

Transport and Access

22. The proposed cabinet is to be sited on the shared surface but has no impact on vehicular movement. This area of Pottergate is subject to a relatively large number

of people, however due to the width of the pavement and the cabinet being sited against the gable end of number 10 Pottergate, it is not considered that the cabinet will have an adverse impact on pedestrian movements. The cabinet is not close enough to the shop entrance of 12 Pottergate to be considered a hindrance to people wanting to enter the shop, either for those on foot or in a wheelchair.

23. The cabinet will not have an adverse effect on highway safety.

Equality and Diversity Issues

There are no significant equality or diversity issues.

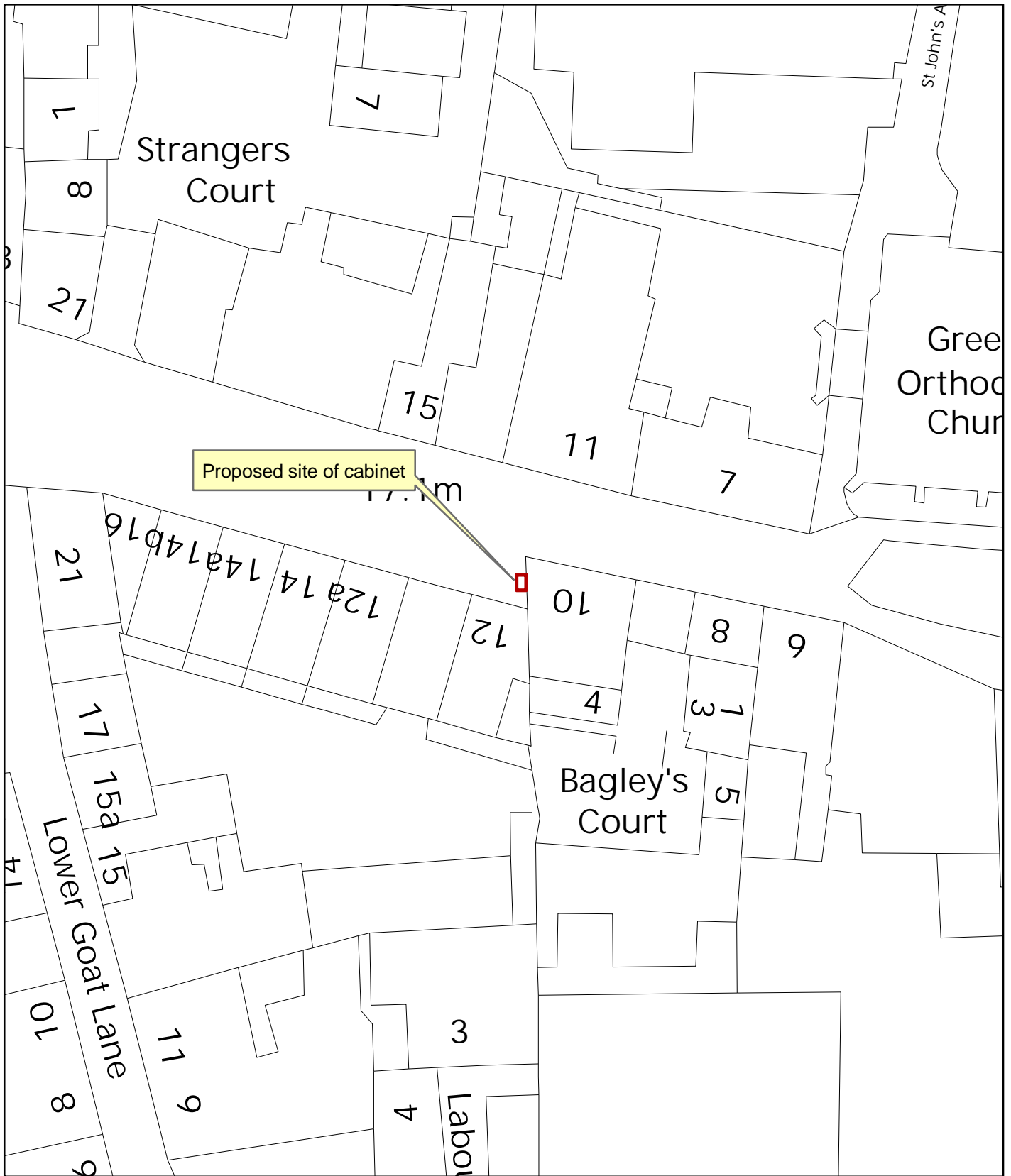
Conclusions

24. Section 5 of the NPPF promotes the installation of high quality communications infrastructure as being essential for sustainable economic growth. This is further supported in policy 6 of the JCS which promotes the provision of IT links and telecommunications infrastructure and similarly in saved policy HBE20 of the RLP. Some weight should also be given to the emerging DM policies, in particular policy DM 10 which also promotes the provision, upgrading and enhancement of wireless and fixed data transfer and telecommunication networks subject to all reasonably practicable steps taken to minimise adverse visual impact.
25. The NPPF and RLP suggest that new telecommunication equipment should be sympathetically designed and camouflaged in sensitive areas. If a solution cannot be found there is a risk that an entire area of dwellings and businesses would have poorer internet access. It is important that all parts of the city centre, especially the network of historic properties in this area, all have the same benefits of superfast broadband otherwise there is a danger that it is more difficult to find uses (whether business or residential) that wish to locate in, and invest in, the area. This could be to the long term detriment of the conservation area and the use of these important listed buildings.
26. This resubmission of a previously refused cabinet is in the same location, save for a change of colour. Upon searching for other suitable locations, given the constraints and impacts each alternative would have on the streetscene, wider conservation area and various other listed buildings, this location is considered to have the least visual impact in comparison to the alternative sites.
27. It is considered that the use of anti-graffiti /fly posting paint matching the colour of the wall of 10 Pottergate will reduce the visual impact of the cabinet against the statutory listed building. It is important to protect important designated heritage assets, and whilst not ideal, given the constraints of nearby alternative locations and the necessity for the cabinet to ensure this area is connected to the superfast broadband network, it is considered that, on balance, the cabinet is acceptable.

RECOMMENDATIONS

To grant prior approval for application No.13/00352/T Proposed DSLAM cabinet in front of 12 Pottergate

Informatives: Anti-graffiti/fly posting paint should be applied in line with description of proposal.



© Crown Copyright and database right 2013. Ordnance Survey 100019747.

Planning Application No 13/00352/T
 Site Address Outside 12 Pottergate
 Scale 1:400

