

REPORT TO: Planning Committee

MEETING DATE: Wednesday 18 December 2019

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Note - this application was called off the Scheme of Delegation List by Councillor Williamson for the following reason: the proposed location is in a sensitive part of the Conservation Area. The Planning Committee is best placed to determine this application.

Application No. **19/00933/P**

Proposal Installation of BT cabinet

Location **Grass Area Opposite To 5 Eskside West
Eskside West
Musselburgh
East Lothian**

Applicant BT Openreach

Per Harlequin Group

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The site to which this application relates to is a grass verge on the western bank of the River Esk at Eskside West, Musselburgh. It is located within the Musselburgh Conservation Area as well as the Battle of Pinkie Historic Battlefield.

Planning permission is sought for the erection of a BT cabinet, which would be green in colour and would measure 1.6 metres high by 0.45 metres deep by 1.2 metres wide.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan

(SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan). Policies DCN1 (Digital Communications Networks), CH2 (Development Affecting Conservation Areas), CH5 (Battlefields) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is the Scottish Government's policy on supporting digital connectivity given in Scottish Planning Policy: June 2014 and Planning Advice Note 62: Radio Telecommunications.

Also, material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development within a conservation area given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

In paragraph 299 of Scottish Planning Policy it is stated that all components of equipment should be considered together and designed and positioned as sensitively as possible, though technical requirements and constraints may limit the possibilities. Development should not physically obstruct aerodrome operations, technical sites or existing transmitter/receiver facilities. The cumulative visual effects of equipment should be taken into account when assessing new proposals.

Policy DCN1 of the adopted East Lothian Local Development Plan 2018 reflects this requirement.

Planning Advice Note 62 provides supplementary advice on the process of site selection and design for telecommunications development and illustrates how the equipment can be sensitively installed.

One letter of objection has been received in relation to the application. Objections relate to the impact on the Musselburgh Conservation Area, the scale of the development being out of keeping and impact on Flood Risk. It is also suggested that the applicant reconsider their proposals to provide 'one all-purpose box'.

One letter of representation has also been submitted which states that there is no objection in principle to the proposal. However concerns are raised with regards to the design of the cabinet and its impact on the character and appearance of the conservation area and the design of the cabinet being different to the two adjacent cabinets. Concerns is also raised with regard to the scale of the cabinet relative to the existing cabinets on site and the representee considers that the proposal is not in accordance with the development plan.

In its proposed position, the proposed cabinet would be seen in the context of existing street furniture such as the existing telecoms boxes, street lighting column and an electricity supply pole. As such, it would not constitute an overly prominent feature when viewed from public places. Furthermore, in its positioning off the footway and within a large open grass verge, it would not lead to a cluttered appearance when viewed from the surrounding street.

Overall, by virtue its small size, massing, height, form, and appearance, including its green colouring, and by virtue of its positioning, the proposed cabinet would not appear as a harmfully obtrusive or incongruous feature within the streetscape and would not have an adverse effect on the character and appearance of the street or the Musselburgh Conservation Area.

The proposed cabinet would be positioned on the western side of the grass verge and approximately 1.5 metres away from the public footpath at Eskside West, and some 3 metres from the edge of the public road. Therefore, as a consequence of its set back position there would remain sufficient space to accommodate movement within the existing pedestrian footway.

Given the site's location within the Battle of Pinkie Historic Battlefield, Historic environment Scotland has been consulted on the proposal. They have responded to confirm that they have no comments to make on the proposal. As such, no objection has been raised. The proposal would therefore not detrimentally impact on the historic character or significance of the Battle of Pinkie Historic Battlefield.

The Council's Road Services raises no objection to the proposed cabinet, being satisfied that it would not constitute a risk to road or pedestrian safety.

The Council's Environmental Protection Manager has also responded to consultation to stat that they do not have comments to make on this proposal. As such, no objection has been made.

The Council's Structures, Flooding & Street Lighting Manager raises no objection to the proposal, being satisfied that the proposed cabinet would not lead to increased flood risk in the area and would not prejudice a future possible Musselburgh Flood Prevention Scheme.

The proposed development would not harm the amenity of any neighbouring land use, including nearby residential properties.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

CONDITIONS:

- 1 None.