

**Planning Committee:** 10 November 2010

**Item Number:**

**Application No:** W 10 / 1229 TC

**Registration Date:** 21/09/10

**Town/Parish Council:** Warwick

**Expiry Date:** 15/11/10

**Case Officer:** Steven Wallsgrove

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**Highway Fronting 8 West Street, Warwick, CV34 6AN**  
Installation of above ground jointing chamber FOR Openreach

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This application is being presented to Committee due to an objection from the Town Council having been received.

### **SUMMARY OF REPRESENTATIONS**

**Warwick Town Council:** "The proposal is to site a large jointing chamber within the highway on a site, within the Conservation Area, and surrounded on all sides by listed buildings and within the terms of LPA Policy DAP4 its installation would adversely effect visible amenity of this setting. Additionally Policy DAP 8 requires that development should enhance and preserve the special architectural and historic interest and appearance of the Conservation Area.

The proposal therefore falls on two grounds.

Additionally the location proposed is within a high quality paved area and the proposal will also detract from this important amenity and historical aspect.

Furthermore the location will cause an obstruction for pedestrians and in particular for persons who are blind or who have limited vision.

The Town Council therefore consider that as a first option the jointing box should be underground and set back against the wall and that any additional cost of an acceptable commercial contribution to preserving this historic area of Warwick.

A further option would be to locate the jointing chamber on private land behind the wall. An argument to suggest that Openreach must have 24 hour access should not be permitted to override the justifiable need to comply with District Council planning polices."

**Ecology:** Recommend a nesting bird note.

**Conservation:** Consider that such a box, located to the front of the footpath, is not appropriate.

**CAAF:** Significant concern was expressed about the location of this cabinet in West Street. If it was placed against the wall this still adds to the clutter in West Street as there are already two cabinets adjacent to the wall and the whole arrangement is viewed in the important setting of Westgate adjacent to the Listed Building and wall. The colour being green is also out of character with most of the street furniture and would also be unacceptable against the old brick wall. Although, setting it against the wall might be better than the back of the kerb, concerns were still expressed at this location and it was felt that the possibility of putting cabinets onto private land should be investigated or inserting them in the ground to avoid such sensitive locations as this.

**Councillor Higgins:** Objects to the proposed box and considers that, at the very least, it must be resited against the red brick wall.

### **RELEVANT POLICIES**

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)
- SC9 - Telecommunications (Warwick District Local Plan 1996 - 2011)

### **PLANNING HISTORY**

There is no planning history.

### **KEY ISSUES**

#### **The Site and its Location**

The site forms part of the footway on West Street opposite No.8 and between the main paved part and the kerb, in line with a lamp post and a large tree. The whole street is in the Conservation Area.

#### **Details of the Development**

the proposal is to erect a standard, green painted, broadband cabinet measuring 1.6m tall, 1.2m wide and 0.45, deep close to the kerb.

#### **Assessment**

The principal issue is the impact of the proposal on the character of the Conservation Area. In this context it is considered that the location proposed in the application is not acceptable. The applicants were advised of this and an alternative location beside the high brick wall at the back of the footway was suggested as a possibly acceptable location. This is where there are two existing smaller green cabinets and a telephone box.

At the time of writing this report there had been no reply from the applicants and, therefore, the recommendation is one of refusal. However, if amended plans are received then I consider that they could be approved since the impact on the character of the Conservation Area will not be so great as to justify a refusal, bearing in mind the Government support for high speed broadband communications throughout the country.

The reason for this two-sided assessment is that this is a 'notification' not a normal planning application and a decision, one way or the other, has to be issued by 15th November 2010 otherwise it will have been deemed to have been approved.

### **RECOMMENDATION**

That the details be REFUSED for the following reason.

## **REFUSAL REASONS**

- 1 Policy SC9 of the Warwick District Local Plan 1996-2011 states that development of all telecommunications equipment, as well as masts and antennae, by telecommunications and code systems operators will be permitted provided (inter alia) that every effort has been made to minimise the visual impact of the proposal and it has been demonstrated that alternative, less environmentally harmful means of providing the same service is not feasible. In the present case it is considered that the position of the proposed cabinet will be in a very prominent position in the Conservation Area and will be seriously detrimental to the character of the area. The development is thereby considered to be contrary to the requirements of the aforementioned policy.

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