

**Application No:** W 11 / 0373

**Town/Parish Council:** Leamington Spa

**Registration Date:** 04/07/11

**Case Officer:** Sandip Sahota

**Expiry Date:** 29/08/11

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**Footpath Clarence Street, S/O Kilby Court, 31 Brunswick Street,  
Leamington Spa, CV31 2EB**

Installation of 1.6 metre high Openreach broadband cabinet within public  
footway on Clarence Street at S/O Kilby Court, 31 Brunswick Street,  
Leamington Spa (Retrospective Application) 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**

**WCC Highways:** No objection.

**CAAF:** "It was felt this would be better either painted magnolia or remaining  
green and moved near to the other cabinet".

**Policy, Projects & Conservation:** "This location has been discussed in the past  
and it was suggested that the cabinet be adjacent to the building in Brunswick  
Street and then be painted Magnolia. The new location is in front of the low wall  
to the side garden of the flats in Brunswick Street. Subject to this not causing a  
problem to the amenity of the flats, I consider the new location would be equally  
acceptable".

**Royal Leamington Spa Town Council:** "An objection is raised for the following  
reason: The location outside this property is considered inappropriate and  
obtrusive".

**RELEVANT POLICIES**

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

**PLANNING HISTORY**

There is no relevant planning history.

**KEY ISSUES**

**The Site and its Location**

The application site forms the back edge of the footway on the north side of  
Clarence Street close to its junction with Brunswick Street in front of the dwarf

boundary wall to the side of Kilby Court, a 1970's building comprising 9no. flats. The cabinet is positioned in excess of 8 metres away from the side windows to Kilby Court separated from them by a grassed area with 2 large trees. Clarence Street is the access road to the Rangemaster factory. The existing low level cabinet is sited at the front of the building on Brunswick Street. The site is situated within the Royal Leamington Spa Conservation Area.

### **Details of the Development**

Installation of 1.6 metre high Openreach broadband cabinet within public footway on Clarence Street at S/O Kilby Court, 31 Brunswick Street, Leamington Spa (Retrospective Application)

### **Assessment**

The main considerations in the determination of this application are:

1. The effect of the proposal on the special character and appearance of the Royal Leamington Spa Conservation Area.
2. The effect of the proposal on the living conditions of the occupiers of Kilby Court.
3. The effect of the proposal on highway safety.

#### conservation:

I note the suggestion by CAAF to paint the cabinet magnolia. However, I am of the view that given the distance from the rendered side elevation of Kilby Court and the intervening green landscaping, that this would only make the cabinet more prominent in the streetscene.

I also note the objection raised by the Town Council. However, I am of the view that given the distance of the cabinet from Kilby Court plus the presence of the intervening landscaping, the cabinet does not cause material harm to the character and appearance of this part of the Conservation Area.

#### living conditions:

Included within the cabinet is a small cooling system. The cooling fans are rated at 40dB during daytime and 35dB at night time. The fans are only programmed to function during periods of hot weather and it has been assessed that the noise emitted from these fans is equivalent to a standard fridge compressor at 0.5m distance. Given that the cabinet is sited in excess of 8 metres from the nearest window to Kilby Court I am of the view that the cabinet would not cause material harm to the living conditions of the occupiers of Kilby Court. The fact that this is a retrospective application where there have been no objections raised by any of the occupiers of the neighbouring properties would appear to confirm this.

#### highway safety:

The cabinet is positioned at the back edge of the footway away from the junction and County Highways have raised no objection. I am therefore satisfied that the cabinet does not cause demonstrable harm to highway safety.

## **RECOMMENDATION**

GRANT, for the following reason:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of its effect on highway safety, living conditions or the character and appearance of the Royal Leamington Spa Conservation Area which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

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