

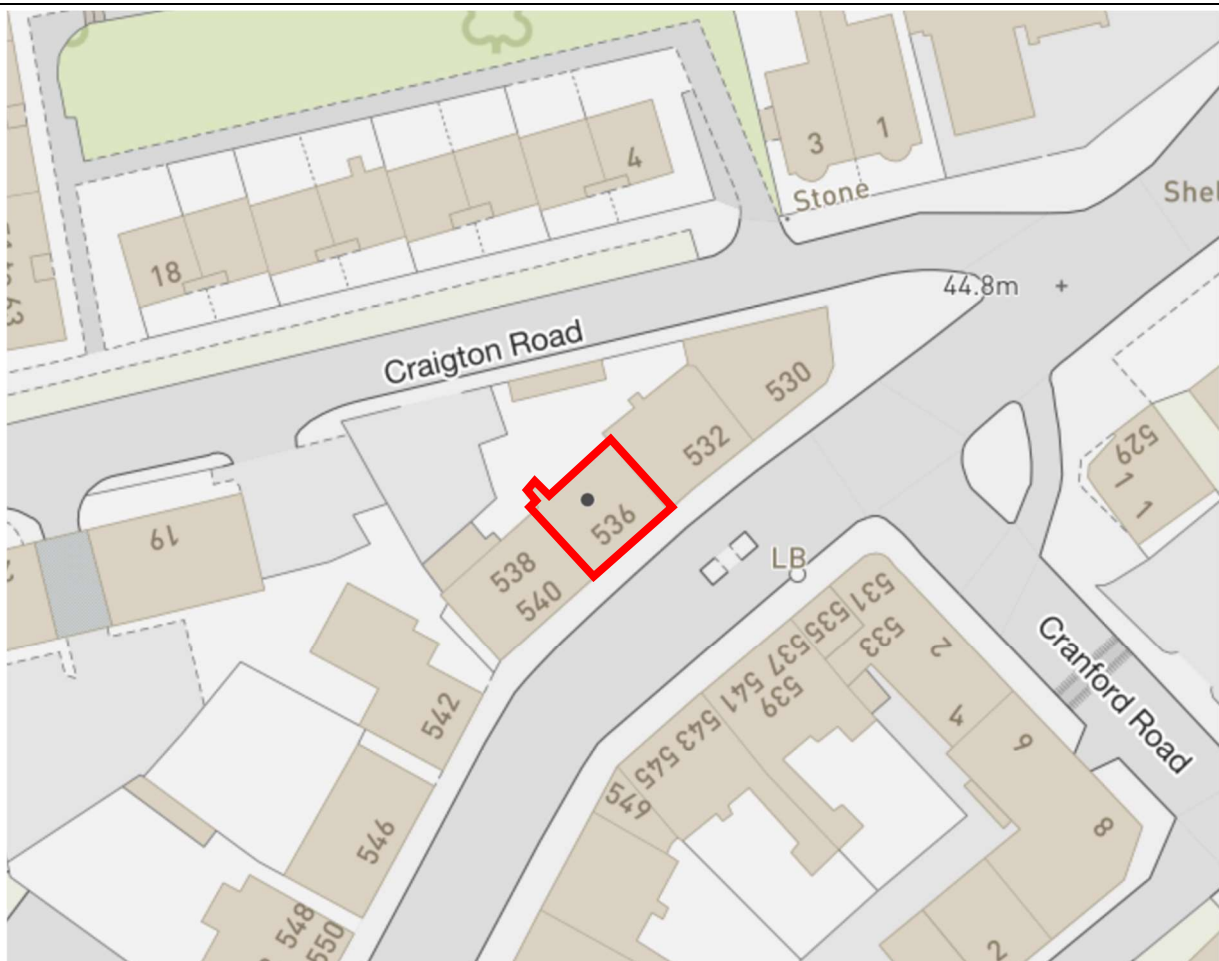


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 17 February 2022

Site Address:	Ground Floor Right, 536 Great Western Road, Aberdeen, AB10 6PG
Application Description:	Installation of broadband antenna (retrospective)
Application Ref:	211633/DPP
Application Type	Detailed Planning Permission
Application Date:	15 November 2021
Applicant:	Mr Joseph Meane
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside & Mannofield
Case Officer:	Ross McMahon



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### **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a ground floor flat forming part of a traditional mid-terraced flatted block, of slate and granite construction, located on the northern side of Great Northern Road to the west of its junction with Craigton Road and Cranford Road. The application site is located within the Great Western Road Conservation Area.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
211318/DPP	Installation of broadband antenna to front (retrospective)	20.10.2021
		Status: Withdrawn

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is retrospectively sought for the installation of an externally mounted broadband antenna, its housing (colour white to be painted grey) and vertical cabling including a brown cable conduit, also to be painted grey. The equipment is installed to the left-hand side of the main entrance door to the building, on its principal elevation facing south-east onto Great Western Road.

### **Amendments**

Following submission of the application, the colour of the antenna housing and cable conduit has been changed from brown to grey, as noted on the submitted drawings.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R2MHYJBZHY800>

- *Supporting Statement & Photographic Record (Inspired Design & Development Ltd.)*
- *Route Approval (City Fibre)*
- *Vodafone Survey Comments*

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it has attracted six or more representations that express concern with the proposal. Additionally, the application is being recommended for approval and has been subject to an objection from the local Community Council. Consequently, the proposal falls out with the Scheme of Delegation.

## **CONSULTATIONS**

**Braeside & Mannofield Community Council** – Objection. The proposal has a detrimental impact on the property within the conservation area. Notes that there appears to be no obvious reason why the cable could not be diverted to rise vertically beside the downpipe a few meters to the west of the current position.

## **REPRESENTATIONS**

A total of six letters of representation have been received, all of which express concern with the proposal. Representations are summarised as follows:

1. *The proposal does not comply with the criteria set out between the ACC Planning and City Fibre for installation within Conservation Areas.*
2. *Such installations appear to be widely installed throughout Aberdeen with little regard for the appearance of the elevations of tenement buildings.*
3. *The installation by City Fibre/Vodafone is a breach of planning regulations.*
4. *Setting of a precedent within similar contexts.*
5. *The installation causes harm to the appearance of the property and the Great Western Road Conservation Area.*
6. *The supporting documentation demonstrates little consideration being given to the likely visual impacts and does not relate to the context in question.*
7. *Other consented or unconsented installations do not constitute sufficient justification.*
8. *Questions the accuracy and legitimacy of the land ownership certificate.*
9. *The equipment has been installed in a poor and 'slip shod' manner.*

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

### **Development Plan**

#### **Strategic Development Plan**

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

#### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

### **National Planning Policy and Guidance**

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)

- Historic Environment Scotland (HES) – *Managing Change in the Historic Environment: External Fixtures*.

### **Aberdeen Local Development Plan 2017 (ALDP)**

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy CI2 (Telecommunications Infrastructure)

### **Other Material Considerations**

- Great Western Road Conservation Area Character Appraisal (CACA)

### **Proposed Aberdeen Local Development Plan 2020**

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the PALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the PALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies of the PALDP are of relevance in the assessment of this planning application:

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy CI2 (Telecommunications Infrastructure)

## **EVALUATION**

### **National & Local Policy Context**

#### **Telecommunications Infrastructure**

SPP highlights the importance of digital infrastructure and states that the planning system should support development which helps deliver the Scottish Government's commitment to world-class digital connectivity, the need for networks to evolve and respond to technology improvements and new services, inclusion of digital infrastructure in new homes and business premises, and infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

Further to the above, Policy CI2 (Telecommunications Infrastructure), were relevant to the proposal at hand, states that proposals for telecommunications development will be permitted provided that they comply with the over-arching themes included within PAN62, as well as other applicable national and local policies in relation to:

1. The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on visual amenity, character or appearance of the surrounding area.
2. If on a building, apparatus and associated structures should be sited and designed to

minimise impact to the external appearance of the host building.

3. If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.

### Historic Environment

SPP (para. 137) states that the planning system should:

- promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

HEPS (p. 13) in its policies for managing the historic environment, states that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance; when considering changes to specific assets and their context, detrimental impacts should be avoided. Also of relevance is Historic Environment Scotland's (HES) '*Managing Change in the Historic Environment: External Fixtures*' guidance.

Policy D1 (Quality Placemaking by Design) requires that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

Policy D4 (Historic Environment) states that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, HEPS and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens and designed landscapes, will be supported.

The ALDP 'proposals map' shows the entirety of the site being located within a residential area. Policy H1 (Residential Areas) applies to development within such areas, and states that a proposal for householder development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space; and
4. complies with SG.

In respect of the requirements of Policy H1, there would be no loss of open space given the nature of the proposal, in that the development relates to the alteration of an existing private flats. Further, there is no prospect of overdevelopment of the site, nor would there be any impact on residential amenity. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of Policy H1, proviso 2, as set out above, applies.

### **Assessment**

SPP establishes a presumption in favour of digital infrastructure and notes that such development should be supported via the planning system, provided that efforts are made to integrate equipment in a manner that is sympathetic to the host building, surrounding assets and designations, whilst acknowledging technical limitations. In respect of the City Fibre rollout within Aberdeen, an informal

agreement between Aberdeen City Council Planning Service and City Fibre has been established which sets out a number of general principles and expectations regards installation of broadband infrastructure within sensitive areas, such as conservation areas, and instances when planning applications would not normally be taken for such development, for example, on non-public elevations, such as to the side or rear of buildings.

Where planning permission is required for such works, and where installation is to take place on sensitive elevations and locations, the onus is on the applicant to demonstrate the lack of alternative and preferable routes. Information submitted by the applicant and installer note that preferable and less impactful locations are not possible in this particular case, as set out by City Fibre, below.

*‘External wiring through the back of the property:*

- *Considering the toby location, to bring the services through the back of the property will cause more disruptions and a high risk of damaging the facade of the building.*
- *The route towards the back of the building will add 11 additional 90 degrees bends which will make impossible to blow the fibre through.*
- *The option to make those bends at wider angles will only result in a very unsightly install with no options to cover or protect the fibre against any damage or tampering.*
- *Exit point through the back of the building can only be done through the door frame which is not permitted in the design specifications.*
- *The property is mid-terrace so there are no options to relocate at either side.*

*Internal box fit and wiring:*

- *Considering the toby location, to bring the services through the back of the property will cause more disruptions and a high risk of damaging the facade of the building.*
- *The route towards the internal possible lockbox location will add 8 additional 90 degrees bends which will make impossible the blow.*
- *The option to make those bends at wider angles will only result in a very unsightly install with no options to cover or protect the fibre against any damage or tampering.*
- *Due the internal shape of the staircase and the flats door locations to run internal fibre will cause a very unsightly install.*
- *The entire internal network would be unprotected with a high risk of damage and tampering.’*

In light of the above, it has been evidenced to the satisfaction of the Planning Service that all alternative options are neither feasible, appropriate or will result in lesser harm to the building and surrounding area, as a result of the building and its characteristics, the location of existing infrastructure and limitations associated with the technology in question.

Further to the above, it should be noted that the building to which the equipment is attached is considered to generally be of lesser significance and heritage merit in the context of the wider area and the Great Western Road Conservation Area; in part due to the absence of any architectural features of note and the presence of existing unsympathetic development such as cabling, a satellite dish, PVCu windows and an elongated dormer. The presence of the existing elevational clutter, consented or otherwise, in itself is not sufficient justification for the further installation of inappropriate development; however, the Planning Authority is required to give due regard to the host building and its defining characteristics and whether further development is likely to unduly worsen an existing situation.

It is acknowledged that the manner in which the equipment has been installed in this particular case is not of a high standard, and includes the purported use of non-ferrous screws, several of which have been applied to granite rather than via mortar joints. However, the matter of broken clips and loose fixings is a maintenance issue rather than a planning matter to be considered under this

application. Notwithstanding, the existing materials/colour used is not considered appropriate for the host building and thus is contrary to aspects of national and local policy and guidance, as noted above. However, the Planning Service considers that an appropriate use of colour would go some way to mitigating some of the visual impact associated with the external equipment. To that end, an updated drawing has been submitted by the applicant specifying the use of grey, rather than white and brown, which is considered to be more appropriate for the host building and area.

### **Conclusion**

Taking into consideration the overarching presumption in favour of digital infrastructure in combination with the lack of preferable routing options and the lack of heritage merits of the host building, the installed equipment, subject to being finished in an appropriate colour, would not cause undue harm to the host building or wider area and is considered to be acceptable in the context of Policy CI1 (Telecommunications Infrastructure), Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design). In this instance, the equipment would therefore preserve the character and appearance of the Great Western Road Conservation Area in line with legislative requirements, Scottish Planning Policy, Historic Environment Policy for Scotland (and associated 'Managing Change' guidance) and therefore Policy D4 (Historic Environment) of the ALDP.

### **Matters Raised in Representation**

Matters raised through representations not expressly addressed in the preceding evaluation are discussed below. The original land ownership certificate supplied by the applicant was incorrect. The Planning Service requested and subsequently received an updated certificate from the applicant thus settling the procedural error. All owners/occupiers within the building were duly notified by the applicant on 25<sup>th</sup> October 2021 and as such, procedural and legislative requirements were duly followed. On the question of precedent, it should be noted that each case is assessed on its own merits and no precedent would be set by the granting of this proposal. The recommendation is based on the individual circumstances of the case and the characteristics of the site and host building.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The installed equipment complies the relevant policies of the Aberdeen Local Development Plan, namely Policy CI2 (Telecommunications Infrastructure), Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design). Due to the lack of alternative routing options, limitations associated with the installed technology and subject to the application of an appropriate colour, the equipment is considered acceptable in respect of principle, location, design and use of materials, and would not result in undue harm to the host building or surrounding area owing to their individual and localised characteristics. The proposal would therefore preserve the character and appearance of the Great Western Road Conservation Area in line with legislative requirements, Scottish Planning Policy, Historic Environment Policy for Scotland (and associated 'Managing Change' guidance) and therefore Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant refusal of the application.

## **CONDITIONS**

### **Exact Colour of Broadband Antenna and Cable Conduit**

(1) Within 1 month of the date of the granting of planning permission, details of the exact colour of grey to be used for the painting of the approved installed broadband antenna and cable conduit shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the painting of the broadband antenna and cable conduit shall take place within 2 months of the date the colour is agreed.

Reason – to preserve the character and appearance of the building and the conservation area.