

Corporate and Community Services Department

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Date: 27 August 2021

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TO: Councillors A Ireland (Chair), B Cunningham (Vice Chair), A Convery, J Fletcher, J McLean, S Miller and J Swift.

PLANNING APPLICATIONS COMMITTEE

A meeting of the Planning Applications Committee will be held on **Wednesday, 1 September 2021 at 2.00pm.**

The agenda of business is as shown below.

Please note this is a virtual meeting.

Caroline Innes

C INNES

DEPUTY CHIEF EXECUTIVE

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Application for planning permission for consideration by the committee - Report by Director of Environment (copy attached, pages 3 - 18).**

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**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997**

Draft index of applications under the above acts to be considered by the Planning Applications Committee
on 1st September 2021.

Reference No: 2021/0226/TP

Ward: 5

Applicant:

Openreach
Rutland House
5 Allen Road
Livingston
Scotland
EH54 6TQ

Agent:

Robin Arscott
Rutland House
5 Allen Road
Livingston
Scotland
EH54 6TQ

Site: Opposite 1-1A Polnoon Street Eaglesham East Renfrewshire

Description: Installation of 1x Broadband PCP Cabinet measuring 2430mm x 370mm x 1210mm (retrospective)

Please click [here](#) for further information on this application

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REPORT OF HANDLING

Reference: 2021/0226/TP

Date Registered: 18th March 2021

Application Type: Full Planning Permission

This application is a Local Development

Ward: 5 -Newton Mearns South And Eaglesham

Co-ordinates: 257421/:651951

Applicant/Agent:

Applicant:

Openreach

Rutland House

5 Allen Road

Livingston

Scotland

EH54 6TQ

Agent:

Robin Arscott

Rutland House

5 Allen Road

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Scotland

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Proposal:

Installation of 1x Broadband PCP Cabinet measuring 2430mm x 370mm x 1210mm (retrospective)

Location:

Opposite 1-1A Polnoon Street

Eaglesham

East Renfrewshire

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CONSULTATIONS/COMMENTS:

East Renfrewshire Council Roads Service

No objection.

Scottish Civic Trust

No response at time of writing.

PUBLICITY:

23.04.2021 Evening Times Expiry date 14.05.2021

SITE NOTICES:

Development within a Conservation Area Date posted 23.04.2021 Expiry date 14.05.2021

SITE HISTORY:

2016/0601/TP	Installation of two ground based telecommunications equipment cabinets	Granted	05.01.2017
2017/0754/TP	Installation of no. 2 ground based telecommunications cabinets	Refused	14.02.2018
2018/0551/TP	Installation of three ground based telecommunications cabinets (in retrospect)	Refused	16.01.2019
2019/0256/TP	Installation of ground based telecommunications cabinet	Withdrawn	16.09.2019
2019/0767/TP	Installation of telecommunications cabinet (in retrospect); re-positioning of telecommunications cabinet with 2 side pods	Approved Subject to Conditions	04.03.2020

REPRESENTATIONS: Eight objections have been received and can be summarised as follows:

Impact on character and amenity of The Orry and the conservation area
 Alternative sites should be considered
 Previous applications on the site and nearby have been refused
 Contrary to the Local Development Plan
 Objections to previous applications should be considered
 If the application is granted there would be two conflicting permissions in place

DEVELOPMENT PLAN & GOVERNMENT GUIDANCE: See Appendix 1

SUPPORTING REPORTS:

The applicant has submitted supporting information that indicates that a 3rd party electric cable runs under the site for the cabinet that was approved under reference 2019/0767/TP and that that site cannot therefore be used. The information submitted also indicates that the location at the corner of Polnoon Street and Gilmour Street is best operationally and to move the cabinet elsewhere in Eaglesham would result in slower broadband speeds. The information also states that broadband would be discontinued during any relocation.

ASSESSMENT:

This application is a Local Development under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. It is being reported to the Planning Applications Committee because it affects an agreement reached by the Committee at its meeting on 7 August 2019 relating to the positioning of a telecommunications cabinet near the junction of Polnoon Street with Gilmour Street, Eaglesham.

SITE

The application site comprises a section of footway on the south side of Polnoon Street near its junction with Gilmour Street, to the west of a free standing street name sign. It lies within the Eaglesham Conservation Area, opposite listed buildings, on the edge of The Orry near one of its entrances. The Orry is a large common grassed area with mature trees. Several small structures have been installed within and on the edges of this section of The Orry including a brightly painted bus shelter, planters and information plaques mounted on stone plinths. The site is open to long views from the south and east from The Orry and from Gilmour Street and from the south-west down Polnoon Street. The site is viewed in closer proximity from the listed buildings and from the footway to the north.

An existing DSLAM telecommunications cabinet is installed close to the junction of Polnoon Street with Gilmour Street to the east of the street sign. This cabinet measures 1.25 metres wide by 0.45 metres deep by 1.4 metres high. An existing PCP telecommunications cabinet with two side pods stands on the application site adjacent to a pedestrian entrance into The Orry. This cabinet measures 2.43 metres wide by 0.37 metres deep by 1.21 metres high. The cabinets provide superfast broadband to the village and has a dark green metal painted finish. Both cabinets were originally installed without planning permission.

BACKGROUND

At its meeting on 7 August 2019, the Planning Applications Committee agreed that the unauthorised cabinets could be addressed if the applicant sought planning permission to move the PCP cabinet with its two side pods 2 to 3 metres closer to the street name sign and away from the entrance to The Orry as well as seeking planning permission for the unauthorised DSLAM cabinet in the position it was in.

Following the Committee's agreement on 7 August 2019, the applicant at the time, Catsurveys Ltd, sought retrospective planning permission 2019/0767/TP for the DSLAM cabinet to remain in the position it was in and planning permission to relocate the PCP cabinet closer to the street name sign in accordance with the Committee's advice. Planning application 2019/0767/TP was subsequently granted by the Committee on 4 March 2020. The existing DSLAM cabinet to the east of the street name sign is therefore authorised under planning permission 2019/0767/TP.

Work was commenced during 2020 to the relocate the PCP cabinet in accordance with the planning permission. However the current applicant, Harlequin Group, has since advised that upon opening up the ground, presence of third party underground equipment meant that the PCP cabinet could not be relocated to the approved position.

PROPOSAL

This current application seeks permission to retain the PCP cabinet in its current position.

POLICY

The application requires to be assessed against Policies D1, D11 and D17 of the adopted East Renfrewshire Local Development Plan. Policy D1 requires that all development should not result in a significant loss of character or amenity to the wider area. Policy D11 states that the Council will safeguard the special character of Conservation Areas and the setting of listed buildings and that development likely to have an adverse effect will be resisted. The adopted Supplementary Planning Guidance: Management and Protection of the Built Heritage (SPG) supports and forms part of Policy D11. It states that the design, materials, scale and siting of any development shall be appropriate to the character of the Conservation Area and its setting. The Eaglesham Conservation Area Appraisal has also been considered. The Appraisal describes the key character features of the Conservation Area. The relevant sections of policy D17 require that telecommunications apparatus should not impact on the surrounding built and natural environment and should not prejudice traffic or pedestrian safety.

CONSIDERATION

It is accepted that when viewed from the south and east the cabinet will be visible against the white painted walls of the listed buildings opposite. However from those directions it is seen in the context of existing similar sized structures and from the longer views, it appears small in relation to the wider Conservation Area. Similarly, when viewed from the south west along Polnoon Street, it is seen in the context of existing hedging and a bus stop pole. Given this context and its relatively modest scale, it is not considered to be a prominent or incongruous feature in the Conservation Area, nor does it adversely affect the setting of the listed buildings.

When viewed from the north from the footpath on Polnoon Street and from the listed buildings, the cabinet will be seen against the backdrop of The Orry and Gilmour Street. This backdrop includes mature trees and structures including stone plinths and lessens the impact of the cabinet on the Conservation Area.

It is therefore considered that the cabinet in its current position, as a result of its size, scale, setting and the wider context, does not detract from the character or visual amenity of the Conservation Area. Therefore, the cumulative impact of both cabinets on the key character features of the Conservation Area as described in the Appraisal is acceptable.

In terms of Policy D17 the proposal will not have a significant visual and physical impact on the on the surrounding built and natural environment and will not prejudice traffic or pedestrian safety.

The proposal therefore complies with the terms of the adopted East Renfrewshire Local Development Plan.

The Proposed Local Development Plan 2 is a material consideration and with regard to this planning application, the relevant policies are considered to be D1, D16 and SG8. The aforementioned policies largely reflect the adopted Local Development Plan policies. Consequently, for reasons stated above, it is considered that the proposed works accord with the relevant policies in the Proposed Local Development Plan.

The applicant has submitted a photograph that shows a 3rd party electricity cable running under the agreed site of the cabinet that was discovered once the ground was opened. The applicant has indicated that the alternative to leaving the cabinet in its current location would be to move it elsewhere within the village. The applicant has stated that during any relocation process, 380 customers would be without broadband services. They also indicate that the area at the corner of Polnoon Street and Gilmour Street is the best location operationally and that moving the cabinet to another location would ultimately leave customers with a reduced broadband speed. The continued provision of superfast broadband services to residents in Eaglesham, particularly at a

time when many residents are working from home, is a material consideration in assessing this proposal.

The following comments are made in respect of the points of objection not specifically addressed above:

The Council has to consider the application before it and cannot suggest or consider alternative sites. As noted above, the applicant has nevertheless indicated that the current site is the optimum location operationally and to install the cabinet elsewhere in the village would lead to a reduction in broadband speeds. The previous related planning decisions are noted, however this application is assessed on its own merits and has been found to accord with the terms of the Local Development Plan. The Planning Authority can only consider representations made in respect of the current application. As noted, the previous planning permission 2019/0767/TP cannot be fully implemented due to technical constraints, however, it is feasible under Town and Country Planning legislation to have two viable extant permissions for the same site or for similar/overlapping sites.

In conclusion, the proposal complies with the relevant policies of the adopted East Renfrewshire Local Development Plan. There are no material considerations that indicate the application should not be approved. The continued provision of high speed broadband to Eaglesham is a material consideration that lends weight to the view that the application should be approved. It is therefore recommended that the application is approved.

RECOMMENDATION: Grant

PLANNING OBLIGATIONS: None.

ADDITIONAL NOTES: None.

ADDED VALUE: None

BACKGROUND PAPERS:

Further information on background papers can be obtained from Mr Derek Scott on 0141 577 3861.

Ref. No.: 2021/0226/TP
(DESC)

DATE: 12th August 2021

DIRECTOR OF ENVIRONMENT

Reference: 2021/0226/TP - Appendix 1

DEVELOPMENT PLAN:

Strategic Development Plan

This proposal raises no strategic issues in terms of the Glasgow and the Clyde Valley Strategic Development Plan and therefore the East Renfrewshire Local Plan is the relevant policy document

Adopted East Renfrewshire Local Development Plan

Policy D1

Detailed Guidance for all Development

Proposals for development should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. In some cases, where the criteria have not been met, a written justification will be required to assist with assessment.

1. The development should not result in a significant loss of character or amenity to the surrounding area;
2. The proposal should be of a size, scale, massing and density that is in keeping with the buildings in the locality and should respect local architecture, building form, design, and materials;
3. The amenity of neighbouring properties should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Planning Guidance;
4. The development should not impact adversely on landscape character or the green network, involve a significant loss of trees or other important landscape, greenspace or biodiversity features;
5. Developments should incorporate green infrastructure including access, landscaping, greenspace, water management and Sustainable Urban Drainage Systems at the outset of the design process. Where appropriate, new tree or shrub planting should be incorporated using native species. The physical area of any development covered by impermeable surfaces should be kept to a minimum to assist with flood risk management. Further guidance is contained within the Green Network and Environmental Management Supplementary Planning Guidance;
6. Development should create safe and secure environments that reduce the scope for anti-social behaviour and fear of crime;
7. Developments must be designed to meet disability needs and include provision for disabled access within public areas;
8. The Council will not accept 'backland' development, that is, development without a road frontage;
9. Parking and access requirements of the Council should be met in all development and appropriate mitigation measures should be introduced to minimise the impact of new development. Development should take account of the principles set out in 'Designing Streets';
10. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the development;
11. Developments should include provision for the recycling, storage, collection and composting of waste materials;
12. Where possible, all waste material arising from construction of the development should be retained on-site for use as part of the new development;
13. Where applicable, new development should take into account the legacy of former mining activity;
14. Development should enhance the opportunity for and access to sustainable transportation, including provision for bus infrastructure, and particularly walking and cycle opportunities including cycle parking and provision of facilities such as showers/lockers, all where appropriate. The Council will not support development on railways solums or other development that would remove opportunities to enhance pedestrian and cycle access unless mitigation measures have been demonstrated;
15. The Council requires the submission of a design statement for national and major developments. Design statements must also be submitted in cases where a local development relates to a site within a conservation area or Category A listed building in line with Planning Advice Note 68: Design Statements.
16. Where applicable, developers should explore opportunities for the provision of digital

infrastructure to new homes and business premises as an integral part of development.

Policy D11

Management and Protection of the Built Heritage

The Council will safeguard the special character of conservation areas and the Netherlee Article 4 Direction Area; sites included on the Inventory of Gardens and Designed Landscapes; scheduled monuments and archaeological sites; and listed buildings and their settings. Development likely to adversely affect these assets will be resisted.

Further detailed information and guidance is provided in the Management and Protection of the Built Heritage Supplementary Planning Guidance.

The Council will seek to secure the implementation of the environmental protection projects shown on the Proposals Map and listed in Schedule 5

Policy D17

Telecommunications

Development will be acceptable where:

The developer can demonstrate that all discounted alternatives, including sharing of existing installations, have been fully investigated;

The developer can demonstrate that the smallest suitable equipment commensurate with technological requirements, is being installed;

A solution has been proposed in order to minimise any possible visual or physical impact on the surrounding built and natural environment;

The development does not prejudice traffic safety or pedestrian safety.

In addition, where applicable, Telecoms operators should provide a written statement that indicates how they arrived at the selected application site. They will be required to provide written evidence that demonstrates proof of search for alternative sites and why these alternatives have been discounted. They should explain the alternative design solutions that have been considered for the application site, address the cumulative effects of the proposal in combination with existing equipment in the area, and explain how the proposed equipment fits into the wider network

Applications should be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate International Commission on Non-Ionizing Radiation Protection guidelines.

Proposed Local Development Plan 2

Policy D1

Placemaking and Design

Proposals for development within the urban and rural areas should be well designed, sympathetic to the local area and demonstrate that the following criteria have been considered, and, where appropriate, met. Proposals will be assessed against the 6 qualities of a successful place as outlined in SPP, Designing Streets and the Placemaking and Design Supplementary Guidance.

1. The development should not result in a significant loss of character or amenity to the surrounding area;

2. The proposal should be appropriate to its location, be high quality and of a size, scale, height, massing and density that is in keeping with the buildings in the locality or appropriate to the existing building and should respect local architecture, building form and design;
3. Respect existing building lines and heights of the locality;
4. Create a well-defined structure of streets, public spaces and buildings;
5. Ensure the use of high quality sustainable and durable materials, colours and finishes that complement existing development and buildings in the locality;
6. Respond to and complement site topography and not impact adversely upon the green belt and landscape character, green networks, features of historic interest, landmarks, vistas, skylines and key gateways. Existing buildings and natural features of suitable quality, should be retained and sensitively integrated into proposals including greenspace, trees and hedgerows;
7. Boundary treatment and landscaping should create a distinctive edge and gateway to the development and reflect local character;
8. Promote permeable and legible places through a clear sustainable movement hierarchy favouring walking, then cycling, public transport, then the private car as forms of movement;
9. Demonstrate connectivity through the site and to surrounding spaces via a network of safe, direct, attractive and coherent walking and cycling routes. These must be suitable for all age groups, and levels of agility and mobility to allow for ease of movement from place to place;
10. Demonstrate that safe and functional pedestrian, cycle and vehicular access, and parking facilities and infrastructure, including for disabled and visitor parking, is provided in accordance with the Council's Roads Development Guide. Where appropriate, proposals will be required to provide secure and accessible shelters, lockers, showers and seating and be designed to meet the needs of all users. Cycle parking and facilities should be located in close proximity to the entrances of all buildings to provide convenience and choice for users;
11. Incorporate integrated and enhance existing green infrastructure assets, such as landscaping, trees and greenspace, water management and SUDs including access and prioritise links to the wider green network as an integral part of the design process from the outset, in accordance with Policies D4 - D6. New green infrastructure must be designed to protect and enhance the habitat and biodiversity of the area and demonstrate a net gain;
12. There will be a general presumption against all proposals that involve landraising. Where there is a justifiable reason for landraising, proposals must have regard to the scale and visual impact of the resultant changes to the local landscape and amenity. Proposals that adversely impact upon the visual and physical connections through the site and to the surrounding areas will be resisted;
13. Backland development should be avoided;
14. Provide safe, secure and welcoming places with buildings and spaces, including open spaces, play areas and landscaping, designed and positioned to reduce the scope for anti-social behaviour and fear of crime, improve natural surveillance, passive overlooking, security and street activity;
15. The amenity of residents, occupants and users of neighbouring existing and new buildings and spaces should not be adversely affected by unreasonably restricting their sunlight or privacy. Additional guidance on this issue is available in the Daylight and Sunlight Design Guide Supplementary Guidance;
16. Development should minimise the extent of light pollution caused by street and communal lighting and any floodlighting associated with the proposal;
17. The amenity of residents, occupants and users of neighbouring existing and new buildings

and spaces should not be adversely affected by noise, dust, pollution and smell or poor air quality;

18. Ensure buildings and spaces are future proof designed to be easily adaptable and flexible to respond to changing social, environmental, technological, digital and economic conditions;
19. Incorporate provision for the recycling, storage, collection and composting of waste materials; and
20. Incorporate the use of sustainable design and construction methods and materials in the layout and design to support a low carbon economy.

Proposals must meet the requirements of any development brief prepared by the Council for an allocated site.

Further detailed guidance and information will be set out in the Placemaking and Design Supplementary Guidance, Householder Design Supplementary Guidance and the Daylight and Sunlight Design Supplementary Guidance.

Policy D16

Conservation Areas

Development and demolition within a conservation area as listed in Schedule 10 or affecting its setting shall preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development shall be appropriate to the character of the conservation area and its setting. Trees which are considered by the planning authority to contribute to character and appearance shall be retained.

When considering the demolition of any unlisted building, within a conservation area, no building should be demolished unless it can be clearly demonstrated that:

The building is of little townscape value and does not contribute to the character of the conservation area; or

The repair of the building is not economically viable; or

The form or location of the building makes its re-use extremely difficult; and

The replacement scheme will preserve and enhance the special character of the conservation area.

A detailed planning application for the replacement scheme would require to be submitted.

Demolition shall not begin until evidence is given of contracts let for an approved replacement development.

Policy D8

Sustainable Transport Networks

The Council will support the development of a sustainable and integrated transport network which strengthens East Renfrewshire's connectivity to the wider Clydeplan Region and beyond; delivers a modal shift to active travel and public transport; and reduces carbon emissions. Development should be directed to sustainable locations where the need to travel is reduced and active travel and public transport infrastructure already exists.

Proposals will be required to align with relevant National, Regional and Local Transport Strategies including the development of local strategic active travel network plans.

Proposals will be required to prioritise active travel and to demonstrate a clear sustainable movement hierarchy favouring walking, then cycling, public transport then the private car in accordance with Designing Streets. Proposals will be required to be accessible and permeable by foot and cycle and connect to existing walking, cycling and green networks, as well as to public transport networks.

Proposals will be required to prioritise improvements to public transport networks and infrastructure, including the need for enhancements to bus and rail infrastructure and services to maintain or increase patronage within the area. Where public transport services are not currently available the Council will encourage applicants to work with transport providers to provide subsidised bus services until a sustainable service is achievable.

The Council will support the implementation of the proposals listed in Schedules 6 and 7.

The Council will support investment in the strategic transport network and delivery of the City Deal strategic transport infrastructure proposals set out in Schedule 1.

GOVERNMENT GUIDANCE:

Scottish Planning Policy on Conservation Areas indicates that proposals for 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 or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it.

Scottish Planning Policy on Supporting Digital Connectivity indicates 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.

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