Planning Committee: 10 November 2010 **Item Number:**

Application No: W 10 / 1230 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 5 Old Square, Warwick, CV34 4RA
Installation of above ground jointing chamber FOR Openreach

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 intends to site a large jointing chamber in Old Square, which is within the Conservation Area and surrounded by listed buildings, in a particularly sensitive historic area of the town.

The development, if permitted, will adversely effect the special architectural and historic interest of those listed buildings, contrary to LPA policy DAP4. Furthermore, policy DAP8 requires that any development should preserve or enhance the special architectural and historic interest and appearance of the Conservation Area.

The proposal would therefore appear to fall on two grounds.

An option would be an underground jointing chamber, and whilst this will involve additional costs, those costs are justified to avoid the negative impact on such a development in Old Square. The applicant is a commercial concern, and costs to support environment and the historic aspects of Conservation Areas, should be anticipated by the company, as part of their support for the environment and the amenities of the community.

Another option would be to locate the jointing chamber in New Street Car Park with a direct easement through Millennium Gardens.

Openreach have compromised on a similar sensitive site in Kenilworth and should be required to do so here.

The only argument in favour of the development is that it is next to a parking metre, but this is much smaller and less conspicuous but locating the jointing chamber at this point will form a larger and more visible mass, which will detract from the Conservation Area."

Conservation: Consider that this base is not appropriate in such a sensitive location.

CAAF: "This was considered to be completely unacceptable in this very sensitive location in Warwick. It was recommended that this could be located in the Millennium Garden which is adjacent to the site location as it would be hidden by shrubs and the site is owned by the local authority."

Councillor Mrs Higgins: Considers this to be an extremely sensitive area of the Conservation Area, but understands negotiations have taken place about the

location. She asks whether fibre optics could be used instead of these above ground jointing chamber, and whether the cabinet could be located within the adjoining Millenium Garden.

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)

PLANNING HISTORY

There is no planning history.

KEY ISSUES

The Site and its Location

The site forms part of the highway and lies in front of a dense area of planting beside 5 Old Square. There is an existing parking meter adjoining the site.

Details of the Development

The proposal is to erect a standard, green painted, broad band electronics cabinet which would measure 1.6m high, 1.2m wide and 0.45m deep.

Assessment

The principal issue in this case is the impact of the proposal on the character of the Conservation Area.

In the present case there were some pre-application discussion about finding an acceptable location since this part of the Conservation Area is particularly sensitive due to its layout with all the buildings lying at the back of the footway in very prominent views. These discussions had been preceded by the raising of an objection to a jointing cabinet opposite 1 Northgate Street, backing onto the railings of St. Mary's Church. These discussions also had to take into account the applicants refusal to consider placing the cabinets on private land, or putting them underground.

In this context, it is considered that the only position that would not be so detrimental to the character of the Conservation Area as to warrant a refusal was the one which is the subject of this application. This was because it would have a tall backdrop of vegetation behind it, being part of the Millenium Gardens, and there was already a parking ticket machine here and a street sign.

It is also considered that the impact of the proposal on the Conservation Area has to weigh against the Government's support for high speed broadband to be available throughout the country.

It should also be noted that, since this is a 'notification', not a planning application, a decision must be issued by 15th November 2010, otherwise it will have been deemed to have been approved.

RECOMMENDATION

That the details be APPROVED.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development would not cause unacceptable harm to the architectural and historic character of the Conservation Area within which the site is located. The proposal is therefore considered to comply with the policies listed.