

13 March 2024

Application Number:	P/FUL/2023/06620		
Webpage:	Planning Application P/FUL/2023/06620. https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=401361		
Site address:	Land west of The Priests House, Opposite The Ship Inn, Dorchester Road, Wool, Wareham, BH20 6EQ.		
Proposal:	Retention of a VDSL sidepod cabinet		
Applicant name:	Openreach		
Case Officer:	Simon Burditt		
Ward Member(s):	Cllr Beddow and Cllr Wharf		
Publicity expiry date:	15 January 2024	Officer site visit date:	22 December 2023
Decision due date:	26 January 2024	Ext(s) of time:	20 March 2024

1.0 This planning application is referred to Planning Committee because Dorset Council is the freeholder of land within the red line site boundary.

2.0 Summary of recommendation:

The committee be minded GRANT to planning permission subject to the conditions set out in section 18 of this report.

3.0 Reason for the recommendation: as set out in paragraphs 16 – 17 of this report and summarised as follows:

- Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- Paragraph 11 of the National Planning Policy Framework (December 2023) sets out that decisions should apply a presumption in favour of sustainable development where it accords with an up to date development plan.
- The provision of high-speed broadband infrastructure is supported by paragraph 118 of the National Planning Policy Framework (December 2023).
- The appearance of the development, although functional in character, would not result in harm to the general character and appearance of the area.
- The proposal would deliver wider sustainability benefits.
- There is not considered to be any harm to neighbouring residential amenity.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in principle within the settlement boundary. The proposal would support the provision of high-speed internet access in accordance with policies SD and LD of the adopted Purbeck Local Plan Part 1 and paragraph 118 of the National Planning Policy Framework (December 2023).
Size, scale, design and impact upon the character and appearance of area	The cabinet has a functional appearance with a green external finish. The proposal is acceptable in accordance with Policy D – Design of the Purbeck Local Plan Part 1.
Impact on neighbouring amenity	No harmful impact on neighbouring amenity.

5.0 Description of site

5.1 The application site is located in Wool on the south side of Dorchester Road, an area of grass to the south of the road and to the north west of St Josephs Roman Catholic Church. To the north east of the site there is a telecommunications cabinet and to the south west there is a lamp post, as such there are some items of street furniture within the area.

6.0 Description of development

6.1 The proposal is for the retention of a metal cabinet that houses equipment for the provision of broadband internet. The equipment cabinet is constructed of metal, finished in a dark green, and has the following dimensions: approximately 990 millimetres high, 450 mm wide and 400 mm deep.

7.0 Relevant planning history

Prior approval TEL/2014/0021 - Decision - No intervention required (CT).
Decision date: 28/10/2014.

Openreach broadband cabinet - PCP008.

8.0 List of constraints

Statutory Settlement Boundary: Wool.

Dorset Council Land (Freehold): Land for road widening at Dorchester Road, Wool.
Reference 08195.

9.0 Consultations

All consultee responses may be viewed in full on the Dorset Council website.

Consultees

1. Dorset Council - Highways (received 22 December 2023)

The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

An informative note is suggested to ensure appropriate licences and /or permissions are obtained.

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2. Wool Parish Council (received 14 December 2023)

No objection. Approve, however Wool Parish Council requests that Openreach apply for planning permission in advance in future.

Representations received

The application was advertised by means of a site notice on a lamp post near to the site. There have not been any comments received.

10.0 Duties

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

11.0 Relevant policies

Development plan

Adopted Purbeck Local Plan 2012

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy CF: Community facilities and services

Policy D: Design

Wool Neighbourhood Plan.

In preparation, therefore limited weight may be applied to it in terms of decision making.

Material considerations

Emerging Dorset Council Local Plan

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021.

Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

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The Purbeck Local Plan (2018-2034) Submission January 2019

The Submitted Draft Purbeck Local Plan was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session was held on 19 July 2022.

Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website

(<https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news>).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

Policy E12: Design

Policy I7: Community facilities and services.

National Planning Policy Framework (December 2023).

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 10: Supporting high quality communications

Section 12: Achieving well-designed places

Section 14: Meeting climate change, flooding, and coastal change

Other material considerations

Purbeck Design Guide, Supplementary Planning Document

12.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage, the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

It is considered that the proposed development would not disadvantage persons with protected characteristics. The proposed development has the potential to enhance outcomes for all, including persons of protected characteristics, by way of improved high speed internet access.

14.0 Financial benefits

The proposal would not deliver any direct financial benefits to the local economy. However, indirectly the proposal would provide enhanced internet access to local business and services with potential local economic and community benefits.

15.0 Environmental implications

The proposal may lead to increased carbon dioxide emissions through the operation of the equipment. However, provision of high speed internet access may reduce the requirement for some journeys by way of private transport.

16.0 Planning assessment

Principle of development

- 16.1 The application site is located within the Wool settlement boundary where the siting of new development is supported in accordance with policies SD – Presumption in Favour of Sustainable Development and LD – General Location of Development of the Purbeck Local Plan 2012.

The provision of telecommunications infrastructure to support communications is not subject of a policy in the Local Plan, however, paragraph 118 of the National Planning Policy Framework (December 2023) advises that:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should

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support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections”.

The general principle of the proposed development is therefore considered to be acceptable.

- 16.2 In the absence of Local Plan policies in respect of communications infrastructure, officers must refer to the National Planning Policy Framework (December 2023). As advised above, paragraph 118 advises that planning decisions should support the expansion of electronic communications networks, including full fibre broadband connections. The additional cabinet enables the operator to introduce more equipment once the cabinet next to it is full, therefore adding capacity for broadband users in the area.
- 16.3 In summary, the communications infrastructure cabinet is considered to not cause any harm in terms of material planning considerations and is therefore acceptable.

Size, scale, design and impact on the character and appearance of the area

- 16.4 The equipment cabinet is functional in appearance being a metal structure, however it is finished in green with a similar external appearance to the telecommunications cabinet that is next to it and other such cabinets across the Dorset Council area. The green finish is a comparatively recessive colour. In terms of size, the cabinet is comparatively small.
- 16.5 Wool Parish Council and Dorset Council Highways Department have raised no objection to the proposal. There have been no representations received from members of the public.
- 16.6 In summary, the proposed development is not considered to result in demonstrable harm to the character and appearance of the area and is considered to accord with Policy D – Design of the Purbeck Local Plan 2012.



Cabinet in position (in front of church).

Impact on neighbouring amenity

- 16.7 The equipment cabinet is a comparatively small metal box and is located a sufficient distance from residential dwellings to have no impact.

Flood risk

- 16.8 The site is in Flood Zone 1 (low risk). The equipment cabinet would not give rise to increased flood risk to the site or neighbouring areas. The proposal is considered to accord with Policy FR – Flood risk of the Purbeck Local Plan 2012.

17.0 Conclusion

- 17.1 The benefits of the proposed high quality and reliable communications infrastructure necessary for sufficient broadband connections is considered essential and the equipment cabinet is such that it does not give any cause for concern in terms of any material planning considerations. The telecommunications equipment cabinet is therefore acceptable in accordance with Paragraph 118 of the National Planning Policy Framework (December 2023).

18.0 Recommendation

Approve subject to the following conditions:

1. The development hereby permitted shall be maintained in accordance with the following approved plans:
location plan at a scale of 1:1,250 covering a larger area,
location plan at a scale of 1:1,250 covering a smaller area,
proposed site plan at a scale of 1:200,
drawing detailing the elevations and plan of the proposed equipment cabinet
drawing detailing the dimensions of the proposed equipment cabinet
submitted as part of the application.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informative Notes:

1. Informative - Contact Dorset Council Highways Department.

The applicant should contact Dorset Highways by telephone on 01305 221020, by E mail at - dorsethighways@dorsetcouncil.gov.uk or in writing at - Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

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- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.