

Statement in Support of a  
Retrospective Full Planning Application  
On Behalf of BT Openreach  
BT Broadband Cabinet (DSLAM)  
O/S Trinity Close, Willoughby Rd, Hampstead,  
London, NW3 1SD (PCP021)

Ref: Hampstead PCP021 November 2016

## DESIGN AND ACCESS STATEMENT



## **1 Introduction**

- 1.1 This Design and Access Statement has been prepared as supporting documentation for a retrospective full application being submitted to regularise the installation of a BT Broadband cabinet (DSLAM) that was built in error in a different location to the one that was approved by Camden Council from a GPDO application in March 2012.
- 1.2 The cabinet has been built approximately 11 metres from the location approved in the Prior Notification application 2012/0830/P, the decision notice is dated 28/03/12. The location address remains the same, outside the properties in Trinity Close, Willoughby Rd, Hampstead, NW3 1SD.

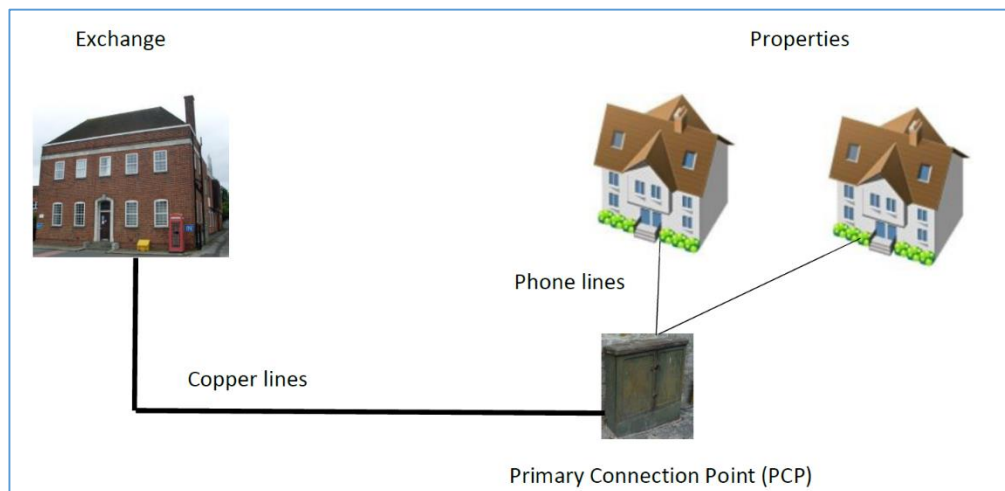
## **2 Background**

- 2.1 Openreach have been rolling out a superfast broadband network over the last 6 years. One of the prime areas to get fibre availability is London, this has produced many challenges along the way. The streets, and particularly under the surface, are congested with existing utility services, including BT's own existing copper network. The new fibre cabinets called DSLAMs (Digital Subscriber Line Access Multiplexer) are required to be located as close as possible to the existing copper cabinet (PCP or Primary Connection Point), ideally within 50m of cable connect length to them, although in some cases this can increase to 100m, but this will reduce the speed of the broadband the further the new cabinet is located from the existing. The 50m cable length refers to the length of cable that is required to connect the new cabinet to the existing cabinet. The new cabinet may be only 2m from the existing cabinet physically, but the actual cable length will be around 6m as the cable has to leave the DSLAM, go into a junction box in the ground through the ducts and back out to the copper cabinet. Depending on the route of the existing ducts, the cable length can be quite large compared to the physical location of the two cabinets to each other.
- 2.2 The new cabinets currently benefit from permitted development rights in all areas except Sites of Special Scientific Interest (SSSIs). Up until June 2013 cabinets located in Article 1 (5) land (now Article 2 (3) land) were required to have Prior Approval under the GPDO regulations. London with its many Conservation Areas proved to be a difficult area to rapidly expand the broadband network, with many London Boroughs refusing the prior approval applications. The impact was causing severe delays to the rollout and to the Governments targets to reach 90% of the country by early 2016 and 95% of the country by end of 2017. Due to the problems caused by the many refusals for cabinets, the Government took the decision to change the legislation to allow the cabinets to benefit from permitted development even within Conservation Areas, taking the right of refusal away from the local authorities as that was slowing down the rollout. The amount of cabinets that were being presented to the authorities to make a decision on, put a lot of pressure on

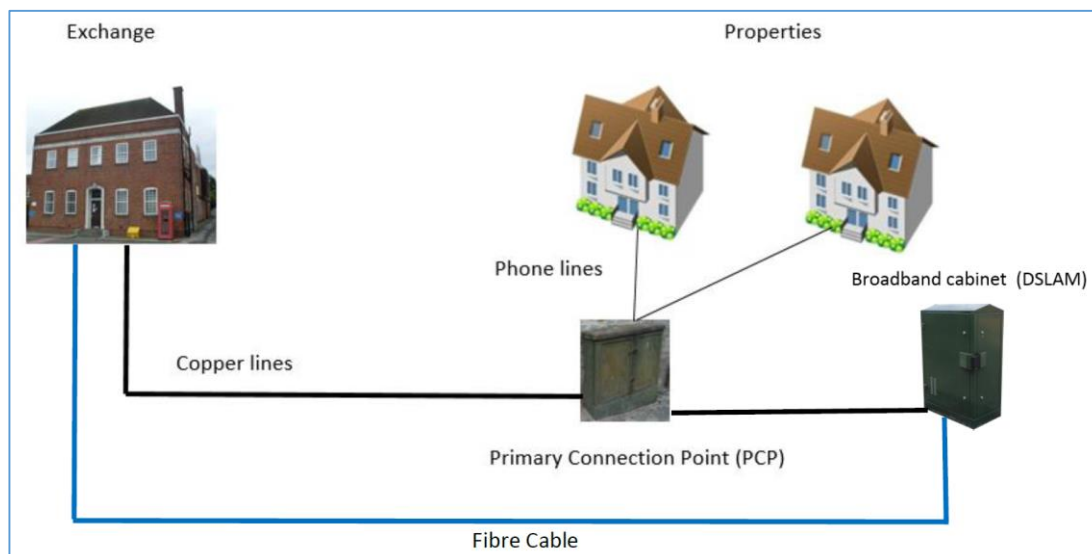
them, the change of legislation took away that decision making process. The new legislation was put in place in June 2013 along with a Code of Practice that operators said they would follow. The Code of Practice is an advisory document that sets out the ideal locations that cabinets should be located in, but there is leeway when the conditions are not present to allow a cabinet to be sited exactly as the Code of Practice states, which in more cases than not, there is not an ideal location that will be acceptable to everyone who has an interest in the area.

- 2.3 In order to provide broadband to customers the new fibre DSLAMs are connected to an existing copper cabinet that provides phone lines to properties and businesses. Using the existing copper network to provide broadband connections means the speeds are slow and the further a property is from the exchange the speeds can be very slow. The new cabinets essentially bring the exchange closer to the properties by using fibre cables from the exchange to the DSLAM. A simple diagram below shows how the proposed network changes work.

#### Network without the DSLAM



#### Network with the DSLAM



### 3 Site History

- 3.1 The existing copper cabinet (PCP 021) is located on the east side of Willoughby Road outside No 2 at the back of the footway.



- 3.2 In 2010 this PCP was included in the network plan and a survey was carried out to locate a DSLAM to attach to it in order to provide broadband to customers who are connected to the existing PCP. Due to the technical constraints in this area with regard to underground utilities a location was provided from the survey on the other side of Willoughby Road. It was subject to a GPDO application submitted on 6 December 2010 and was given a reference number 2010/6675/P. The Case Officers report at the time was recommending approval of the application, a trial dig was carried out whilst the application was in progress and this showed the cabinet would not be able to be built in the proposed location due to the presence of large tree roots, the application was withdrawn and the site aborted at this stage.

First aborted location (V1)



- 3.3 In late 2011 the cabinet was brought back into the program for a second look. A location to the side of 3 Trinity Close was surveyed and a GPDO Prior Approval application submitted. The reference number is 2012/0830/P. It was apparent from the case officers notes that the owners of 3 Trinity Close had prepared a planning application for a design change at the side of their property that abuts Willoughby Road, at the time however the notes said:

*'Although the installation of the proposed cabinet may impede said elevational alterations forming part of application Ref: 2012/1446, given the early stage of application, itself currently invalid, it is considered this carries limited weight at the present time and would not warrant refusal of this application on this issue alone.'*

- 3.4 Notwithstanding the property owners' intention to alter the side of the property, the cabinet location was given approval dated 28/03/12.
- 3.5 Openreach decided that it would not be advisable to build the cabinet in the approved location due to the complexities involved in the cabinet potentially being a hindrance to the side redevelopment of 3 Trinity Close, they decided to look to see if another location could be found.

Second aborted location (V2)



- 3.6 A third location was surveyed later in April 2012 and a GPDO Prior Approval Application submitted on 21/05/2012, reference number 2012/2659/P. The location was kerb-side close to the existing copper cabinet to the side of 80 Hampstead High Street. The authority refused this prior approval application on 11 July 2012 for the following reasons:



1. *The cabinet, by reason of its bulk, height and location, would be overly dominant and appear as an incongruous form of development that would not preserve and enhance the character and appearance of the streetscene and the Hampstead Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
2. *The cabinet, by reason of its siting, would unduly obstruct the footway by hindering pedestrian movement and causing harm to highway safety, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies .*

Third aborted location



The site was again put on hold.

- 3.7 Towards the end of 2012 Openreach carried out a review of aborted DSLAM cabinets in the London Boroughs with a view to resurrecting those that may be in a position to be built in the future. It was decided that revisits would be carried out to see if there were any alternate locations that could be used. PCP 21 was one of the aborted cabinets that was looked at again. Openreach attended the new survey visits to ensure that all options were accounted for and to check that there were no alternatives. Harlequin Group carried out the new visits, as the previous survey consultant who surveyed this area no longer worked on the Broadband Rollout Project. All the previous locations were looked at and others discounted, it was

decided that there was no alternative option than to revert back to the V2 location to the side of 3 Trinity Close. At the time of the survey there was no evidence that the redevelopment at the side of the property had commenced or was likely to, also, there were two applications that had been withdrawn for the property development:

2012/1446/P - Withdrawn 21/08/2012

2012/5898/P – Withdrawn 14/12/2012.

- 3.8 It was suggested that the V2 option should be progressed. Harlequin Group prepared a GPDO Prior Approval Application for the location which was referenced 2013/0901/P dated 13/02/2103. It was brought to the attention of Harlequin that there was already an approved Prior Approval for the location under 2012/0830/P. Telecommunications prior approvals have a time limit of 5 years to start build, therefore, the previous application would allow build to start any time before 28/03/2017. Because the existing prior approval was still extant, the new GPDO Prior Approval was withdrawn.
- 3.9 Between 2013 and mid 2015 the rollout within London was limited to replans of failed sites and a small amount of sites actually being built. In mid 2015 Openreach started a new rollout of cabinets in the London Boroughs called the London Extension Project (LEP). LEP is an Openreach project to provide fibre broadband services in some of the last remaining areas of London that are not yet served. The aim is to deliver superfast broadband services to as many of their customers as possible. Although there is no Government or Local Authority funding for LEP, the delivery is part of Openreach's promise to increase broadband coverage across the country.
- 3.10 A new team within Openreach started work on LEP and existing cabinets that had approval were brought back into the plan, Hampstead PCP021 was one of them. A review of cabinets that had not been built showed that the DSLAM for Hampstead PCP21 in Willoughby Road had an approved prior approval but was not yet built. The cabinet was put into the build program to be installed. To install the cabinet, it required several parking bay suspensions in Willoughby Road and the barrier guarding of the works area with a separated walkway for pedestrians in the road. The resident of 3 Trinity Close questioned what was being built and informed the contractor that they had planning approval for the redesign of the side of their property which would mean if the cabinet was built in the approved location it would have a severe impact on the frontage of the property as the plan is to have some windows and front door that side. In order to continue the build and make use of the existing parking suspensions it was decided that the cabinet could be possibly located 11m south against the small wall next to an existing CATV cabinet. The resident agreed that the location was more suitable and the build gang moved the cabinet location and built it under the misapprehension that the existing approval would cover the move as it fell under the same address. As they

understood they were working under the new permitted development rules which only requires a notification to the council, it was not thought to be flouting the regulations.

- 3.11 The residents at 1 Trinity Close objected to Openreach directly to the DSLAM that had been built, on investigation it was found that the cabinet had been built not in accordance with the Prior Approval given in March 2012.
- 3.12 Rob Tulloch was contacted at Camden Council who suggested submitting an Licence Notification which was submitted on 11<sup>th</sup> August. In a further discussion with Openreach, Camden Council stated that the Licence Notification is not valid as the cabinet had already been built. The permitted development rights are clear in that the notification had to give the council a calendar month to respond with comments before the cabinet can be built. The council cannot approve or refuse the notification.

Below: Montage of the proposed changes to 3 Trinity Close which would mean the cabinet, if built in the approved location, would sit partially in front of the door and window.





3.13 The options available were as follows:

(a) Remove the cabinet at a large cost which will include further disruption to the area and the suspension of parking spaces. Resubmit a Licence Notification under Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015. After a calendar month has passed, rebuild the cabinet in the same location.

(b) Submit a retrospective full planning application for the built site to allow due process to be followed to regularise the development.

After discussion with the enforcement team at Camden Council it was decided that a retrospective planning application would be the best course of action in this instance.

#### **4 The Development**

4.1 The development consists of the locating of an electronic communications cabinet (DSLAM) in support of the broadband rollout by Openreach to supply superfast broadband to those areas in London yet to receive the service. The cabinet is a Huawei 288 cabinet with sizes Width 1200mm x Depth 450mm x Height 1600mm. The cabinet will provide superfast broadband to customers already linked to the existing copper cabinet on the east side of Willoughby Road.



4.2 The location is on Willoughby Road within the Hampstead Conservation Area. It is a residential street comprising mostly of three storey residential red brick

properties. Towards the Hampstead High Street end of the road there are some individual style properties that include the old converted Trinity Church Hall, outside which the cabinet is located and 1a Willoughby Road a square, flat roofed, white coloured property, one side raised on columns. The road has parking spaces running along both sides. There are various pieces of street furniture located on the footways including parking signs, lamp posts and other utility cabinets. At the side of Essex Court at the southern end of the road are two established trees of around 9 metres in height that encroach onto the footway. The DSLAM is built next to an existing CATV cabinet outside Trinity Close at the back of the footway with a wall to the rear of it and a backdrop of the parking area that is in front of the properties within Trinity Close.

## **5 Planning Policies**

5.1 The relevant planning policy framework that can be applied to this application is found principally within:

- The Development Plan, which comprises the Camden Core Strategy 2010-2015, the Camden Development Policies 2010-2025 and those saved policies of the Camden Unitary Development Plan remaining in force
- The Nation Planning Policy Framework
- The Hampstead Conservation Area Statement dated October 2001.

### **The National Planning Policy Framework**

5.2 The NPPF sets out at its heart a presumption in favour of sustainable development, it also states that '*local planning authorities should positively seek opportunities to meet the development of their area*'.

For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies the NPPF taken as a whole; or
  - Specific policies in the Framework indicate development should be restricted.

- 5.3 The following sections of this statement will show that the proposal accords with the relevant Development Plan and NFFP policies and, therefore, permission should be granted for the development.

#### Section 5 of The National Planning Policy Framework

- 5.4 The proposal is supported by, and accords with, the guidance in Section 5 of the NPPF, which provides further guidance on the Government's objective of providing high quality communications networks in England.
- 5.5 The NPPF clearly acknowledges the benefits of modern electronic communications and seeks to encourage such development as being essential due to their role in supporting a modern economy, contributing to sustainable objectives, and enhancing local community access to a range of goods and services. Local planning authorities are advised to respond positively to proposals for electronic communications development and this has to include an understanding of the associated special problems and technical needs of developing communications networks such as locating broadband cabinets in congested areas.

Paragraph 42 states:

*Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.*

Part of paragraph 43 states:

*In preparing Local Plans, local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband.*

#### Section 7 Requiring Good Design

- 5.6 It would be difficult to assess an electronic fibre cabinet located on the street with regards to design. It is a functional piece of equipment with a standard design and there is not an opportunity to change its design save painting it a colour that would suit the local authority. The location of the cabinet can be assessed however, within its locality. This needs to be assessed with the full information as to why a location has been chosen and the technical requirements of its position within the network and the technical restraints that prevent other locations being used. This will be discussed later on in the statement in relation to discounted options and areas.

Paragraph 65 states:

*Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).*

The mitigation of good design will be discussed regarding the location later in this statement.

### Plan Making

5.7 The NPPF in this part refers to Local Plans and paragraph 156 states:

Local planning authorities should set out the strategic priorities for the area in the Local Plan. This should include strategic policies to deliver:

- the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

Paragraph 162 deals with Infrastructure and states:

Local planning authorities should work with other authorities and providers to:

- assess the quality and capacity of infrastructure for transport, water supply, wastewater and its treatment, energy (including heat), telecommunications, utilities, waste, health, social care, education, flood risk and coastal change management, and its ability to meet forecast demands; and
- take account of the need for strategic infrastructure including nationally significant infrastructure within their areas

Clearly, as utility and telecommunications provider the provision of this superfast broadband cabinet by Openreach should fall within this remit of infrastructure delivery.

### **Camden Core Strategy and Camden Development Proposals**

5.8 The policies map of the Camden Core Strategy designates the application site as falling within the Hampstead Conservation Area. The Hampstead Conservation Area Statement was adopted in October 2001 and has references to the Unitary Development Policy which has since been replaced by the Camden Core Strategy and the Camden Development Proposals. The Hampstead Conservation Area

Statement Audit provides a list of buildings which are considered to make a positive contribution to the Conservation Area, there are no buildings on the list in Willoughby Road and English Heritage also confirms there are no listed buildings within Willoughby Road/Trinity Close. The Statement Audit also has a list of buildings that make a positive contribution to the area but that are not listed, Trinity Close appears on that list.

- 5.9 The Conservation Area Statement has very little comment regarding telecommunications development and refers to the UDP for new development. The Camden Development Proposals will be taken into account in dealing with the issue of the conservation area. The general terminology regarding development within conservation areas is that new development should 'preserve' or 'enhance' the character and appearance of the area.
- 5.10 Camden Development Policies 2010-2015 DP17 Walking, cycling and public transport mentions that provision will include '*convenient, safe and well signalled routes including footways and cycleways designed to appropriate widths*'. The remaining footway with the cabinet installed is 1700mm, there is a car parking sign that is offset from the cabinet sited kerbside that for a distance 80mm restricts the gap to 1210mm. The previous GPDO report for application 2012/0830/P stated that although the guidelines in the Camden Streetscape Design Manual advises that 1800mm is advisable, the relatively low footfall on the street means pedestrian flows are likely to be unaffected. It is generally accepted that 1200mm is a standard figure to be used for short lengths on footways. The Governments guide to best practice on access to pedestrian and transport infrastructure, Inclusive Mobility also gives advice on footway widths. Paragraph 3.1 of that document, widths, says:

*A clear width of 2000mm allows two wheelchairs to pass one another comfortably. This should be regarded as the minimum under normal circumstances. Where this is not possible because of physical constraints 1500mm could be regarded as the minimum acceptable under most circumstances, giving sufficient space for a wheelchair user and a walker to pass one another. The absolute minimum, where there is an obstacle, should be 1000mm clear space. The maximum length of restricted width should be 6 metres.*

- 5.11 The cabinet is classed as an obstacle and has 1700mm in front of it remaining, the sign post restricts it to 1210mm for a length of 80mm, this suggests that the location accords with the advice in the Inclusive Mobility paper.

The space in front of the cabinet is the same that would be apparent in the approved location to the side of the property, therefore this should not be a contentious change.



It should be noted that to the south of Willoughby Road just before Hampstead High Street, there is a precedent set by the existing trees, with the remaining useable footway reduced to below 1000mm by protruding tree roots.



- 5.12 Development Policy DP21 deals with Development connecting to the highway network. It refers to in para (g) of the policy to '*avoid harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter*'. The pedestrian movement has been addressed above. Willoughby Road has street furniture in the footway along it's length including existing cabinets, street lights and car parking signs. The cabinet is an essential part of the infrastructure providing superfast broadband to the locality and should not be looked upon as unnecessary clutter but an addition to the amenity of the area.

- 5.13 Development Policy DP25 deals with Conserving Camden's heritage. The relevant parts of this policy are as follows:

In order to maintain the character of Camden's conservation areas, the Council will:

- (a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- (b) only permit development within conservation areas that preserves or enhances the character and appearance of the area.

- 5.14 The conservation area statement has been taken account of and is mentioned in para 5.8 and 5.9 above. It would be difficult to suggest that the addition of a 'green' street cabinet enhances the character of the conservation area, but it's location against a backdrop of a wall and next to an existing street cabinet does not make it an incongruous feature within the street scene. The general view of the cabinet from most areas is hindered by vehicle parking along the street and with time will become a normal part of the street scene. In this instance, it is felt that the addition of the cabinet will preserve the character and appearance of the conservation area.
- 5.15 Development Policy DP26 deals with managing the impact of development on occupiers and neighbours. This policy states:

*The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity.*

The only part of this policy that is relevant is possibly para(b), overshadowing and outlook. Camden Planning Guidance CPG6 Amenity gives guidance on this, para 7.8 of that document states that Outlook is the visual amenity enjoyed by occupants when looking from their windows or gardens. Para 7.9 says that when designing your development, you should ensure the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominating effect that is detrimental to the enjoyment their properties. The view of the cabinet from the properties in Trinity Close is limited by the existing wall, along with cars that park in the courtyard. An objection to the cabinet by the residents in No 1 Trinity will be addressed later in this statement, but views from their property are hindered already by a tree and bushes in front of their windows. There are two windows that could have a view of the top of the cabinet, but, as already stated that is hindered by vehicles parked in the courtyard. The cabinet is 1490mm high, there is a wall of 1000mm high behind it, the properties have a view of less than a third of the cabinet. In our view, this does not constitute an impact on the amenity of those properties. The view from the other properties in Trinity Close are skewed by the fact that they are at an angle to the cabinet and again their amenity is not affected. The view from other properties to the cabinet are very limited due to the presence of vehicles parked in the road, in particular the space in front of the cabinet minimizes the impact of views from properties on the other side of Willoughby Road.

- 5.16 Camden Planning Guidance CPG7 paragraph 7.14 deals with visibility and sightlines for emerging vehicles. It mentions that adequate visibility should be provided for development that effects existing vehicular accesses. It also states that developers should refer to the Manual for Streets. The Manual for Streets paragraph 7.8.3 says that '*vehicle exits at the back of the footway mean that emerging drivers will have to take account of people on the footway. The absence of wide visibility splays will encourage drivers to emerge more cautiously*'. The cabinet is located 1430mm from the vehicle exit along the wall. Vehicles emerging from the courtyard will exit cautiously as the visibility to the left is marred by 3

Trinity Close. The approved location under GPDO Prior Approval 2012/0830/P placed the DSLAM to the side of 3 Trinity Close against the side wall, the distance from the exit to the cabinet is similar if not less than the built location being discussed in this statement. We see no difference in the visibility view from the emerging exit whether the cabinet is located left or right of the exit apart from the built location maybe slightly better as there is a low wall giving a better view than the left side where there is a much larger obstacle in the view due to the building structure.

## **6 Design and Access Considerations**

- 6.1 The location of the cabinet has been guided by the technical and operational factors affecting the need to provide broadband to this area. Alternative options have been considered in paragraph 3 of this statement but further restraints and discounted areas are considered here, Appendix A shows a plan of these discounted options and the reasons they couldn't be used.

(a) Side of Essex Court – an approved prior approval location that was aborted due to the presence of tree roots.

(b) Side of 1 Trinity Close – An approved prior approval location that was aborted due to the planning approval allowing the change of the design of the end of the property that would have windows and a door built, meaning the cabinet would be a hindrance to the property.

(c) Side of 80 Hampstead High Street on Willoughby Road, located kerb-side – A prior approval application refused by the Council.

(d) Back of the footway on the east side of Willoughby Road – The length of the road discounted to avoid locating the cabinet in direct view of properties, along with the potential to be on top of basements coming into the footway and causing an issue for basement flats with regard to reducing light into them.

(e) Back of the footway on the west side of Willoughby Road from No 1 - The length of the road discounted to avoid locating the cabinet in direct view of properties, along with the potential to be on top of basements coming into the footway and causing an issue for basement flats with regard to reducing light into them.

(f) Back of the footway on the north side Hampstead High Street, west from Willoughby Road – Shop frontages prevent a cabinet being located along this stretch of Hampstead High Street.

(g) Kerb side on the north side Hampstead High Street west from Willoughby Road – Existing ducts run along the outside edge of the footway preventing a cabinet from being located here, a cabinet would also be in a visibility splay for vehicles leaving Willoughby Road.

(h) Back of the footway on the north side of Hampstead High Street east from Willoughby Road – Shop frontages prevent the locating of a cabinet along this stretch of Hampstead High Street.

(i) Kerb side of the footway on the north side of Hampstead High Street east from Willoughby Road – There is a zebra crossing within a few metres of the junction, locating the cabinet on the kerb side could be a danger due to visibility of vehicles approaching the crossing. There are also ducts running on the outside of the footway along this stretch of the road.

(j) The south side of Hampstead High Street running west – There is an inadequate footway to locate the cabinet on.

(k) Kerb side the south side of Hampstead Road running east – The same issue arises with the presence of the zebra crossing, there are also ducts running along the outside of the footway.

(l) Back of the footway the south side of Hampstead High Street running east – Services detected on survey.

- 6.2 Access to cabinet is via the footway, attendance at the new cabinets tends to be required minimally compared to the existing copper cabinet, routine maintenance is likely once year for electrical checks.

## **7 Specific Objections**

- 7.1 Openreach received a complaint from the owners of 1 Trinity Close regarding the cabinet that has been built in a 'non-approved' location, these issues are addressed here for reference as they are likely to form part of this application consultation process.
- 7.2 The reason for the change of location has been explained in paragraph 3.10. A misunderstanding of the planning rules lead to the cabinet being moved without the correct notification to the council. The approved location under Prior Approval 2012/0830/P was deemed not to be practical due to the planning approval gained at a later date for the alteration of the side of 3 Trinity Close.
- 7.3 Criteria used for siting the DSLAM is often very fluid and depends on varying technical restraints. There are ideals that a perfect site would fit, but along with the Code of Practice for siting cabinets and poles there are guidelines, in most cases a cabinet location will not 'fit' the perfect location and will have to deviate from the guideline. These are usually justifiable for one reason or another. There are specifications that have to be adhered to unless Openreach allow a depart from specification. Examples of these are, the cabinet requires a *minimum* of 100mm behind the cabinet to allow for air flow. It does not have to be exactly 100mm, there

are cases such as this one whereby wall foundations may mean the cabinet has to move slightly further away to allow the plinth to be located in the ground. The cabinet requires a 1 metre clearance either side of it to allow the side doors to open and an operative have space to gain access. The cabinet cannot be located on top of existing services.

- 7.4 Where possible the cabinet will be located away from the direct view of property windows. This is generally meant to mean properties that have a close direct view to the cabinet. The distance from a window to the cabinet will be a factor in this. The windows in 1 Trinity Close are approximately 15 metres away from the cabinet location. Three of the five windows are currently obscured by trees and bushes. The other two will have a very limited view of the cabinet, seeing less than a third of the top, which as previously discussed, at times will be further disrupted by cars parked in the courtyard. The car parking space on the road in front of the cabinet will act as a backdrop and due to this the cabinet should not have any more of an impact of the view onto Willoughby Road. Properties across the street will have a very limited view of the cabinet due to parked vehicles.
- 7.5 References to statements made in the previous approved location application are not relevant as it was referring to a different location and so should be discarded in relation to this built site.
- 7.6 The footway width has been discussed in paragraph 5.10 and 5.11. It should be noted that Openreach work across the country to a standard accepted remaining footway width of 1.2 metres. This is the criteria that is used for survey. Only when there are narrow footways in an area will Openreach liaise with the local authority to allow a cabinet that leave less than 1.2 metres. In this instance there is 1.7 metres available, although there is a parking sign pole near to the cabinet kerb side, this is a very small part of the overall length of the cabinet location and accords with the Government document *'Inclusive Mobility'*.
- 7.7 The DSLAM is located 210mm from the wall at the rear, Openreach require a minimum of 100mm. It should be noted that the existing CATV cabinet is located 230mm from the wall at the rear.
- 7.8 The cabinet as built has less than a third of it protruding above the wall. In the context of the street scene this is a minimal part of the view along the road or from properties.
- 7.9 Technical restraints have meant that this is the only location that is suitable to site the cabinet.



## 8 **Summary and Conclusion**

- 8.1 The London Extension Project aims to bring superfast broadband to areas of London that are not currently serviced.
- 8.2 This particular cabinet has been attempted to be planned since 2011 and has been the subject of 4 surveys to find a location in this area.
- 8.3 The location approved by Camden Council under Prior Approval 2012/0830/P was deemed to be not acceptable due to the planning permission granted to 3 Trinity Close after the fact. The cabinet was moved at build stage to the only available alternative location, albeit without following due process of the Permitted Development rules, which if followed would have allowed the cabinet to be located where it is built.
- 8.4 Discounted options are discussed in paragraph 6.1 and shown in Appendix A.
- 8.5 The cabinet accords with the relevant local Development Plans and the NPPF.
- 8.6 As part of a national infrastructure rollout that is designed to meet Government targets of broadband coverage and that it is a form of development that should be encouraged shown by the planning law changes in 2013, the application should merit support and there are no material considerations that indicate otherwise.

**ANNEX A**

**DISCOUNTED AREAS**

Use in conjunction with paragraph 6.1. Willoughby Road

House frontages

Planning permission  
For development of  
Side of property

Built DSLAM location

Open driveway area

Tree roots

Tree roots



Refused permission kerb side, service on inside

Existing PCP

House frontages

Use in conjunction with paragraph 6.1. Hampstead High Street



**ANNEX B**

**PHOTOGRAPHS**





Looking south. In context above, close up below



Looking north. In context above, close up below







Above. Side on looking from courtyard exit

Below. View from front of 1 Trinity Close



Above. View from top of cabinet to Trinity Close properties

Below. View from east side of Willoughby Road

