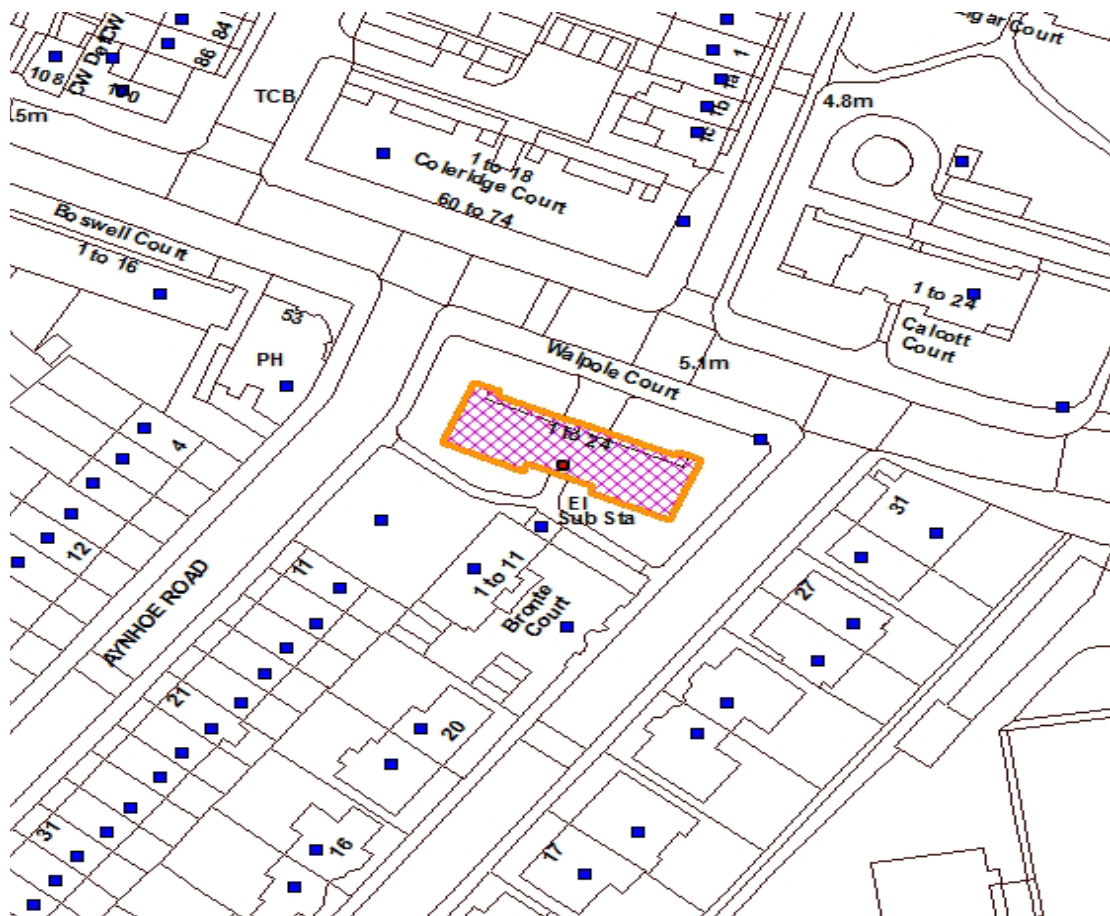


Ward: Avonmore And Brook Green

Site Address:

Walpole Court Blythe Road London W14 0PG



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For identification purposes only - do not scale.

Reg. No:
2020/02695/FUL

Case Officer:
Richard Kealey

Date Valid:
20.10.2020

Conservation Area:
Constraint Name: Lakeside/Sinclair/Blythe Road
Conservation Area - Number 36

Committee Date:
02.02.2021

Applicant:

Telefonica and Cornerstone
C/O agent Steampacket House Manchester M2 4JG

Description:

Installation of 3No freestanding frames to support 6No. antennas on 3No. 3.0m poles and 1No. 300mm dish on 1m support pole, installation of 12no. RRU's Units located near the antennas, and 2No. equipment cabinets at main roof level together will ancillary development thereto.

Drg Nos: Report entitled, 'General background for telecommunications'201 (Rev.A), 301 (Rev.A).Design and Access Statement.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

1. That the Committee resolve that the Chief Planning Officer be authorised to grant permission subject to the conditions listed below;
2. That the Committee resolve that the Chief Planning Officer, after consultation with the Head of Law and the Chair of the Planning and Development Control Committee be authorised to make any minor changes to the proposed conditions, which may include the variation, addition or deletion of conditions, any such changes shall be within their discretion.

Conditions:

- 1) The development hereby permitted shall not commence later than the expiration of 3 years beginning with the date of this planning permission.

Condition required to be imposed by section 91(1) (a) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby approved shall not be erected otherwise than in accordance with the detailed drawings which have been approved.

In order to ensure full compliance with the planning application hereby approved and to prevent harm arising through deviations from the approved plans, in accordance with Policies DC1, DC4, DC8 and HO11 of the Local Plan (2018).

- 3) The telecommunications equipment hereby approved shall, when they are no longer required for telecommunication purposes, be removed from the building and the building restored to its condition before the development took place.

In order to reduce the visual impact of the development if it is no longer required or if technology allows for less obtrusive installation, in accordance with Policies DC1, DC4, DC8 and HO11 of the Local Plan (2018).

Justification for Approving the Application:

- 1) It is considered that the proposal would not cause any significant undue detriment to the amenities currently enjoyed by occupiers of surrounding properties and would also be of an acceptable visual appearance. In this respect the proposal complies with Policies DC1, DC4, DC7, DC8, DC10 and HO11 of the Local Plan (2018).

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

All Background Papers held by Andrew Marshall (Ext: 4841):

Application form received: 19th October 2020
Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2019
The London Plan 2016
LBHF - Local Plan 2018
LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:	Dated:
Transport For London - Land Use Planning Team	30.10.20

Neighbour Comments:

Letters from:	Dated:
Flat 6, Aynhoe Mansion Aynhoe Road London W14 0QB	01.11.20
8 Baron's Court Road flat 3 London W14 9DT	02.11.20
38 Alexandra Road London SW19 7JZ	16.11.20
16 Ceylon Road London w140py	01.11.20
44 Mendora Road London SW67NB	02.11.20
30 Langthorne St London SW6 6JY	24.11.20
11a Althea street London SW6 2RX	25.11.20
43 Blythe Road London W14 0HR	23.11.20
5 ceylon road London london w14 0py	02.11.20
Flat A 27 Girdlers Road London W14 0PS	19.11.20
Flat 7 Aynhoe Mansions Aynhoe Road London W14 0QB	24.11.20
37 Aynhoe Road London W14 0QA	25.11.20
22 walpole court London W14 0PG	28.10.20
3 walpole court London W14 0pg	23.11.20
Flat C 3 Girdlers Road London W14 0PS	11.11.20
55 Brook Green London W6 7BJ	05.11.20
20 Girdlers road London W14 0PU	10.11.20
195, Greyhound Rd London W149SD	20.11.20
33 batoum gardens london w6 7qb	24.11.20

Flat 2, Walpole Court Blythe Road London W14 0PG	29.11.20
19 Aynhoe Road London W14 0QA	23.11.20
19 Aynhoe Road London W14 0QA	23.11.20
17 Bowerdean Street London SW6 3TN	25.11.20
11 Aynhoe Road London W14 0QA	01.11.20
Tournay Road 27 London SW6 7UG	08.11.20
44 Mendora Road London SW67NB	24.11.20
86d Lillie Rd LONDON SW6 1TL	26.11.20
12A Applegarth Rd Hammersmith W14 0HY	25.11.20
Baybridge House 8 Woodlands Way London SW152SX	29.11.20
Flat 1 Bronte Court Girdlers Road London W14 0PX	09.11.20

1.0 SITE DESCRIPTION

- 1.1 The application concerns Walpole Court, a six-storey block of flats located on the southern side of Blythe Road. The proposal relates to the installation of telecommunications equipment on the flat roof of the block.
- 1.2 The application site lies within the Lakeside/Sinclair/Blythe Road Conservation area. The site does not contain a Listed Building or a locally listed Building of Merit.
- 1.3 Blythe House (former Post Office Savings Bank Headquarters) is located nearby which is II listed.
- 1.4 The application site lies within the Controlled Parking Zone B and Heliport 150M Buffer Zone

2.0 PLANNING HISTORY

2019/03599/TEL56 - Prior approval was not required for the, 'Installation of 6No. antennas on 3No. freestanding frames and 1No. wall mount; installation of 2No. GPS modules, 33No. RRU units, 4No. cabinets together with ancillary equipment thereto.'

2006/00169/FR3 - Replacement windows and doors to Walpole and Bronte Courts; erection of railings at roof level to Walpole and Bronte Courts; erection of a single storey extension to the northern elevation of Walpole Court for use as refuse storage; erection of a single storey extension to existing storage building adjacent to Girdlers Road for use as a pump room; replacement glazed screens to the northern elevation of Walpole Court; replacement tiles to balconies on the southern elevation of Walpole Court - Approved (07/04/2006).

3.0 PROPOSAL

3.1 The current application seeks planning consent for:

- Installation of 3No freestanding frames to support 6No. antennas on 3No. 3.0m poles
- 1No. 300mm dish on 1m support pole,

- Installation of 12no. RRU's Units located near the antennas,
- 2No. equipment cabinets at main roof level and ancillary development thereto.

4.0 CONSULTATIONS AND SITE VISIT

4.1 The application was publicised by means of a press and site notice as well as individual letters of notification to neighbouring occupiers (88 letters were sent out).

4.2 In response to the notifications a total of 28 objections were received, as well as 3 letters of support. The issues raised can be summarised as follows:

- Health concerns including unsafe levels of radiation which cause cancer / health implications are unknown given how new the technology
- Emergency services like ambulances, police and fire service have successfully used the TETRA service for years, making the 5G service superfluous / little genuine evidence that the emergency services communication network would be improved even the slightest by 5G
- Several nearby schools
- Close proximity to trees and wildlife, flora and fauna including trees
- Impact on conservation area / eyesore / visual clutter
- Prefer it was placed on a commercial building rather than residential
- Concerns residents would have to pay service charges
- Loss of residential amenity including light, sense of enclosure and obscure the sky for some residents
- No letter received / letters addressed as 'occupier' when the council knows who lives in each flat

Issues outlined in letters of support include:

- Poor phone signal in the area
- Walpole court is not of any architectural importance

Officer response:

- The proposal's material planning considerations (including design and impact upon the character and appearance of the application property and the Lakeside/Sinclair/Blythe Road Conservation Area) will be assessed within the 'planning considerations' section of this report.

- Officers note that health concerns relating to telecommunication masts already have to comply with existing national and international guidelines for radiation emissions. In addition, any further legislation needed to safeguard public health is the responsibility of Central Government, rather than Local Councils. Indeed, Paragraph 116 of the National Planning Policy Framework [NPPF] (2019) specifies that Local Planning Authorities should not 'set health safeguards different from the International Commission guidelines for public exposure'.

External consultee responses

4.3 Transport for London - No comment.

Site visit

- 4.4 The Health Protection (Coronavirus Restrictions) (England) Regulations 2020, was brought into force on 26 March 2020 as a result of the Covid-19 pandemic. Regulation 6 states that 'no person may leave the place where they are living without reasonable excuse'. It further adds that reasonable excuse includes the need to "travel for the purposes of work... where it is not reasonably possible for that person to work, or to provide those services, from the place where they are living." (regulation 6(f)).
- 4.5 In this case, the case officer has not attended a site visit as part of the current planning application given the current Covid-19 restrictions in place, as they are confident that they have full details of the application site to make a decision. Aerial imagery and street imagery of the application site is available, and photographs of the application site were taken as part of the previous planning application Ref. 2019/03599/TEL56. In light of the above, the Case Officer is of the view that they have all the relevant detailed information before them to make an effective assessment of the proposal.

5.0 POLICY FRAMEWORK

- 5.1 The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 are the principal statutory considerations for town planning in England.
- 5.2 Collectively the three Acts create a plan led system which requires local planning authorities to determine planning applications in accordance with an adopted statutory development plan unless there are material considerations which indicate otherwise (section 38(6) of the 2004 Act as amended by the Localism Act).
- 5.3 In this instance the statutory development plan comprises the London Plan (2016) and the Local Plan (2018). A number of strategic and local supplementary planning guidance and other documents are also material to the determination of the application.
- + National Planning Policy Framework (February 2019)
- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2019 and is a material consideration in planning decisions. The NPPF, as supported by the Planning Practice Guidance (PPG), sets out national planning policies and how these are expected to be applied.
- 5.5 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- + London Plan

5.6 The London Plan was published in July 2016. It sets out the overall strategic plan for London and a fully integrated economic, environmental, transport and social framework for the development of the Capital over the next 20-25 years. It forms part of the development plan for Hammersmith and Fulham

+ Draft London Plan

5.7 On 29 November 2017, the Greater London Authority published their Draft London Plan. The consultation period ended on 2 March 2018. In August 2018 the Mayor published a revised version of the draft Plan that includes minor suggested changes. Consultation comments relating to the draft Plan have been reviewed by the independent Planning Inspector appointed by the Secretary of State and the Plan's formal Examination in Public (EIP) took place from January to May 2019. The Mayor has considered the Inspectors' recommendations and further recommendations from the SoS and published the 'Publication London Plan' in December 2021. On 21 December 2020 the Mayor issued to the Secretary of State his intention to publish the London Plan. The SoS has indicated that they will respond to this by 1 February 2021. Where a policy in the 'Publication London Plan' has not been queried by the SoS it has significant weight.

+ Local Plan

5.8 The Council adopted the new Local Plan on 28 February 2018. The policies in the Local Plan together with the London Plan make up the statutory development plan for the borough. The Planning Guidance Supplementary Planning Document (SPD) (February 2018) is also a material consideration in determining planning applications. It provides supplementary detail to the policies and is organised around key principles.

6.0 PLANNING CONSIDERATIONS

6.1 Officers consider that the proposal would raise the following material planning considerations:

- Design and impact upon the character and appearance of the application property and the surrounding area (including designated heritage assets);

- Impact upon neighbouring amenity.

DESIGN AND IMPACT UPON THE CHARACTER AND APPEARANCE OF THE APPLICATION PROPERTY AND THE SURROUNDING AREA (INCLUDING DESIGNATED HERITAGE ASSETS)

Design and Heritage

6.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. It is key to the assessment of these applications that the decision making process is based on the understanding of specific duties in relation to listed buildings and Conservation Areas required by the relevant legislation, particularly the s.66 and s.72 duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the

requirements set out in the NPPF.

6.3 S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

S72 of the above Act states in relation to Conservation Areas that:

'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

Paragraph 190 of the NPPF states:

Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 192 of the NPPF states: In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; Page 108 b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 of the NPPF states: Where a development proposal will lead to

less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 6.4 The NPPF makes a clear distinction between the approach to be taken in decision-making where the proposed development would affect the significance of designated heritage assets (listed buildings, conservation areas, Registered Parks and Gardens) and where it would affect the significance of non designated heritage assets (buildings of local historic and architectural importance).
- 6.5 The NPPF also makes a clear distinction between the approach to be taken in decision-making where the proposed development would result in 'substantial' harm and where it would result in 'less than substantial' harm. Case law indicates that following the approach set out in the NPPF will normally be enough to satisfy the statutory tests. However, when carrying out the balancing exercise in paragraph 196, it is important to recognise that the statutory provisions require the decision maker to give great weight to the desirability of preserving designated heritage assets and/or their setting. The Planning Practice Guidance notes which accompany the NPPF remind us that it is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed.
- 6.6 Local Plan policy DC1 requires all development within the borough to create a high quality urban environment that respects and enhances its townscape context and heritage assets. Local Plan policy DC8 states that the council will conserve the significance of the Borough's historic environment by protecting, restoring, or enhancing its heritage assets, including the borough's conservation areas.
- 6.7 Local Plan policy DC10 states the council support the expansion of Telecommunications networks, but are keen to avoid any detrimental impact on the local townscape.
- The proposed apparatus and associated structures should be sited and designed in order to integrate successfully with the design of the existing building, and thereby minimise its impact on the external appearance of the building;
 - The siting and appearance of the proposed apparatus and associated structures should be compatible with the scale and character of existing development, their neighbours and their setting, and should minimise impact on the visual amenity, character or appearance of the surrounding area;
 - The siting and appearance of the apparatus and associated structures should not have an unacceptable impact on Conservation Areas, Listed Buildings, Buildings of Merit or Areas of Open Space.
- 6.8 The application site is situated in the Lakeside/Sinclair/Blythe Road Conservation Area and is also situated in close proximity to the Brook Green Conservation Area. It is also within the setting of the Grade II statutory listed Blythe House.
- 6.9 Proposals include the installation of telecommunications apparatus is to be installed on the roof of the existing block, at a height of 18.50 metres. The proposed antennas will be fixed to 3No. freestanding frames and individual support poles spread across the roofline. The proposed antennas will be left in

their manufactured grey form so as to reduce their visual prominence against the skyline. The proposed equipment cabinets are less than 2.5m³ each and will be located alongside the redeveloped mast against existing chimneys.

- 6.10 Officers have carried out an assessment of the impact of the proposal on visual amenity and of the potential impact on the character and appearance of the Lakeside/Sinclair/Blythe Road Conservation Area, the potential impact on the setting of the Brook Green Conservation Area and the potential impact on the setting of the adjacent listed building.
- 6.11 The character and appearance of both Conservation Areas and their significance are drawn from their qualities as a Victorian residential area. The application site as a post-war housing blocks, and the adjacent blocks of Thackery Court, Calcott Court, Coleridge Court and Boswell front onto much of the western end of Blythe Road. The architecture and grain of these developments is largely unsympathetic to the character of the Conservation Area. These developments, do not form part of its special architectural or historic interest, being a clear contrast in terms of architectural style, period, height and massing to the development within the network of Victorian streets and terraces that make up the core of the Conservation Areas and which justified the Conservation Area designation. As such the character and appearance of the both Conservation Areas would not be harmed.
- 6.12 In terms of the setting of both Conservations Areas, whilst the proposed antennae will be visible from surrounding townscape views, the equipment is scaled appropriately to the tall modern block which is set apart from its Victorian neighbouring buildings. As such the introduction of these features would have limited intervisibility from surrounding views within Victorian streetscenes and would preserve the character and appearance of both Conservation Areas. As such the setting of the Lakeside/Sinclair/Blythe Road and Brook Green Conservation Areas would not be harmed.
- 6.13 Considering the impact of the development upon the setting of the Grade II Blythe House, the development would have some limited intervisiblity within key views of the site, namely south-eastern views along Blythe Road. Given the modest scale and situation of the proposals, any increased visibility within these views would be marginally greater than that of the existing Walpole Court development. As such the settings of the adjacent listed buildings would not be harmed.

Design and Heritage Conclusion

- 6.14 Overall, the telecommunications apparatus is considered to be of an appropriate design and situation to retain the character of the host building. Furthermore, these developments would not result in harm to visual amenity or harm to the character and appearance of the Lakeside/Sinclair/Blythe Road Conservation Area. The settings of the adjacent Brook Green Conservation Area, adjacent Grade II listed building, Blythe House would not be harmed. As such, the proposal would accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, Local Plan Policies DC1, DC8 and DC10.

IMPACT UPON NEIGHBOURING AMENITY

- 6.15 Policy HO11 of the Local Plan (2018) specifies that any proposal should ensure an acceptable impact upon the amenity of neighbouring residential occupants, especially with regard to outlook, privacy, daylight/sunlight and a sense of enclosure.
- 6.16 Officers note that no residential accommodations are located at roof level. As such, it's unlikely any telecommunications would be in view of residents or harmfully impact upon them. Concerns were raised that loss of light and the sky would be obscured following on from the installation of proposed equipment. Its unlikely such equipment would result in the loss of views to the sky given they have been spaced on and there sitting on top of the roof.
- 6.17 In objections received issues were raised regarding health and potential negative impacts. Paragraph 116 of the NPPF states, 'Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.'
- 6.18 As part of information submitted with this application, includes an International Commission on Non-Ionizing Radiation Protection Declaration. The "ICNIRP Declaration" certifies that the site is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure as expressed in the EU Council recommendation of July 1999. This ICNIRP declaration takes into account the cumulative effect of the emissions from the proposed installation and all radio base stations present at, or near, the proposed location.
- 6.19 Given the information set out within paragraphs 6.12-6.13 officers are unable to comment on health concerns as this would contravene Paragraph 116 of the NPPF. On balance, no issues are raised with regards to impact on health and surrounding issues raised in objections received.

HIGHWAYS

- 6.20 Policy T1 of the Local Plan (2018) outlines that proposals should not exacerbate existing levels of congestion or parking stress within the locality of the application site. Given ongoing maintenance of the site would be primary by foot as outlined under the 'access' section of the design and access statement, no issues are raised with regards to the impact on the local highway. It is expected the site will be "visited infrequently for maintenance purposes only. Right of entry to the site will be primarily by foot in which the applicant will make use of on-site and internal access arrangements so as to gain access to the antennas and ancillary equipment within the compound. In the event of the antennas that form part of the scheme needing to be maintained this will be achieved by standard access to the rooftop."

7.0 CONCLUSION

- 7.1 In considering planning applications, the Local Planning Authority needs to consider the development plan as a whole and planning applications that accord with the development plan should be approved without delay, unless material considerations indicate otherwise and any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.2 In the assessment of the application regard has been given to the NPPF, London Plan, and Local Plan policies as well as guidance.
- 7.3 In summary, the proposed development would contribute towards the expansion of Telecommunications networks without having an unacceptable impact on the local townscape and nearby heritage assets.
- 7.4 Officers have taken account of all the representations received and in overall conclusion for the reasons detailed in this report, it is considered having regard to the development plan as a whole and all other material considerations that planning permission should be granted subject to conditions

8.0 RECOMMENDATION

- 8.1 Grant planning permission subject to conditions.