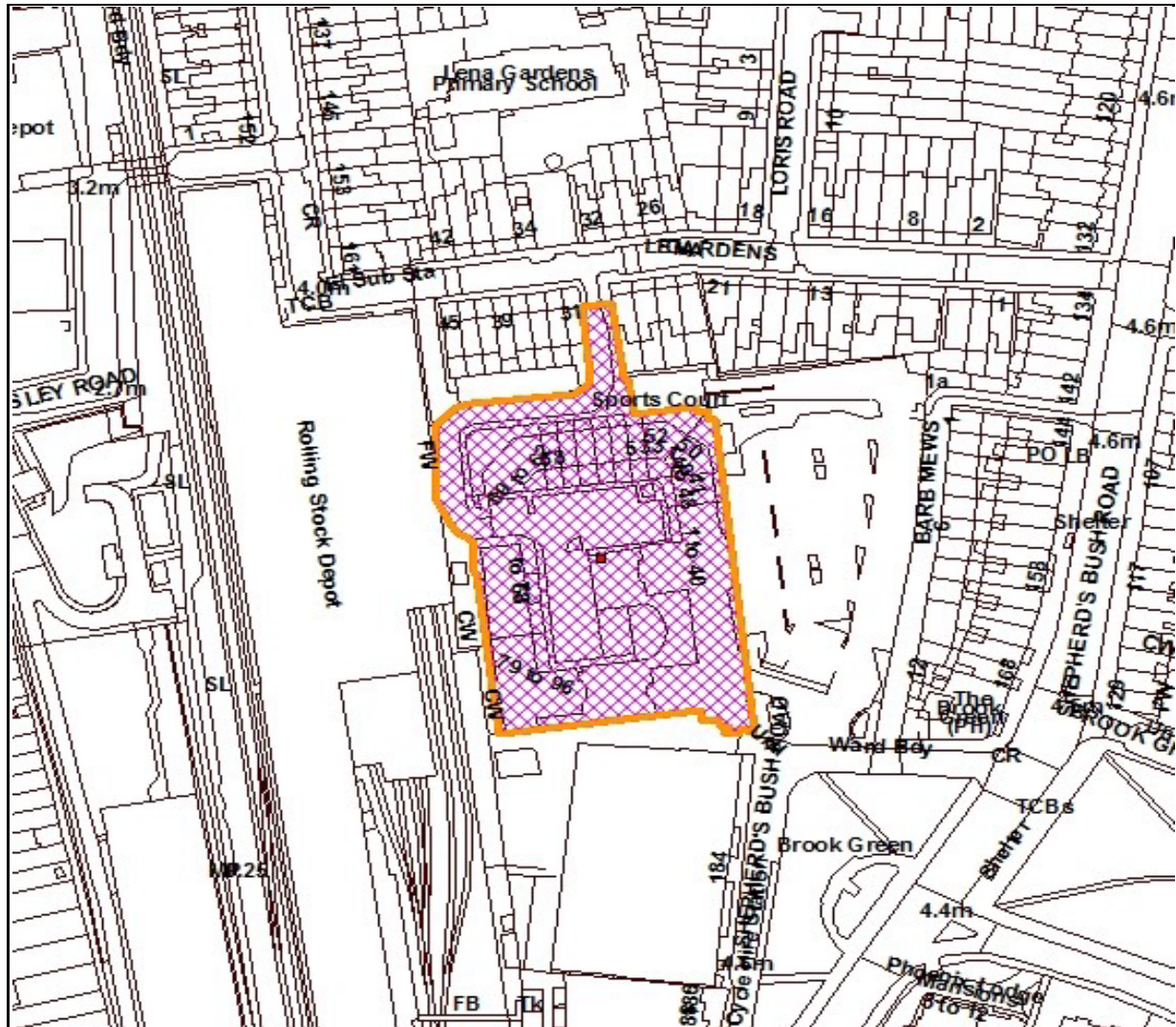


Ward: Addison

Site Address:

Osram Court 182 Shepherd's Bush Road London W6 7PF



© Crown Copyright. All Rights Reserved. London Borough Hammersmith and Fulham LA100019223 (2013).

For identification purposes only - do not scale.

Reg. No:
2022/01100/FUL

Case Officer:
Elliot Brown

Date Valid:
14.04.2022

Conservation Area:
Constraint Name: Melrose Conservation Area -
Number 26
Constraint Name: Brook Green
Conservation Area - Number 3

Committee Date:
18.07.2023

Applicant:

Cornerstone
Cornerstone, Hive 2 1530 Arington Business Park Theale Berkshire
RG7 4SA

Description:

Installation of telecommunications equipment at roof level, including 12no. new antennas, 3no. 300mm dishes, 6no. new cabinets and ancillary development.
Drg Nos: 100A; 201 REV A; 301 REV A.

Application Type:

Full Detailed Planning Application

Officer Recommendation:

- 1) That the Committee resolve that the Director of Planning and Property be authorised to grant permission subject to the conditions listed below;
- 2) That the Committee resolve that the Director of Planning and Property, after consultation with the Assistant Director Legal Services 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. Furthermore, the proposals are considered to be of an appropriate appearance that will not harm the character and appearance of the existing site, area and surrounding heritage assets. The settings of nearby heritage assets would be preserved. The proposal is considered to accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is also compliant with the National Planning Policy Framework (2021), and the Local Plan (2018) Policies DC1, DC8 and DC10.

LOCAL GOVERNMENT ACT 2000 LIST OF BACKGROUND PAPERS

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

Application form received: 13th April 2022

Drawing Nos: see above

Policy documents: National Planning Policy Framework (NPPF) 2021

The London Plan 2021

LBHF - Local Plan 2018

LBHF – Planning Guidance Supplementary Planning Document
2018

Consultation Comments:

Comments from:

London Underground Limited

Dated:

26.04.22

Neighbour Comments:

Letters from:

Dated:

30 Langthorne St London SW6 6JY	18.05.22
3 Osram Court 182 Shepherd Bush Road London W6 7PF	20.05.22
27 Tournay Road London SW6 7UG	18.05.22
94 Brook Green London W6 7BD	18.05.22
6A Barb Mews London W6 7PA	27.05.22
No Address Given	10.05.22
17 Lena Gardens London W6 7PY	30.05.22
1 Middlesex Court London W4 2NJ	19.05.22
8 Barons Court Road London W14 9DT	18.05.22
17 Lena Gardens London W6 7PY	07.05.22
135 Sulgrave Road London W6 7PX	18.05.22
37 Sterndale Road London W14 0HT	19.05.22
5 Lena Gardens London W6 7PY	18.05.22
44 Mendora Road London SW6 7NB	19.05.22
Flat 12 7 Lena Gardens Hammersmith W6 7PY	13.05.22

36 Prebend Gardens London W4 1TW
5 Lena Gardens Lena Gardens London W6 7PY

18.05.22
18.05.22

OFFICERS REPORT

1.0 SITE DESCRIPTION

- 1.1 The application relates to 182 Shepherd's Bush Road (the former Osram building) which comprises a residential development, above a Tesco's store, bordered by Lena Gardens, Barb Mews, Shepherd's Bush Road and London Transport Train Depot to the north, east, south and west of the site, respectively. The proposal relates to the installation of telecommunications equipment on the flat roof of the block.
- 1.2 The application site lies within the Brook Green Conservation Area. It does not contain a Listed Building but does contain a locally listed Building of Merit (the Community Hall of Osram Court).
- 1.3 184 Shepherd's Bush Road (Grade II Listed Building) is located to the south of the site.

2.0 PLANNING HISTORY

2020/01602/FUL - Installation of telecommunications equipment at roof level, including 12no. new antennas on 6no. 3.5 metre climbable poles (Height to top of pole from ground level 17.5 metres); installation of 15no. ERS units, 15no. RRU's, 2no. GPS modules, 1no. 300mm dish and 6no. equipment cabinets to be placed on new steel framework; and ancillary development, all at roof level.

- 2.1 The above planning application was reported to the planning committee in June 2021, where planning permission was approved. Officers would note that this consent is extant (expires 10/06/2024).

3.0 PROPOSAL

- 3.1 The current application seeks planning consent for a reconfiguration of the earlier approval: and relates to the installation of telecommunications equipment at roof level comprising:

- Twelve (12) new antennas;
- Three (3) new 300mm dish;
- Six (6) new equipment cabinets.

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 (210 letters sent).
- 4.2 In response to the notifications a total of 17 objections were received. The issues raised can be summarised as follows:

- Design/visual appearance of the proposed telecommunications equipment and their harm upon the character and appearance of the designated heritage assets;
- The local community (including schools) have not been consulted about the proposal;
- Health concerns including unsafe levels of radiation which cause cancer / health implications are unknown given how new the technology is;

This includes an objection on behalf of PeabodyTrust, raising the following matters: -there are clear flaws in the assessment of the previously approved application Ref. 2020/01602/FUL, with regards to design/visual amenity and the fact that a site visit was not undertaken as part of that application; there is now new planning circumstances as a result of introduced/updated legislation; design and appearance.

Officer response:

- The proposal's material planning considerations (including design and impact upon the character and appearance of the application property and the Brook Green Conservation Area) will be assessed within the 'planning considerations' section of this report;
- Officers note that in regards to health concerns, telecommunication masts/equipment already have to comply with existing and 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 118 of the National Planning Policy Framework (NPPF, 2021) specifies that Local Planning Authorities should not 'set health safeguards different from the International Commission guidelines for public exposure'.
- Officers accept that Paragraph 4.4 of the previous Planning Committee report for application Ref. 2020/01602/FUL incorrectly stated that that application had been determined without a site visit, as a result of the Covid-19 pandemic. We would reiterate that a site visit was carried out prior to that application being presented at the 08.06.2021 Planning Committee. Officers would also highlight that two site visits have taken place since the submission of the current application.

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 (2021) 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 (July 2021)

- 5.4 The National Planning Policy Framework (NPPF) came into effect on 27 March 2012 and was revised in 2021 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 March 2021. 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.

Local Plan

- 5.7 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 195 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.

6.4 Paragraph 197 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 199 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.

6.5 Paragraph 200 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; 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 201 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.

- 6.6 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).
- 6.7 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 202, 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.
- 6.8 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.
- 6.9 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.
- 6.10 The application site is situated in the Brook Green Conservation Area, and contains a locally listed Building of Merit, 182 Shepherds Bush Road.
- 6.11 The proposal site, Osram Court is a modern mixed-use development within the Brook Green Conservation area. The design of the current development owing to its limited architectural character makes no contribution to the significance of the Brook Green Conservation Area.
- 6.12 The proposal includes the installation of telecommunications apparatus which will be installed mainly around the core overrun of the existing development. The apparatus would largely be installed to facing elevations of this structure as well as behind the raised front parapet to a maximum height of 26.8m which would project

nominally above the height of the main building which stands at 26m overall. The existing core is significantly set-back from the parapets of the main building façades. The proposed antennas will be fixed to 6No. freestanding frames and individual support poles spread across this core. The proposed antennas are of a standard design, finished in grey. Given the location, scale and appearance of these structures, coupled with their modest increase in height beyond that of the existing core; their visual prominence will be reduced against the skyline. A smaller number of antennas will be installed to the northern extent of the roofscape, and would be set-back from the prominent eastern parapet of the existing building. Overall, the design of the proposal scheme is considered acceptable.

6.13 The heritage considerations of this application are:

- Brook Green Conservation Area
- Melrose Conservation Area
- 184 Shepherds Bush Road - Grade II Statutory Listed Building
- 182 Shepherds Bush Road and the Brook Green Public House - both Locally Listed, Buildings of Merit

6.14 Officers have carried out an assessment of these impacts below.

The character and appearance of the Brook Green Conservation Area

Given the scale, situation and appearance of the proposed apparatus, coupled with the limited contribution of the existing building to the significance of the Conservation Area, the main issue to consider is the wider visibility of the proposals within the Conservation Area. There will be some visibility of these structures within Brook Green itself, however given the modest increase of height and set-back nature of the structures, this not considered to cause harm to the character or appearance of the area. As such, the proposals will preserve the significance of the Conservation Area.

The setting of the Melrose Conservation Area

6.15 The structures will have some limited inter-visibility within the Melrose Conservation Area. In these views, the apparatus would be read against the existing structures of Osram Court. Given the scale, situation and appearance of these structures, there will be limited impact upon the setting of this conservation area, therefore the proposals are not considered to result in any harm. The proposal would preserve the significance of the Conservation Area.

184 Shepherds Bush Road - Grade II Statutory Listed Building

6.16 Owing to the scale and massing of intervening developments situated between the application site and this heritage asset, coupled with their modest scale/appearance the proposals would have limited visibility within the setting of this asset and as such would have no harmful impacts upon 184 Shepherds Bush Road. The setting and significance of the asset would be preserved.

Impact upon the setting of 182 Shepherds Bush Road and the Brook Green Public House - Locally Listed, Buildings of Merit

- 6.17 Given their scale, location and appearance, the proposals would have limited visibility within the setting of either of these non-designated heritage assets. As such, proposals would not result in harmful impacts upon the setting of these assets overall.

Design and Heritage Conclusion

- 6.18 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 the character and appearance of the Brook Green Conservation Area, and the setting of the adjacent heritage assets. As such, the proposal is considered to accord with s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is also compliant with the NPPF, and the Local Plan Policies DC1, DC8 and DC10.

IMPACT UPON NEIGHBOURING AMENITY

- 6.19 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.
- 6.20 Officers note that no residential accommodations are located at roof level. As such, it's unlikely any telecommunications would be in the immediate visual proximity of neighbouring residents. Views of the installation would be possible from the site; however, these would be of the dispersed spacing of the proposed antennas on the roof, both adjacent to the existing plant room and behind the front parapet. Officers consider that the proposal would not result in demonstrable harm in terms of visual amenity. Concerns were raised that loss of light and the sky would be obscured following on from the installation of proposed equipment. It is considered that the proposed equipment would not result in any significant loss of views to the sky given they have been spaced out on the roof at a high level, in proximity to the plant roof and parapet wall.
- 6.21 In objections received issues were raised regarding health and potential negative impacts. Paragraph 118 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.'
- 6.22 An International Commission on Non-Ionizing Radiation Protection Declaration has been included as part of the documentation submitted with this application. 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.

6.23 Given the information set out within the report officers are unable to comment further on health concerns as this would contravene the planning guidance in the NPPF. On balance, no issues are raised by officers with regards to impact on health and surrounding issues raised in objections received.

HIGHWAYS

6.24 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. Officers highlight that comments from the Council's Highways team under the previous planning application Ref. 2020/01602/FUL confirmed that the application site does not lie on the public highway. Highway comments received as part of the current application have raised no objection from a highway perspective.

6.25 Furthermore, ongoing maintenance of the site would primarily be 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 or if feasible the siting of a ground-based cherry picker with hydraulic platform alongside the building.

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 consider that having had regard to the development plan as a whole and all other material considerations, for the reasons detailed in this report, it is considered that planning permission should be granted subject to conditions.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to recommendations above.