

<b>Item No.</b> 7.3	<b>Classification:</b> OPEN	<b>Date:</b> 12 May 2015	<b>Meeting Name:</b> Planning Sub-Committee A
<b>Report title:</b>	<b>Development Management planning application:</b> Application 15/AP/0542 for: Full Planning Permission  <b>Address:</b> TRANSMITTER MAST 31867, DULWICH SPORT GROUND, 102-106 TURNEY ROAD, LONDON SE21 7JH  <b>Proposal:</b> Upgrade to existing radio base station consisting of the removal of three of the existing 6 antennas on the existing replica cypress tree telecommunications mast and removal of one equipment cabinet; Installation of three replacement antennas, one replacement equipment cabinet and ancillary development		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b>	16/02/2015	<b>Application Expiry Date</b>	13/04/2015
<b>Earliest Decision Date</b>	21/03/2015		

## RECOMMENDATION

1. That the Planning Sub-Committee consider the application as it represents development on Metropolitan Open Land (MOL); and that planning permission is granted subject to conditions.

## BACKGROUND INFORMATION

### Site location and description

2. The subject site is located centrally within a large area of open space, park and sport grounds. More specifically, an area containing Belair Park which occupies the southern portion of this area, the Dulwich Estate owned Southbank University Sports Grounds to the north-eastern portion, and the Dulwich College Preparatory School Sports Grounds to the north-western portion.
3. This entire area is classified as Metropolitan Open Land, and the area alongside the rail line is also classified as a site of importance for nature conservation.
4. There are two listed buildings to the east and south of the site: namely the Dulwich Picture Gallery (Grade II\* listed), and Dulwich Old College (Grade II listed).
5. The application site is located within the Dulwich Village conservation area, which is large and varied. The southern half predominantly consists of open areas of parkland and playing fields, and low density housing. The northern part of the conservation area consists predominantly of 19<sup>th</sup> century terraced housing and some open areas.
6. The existing telecommunications antenna is located within the Southbank University Sports Grounds, near the boundaries with the Dulwich College Preparatory School Sports Grounds and Belair Park.

7. The park and both Sports Grounds generally contain larger areas of open space in use for active and passive recreation. Depending on the season, this can include cricket pitches and football fields. The area contains stands of fairly mature vegetation and there is also a lake located near the centre of Belair Park.

### **Details of proposal**

8. The proposed development relates to the upgrade of an existing radio base station consisting of the removal of three of the six existing antennas and one equipment cabinet. Installation of 3 x replacement antennas and one equipment cabinet and ancillary development thereto.
9. The replacement antennas will be located in exactly the same position as the existing antennas which are proposed to be removed. They will have the same top height at 17.4m and will be 0.4m shorter than the antennas which are proposed to be removed an underside height of 15.4m. The underside height will be the same as those antennas which are retained.
10. The replacement antennas will have a similar appearance and design and will be coloured green to match the existing antennas in situ.
11. The development as this location also includes the installation of 1 x replacement equipment cabinet measuring 1300mm x 700mm x 1450mm. The replacement cabinet will be located in the same position as the exiting cabinet (dimensions 1300mm x 900mm x 1610mm) which is proposed to be removed in the north east corner of the site. As such, the replacement cabinet will be smaller than the existing cabinet which is proposed to be removed. A green finish is proposed for the antennas to match the exiting antennas and cabinets.
12. The replacement antennas will continue to be camouflaged in a stealth design of the mock cypress tree and the overall height of the antennas will remain the same. However, they will be slightly bigger in order to accommodate the high data rate 4G antennas.

### **Planning history**

13. The following planning history is relevant in regard to this application:

11/EQ/0071 Application type: Pre-Application Enquiry (ENQ) Replace 3 existing antennas with 3 new ones and additional cabinet on the existing concrete base. Decision date 06/06/2011 Decision: Pre-application enquiry closed (EQC)
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11/AP/3034 Application type: Full Planning Permission (FUL) Replacement of 6 Vodafone antennas on existing tree mast with 3 x O2 antenna and 3 x Vodafone antennas plus 1 x O2 cabinet. Decision date 29/11/2011 Decision: Granted (GRA)
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### **Other relevant planning history**

14. 

SOUTH BANK UNIVERSITY SPORTS GROUND, OFF TURNEY ROAD, LONDON, SE21 7JH 07/AP/0861 Application type: Full Planning Permission (FUL) Installation of an 18m replica cypress tree telecommunications mast to include antennas and associated ancillary development
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Decision date 19/06/2007 Decision: Refused  
Appeal Ref: APP/A5840/A/07/2051081 Appeal Decision/Date: Allowed 25/04/2008

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

15. The main issues to be considered in respect of this application are:
- a) the principle of development
  - b) the impact on the amenity of surrounding occupiers
  - c) design and conservation issues including the impact on the setting of nearby listed buildings
  - d) any other issues

### **Planning policy**

16. The following policy framework statements, development plan policies, and planning guidance are particularly relevant in determining this application:

#### National Planning Policy Framework (the Framework)

5. Supporting high quality communications infrastructure
7. Requiring good design
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

#### London Plan July 2011 consolidated with revised early minor alterations October 2013

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.17 Metropolitan open land

#### Core Strategy 2011

- Strategic Policy 11 Open Spaces and Wildlife
- Strategic Policy 12 Design and Conservation
- Strategic Policy 13 High Environmental Standards

#### Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

- Policy 3.12 Quality in Design
- Policy 3.13 Urban Design
- Policy 3.15 Conservation of the Historic Environment
- Policy 3.16 Conservation Areas
- Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.2 Protection of Amenity

**Principle of development**

17. The principle of telecommunication equipment is viewed in the context of the council policy and on a case by case basis. It would not normally be acceptable to encourage this type of development within a conservation area or in an area of protected open space. A material consideration is the previous allowed appeal (LPA ref: 07/AP/0861 and PINS ref: APP/A5840/A/07/2051081) on this site for an 18m replica tree mast. This current application seeks to remove and replace the existing antennas with alternatives. This does not increase the height nor does it alter the physical appearance of the replica tree mast. The only noticeable change is the addition of a small equipment cabinet located close to the base of the replica tree.
18. The application site lies within MOL. Strategic Policy 11 'Open Spaces and Wildlife' and Policy 3.25 'Metropolitan Open Land' seeks to protect important open spaces from inappropriate development, or from development that detracts from its open space character and function.
19. In this case the majority of the development is existing. The replacement of the antennas and equipment cabinet will not lead to any greater impacts on the openness of the land than already exist.
20. In terms of the technical justification for the replacement masts, the applicants have submitted details of how the proposed replacement mast should improve service in the immediate area. This is accepted. An ICNIRP certificate has also been provided.
21. Government advice on dealing with telecommunications equipment in section 5 of the NPPF is that local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. No objections have been raised to the equipment. As such, the principle of equipment on this area of land is acceptable. However, the application is subject to other considerations as set out below.

**Impact of proposed development on amenity of adjoining occupiers and surrounding area**

22. It is not considered that the proposed replacement antenna nor the cabinet would materially impact the amenity of the surrounding occupiers over and above that existing. The equipment is set very well away from any neighbours and will continue to be camouflaged in a stealth design of the mock cypress tree.

**Impact of adjoining and nearby uses on occupiers and users of proposed development**

23. None envisaged.

**Transport issues**

24. No additional traffic issues are raised by this application. Maintenance procedures are likely to be the same and should not result in a material increase in traffic volumes along Turney Road.

### **Design issues and impact on character and setting of a listed building and/or conservation area**

25. The overall appearance of the mast and the equipment cabinet will be the same. There will be an additional cabinet within the area of the mast. The replacement cabinet will be smaller than the existing cabinet which is proposed to be removed. The replacement antennas will continue to be camouflaged in a stealth design of the mock cypress tree and the overall height of the antennas will remain the same. However, the antennas will be slightly bigger in order to accommodate the high data rate 4G antennas. This is not considered to have a large visual impact on the proposal.
26. The existing planting also helps shield this equipment from view. As such, the visual impact of the proposal is minimal and it will not have a harmful impact on the character and appearance of the Dulwich Village conservation area nor will it impact on the setting of the nearby listed buildings.
27. The proposal is considered acceptable in regard to its design and neutral in impact on the character of the conservation area.

### **Impact on trees**

28. There will no impact on trees.

### **Conclusion on planning issues**

29. It is recommended given the considerations as set out above that the application be granted planning permission subject to conditions.

### **Community impact statement**

30. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. There is no impact on any particular group or community.

### **Consultations**

31. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

### **Consultation replies**

32. Details of consultation responses received are set out in Appendix 2.

### **Summary of consultation responses**

None received.

### **Human rights implications**

33. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

34. This application has the legitimate aim of providing replacement antennae and an addition cabinet. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

#### SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

35. None.

#### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2546-B Application file: 15/AP/0542 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5451 Council website: www.southwark.gov.uk

#### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

#### AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Neil Loubser, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	28 April 2015	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	No	No
Strategic director, housing and community services	No	No
Director of regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	29 April 2015	

## APPENDIX 1

### Consultation undertaken

**Site notice date:** 25/02/2015

**Press notice date:** 26/02/2015

**Case officer site visit date:** n/a

**Neighbour consultation letters sent:** 24/02/2015

**Internal services consulted:**

n/a

**Statutory and non-statutory organisations consulted:**

n/a

**Neighbour and local groups consulted:**

Dulwich Sport Ground 102-106 Turney Road SE21 7JH  
Hollington Club Rear Of 123 To 125 Burbage Road SE24 9HD

The Flat Dulwich Sport Ground SE21 7JH  
5 Gallery Road London SE21 7AD

**Re-consultation:** n/a

## APPENDIX 2

### Consultation responses received

#### Internal services

None

#### Statutory and non-statutory organisations

None

#### Neighbours and local groups

None