

Item No. 7	Classification OPEN	Decision Level PLANNING COMMITTEE	Date 5/05/2004
From DEVELOPMENT & BUILDING CONTROL MANAGER		Title of Report DEVELOPMENT CONTROL	
Proposal (03-AP-1585) Installation of telecommunications equipment comprising of 3 no. antenna, ancillary equipment including radio equipment housing and ancillary development comprising fencing, cables, pole mounts, support structures and hand railings on the roof of the building.		Address Universal Car Park, Gainsford Street SE1 Ward Riverside	

PURPOSE

- 1 To consider the above application that is for Committee consideration due to the number of objections received and deferment from Bermondsey Community Council.

RECOMMENDATION

- 2 To grant planning permission subject to conditions.

BACKGROUND

- 3 This application was deferred from the Bermondsey Community Council Committee on 7 April 2004 as they considered that a Community Council meeting was not the appropriate meeting to consider such issues.
- 4 The application site is situated to the south of Gainsford Street and comprises of a six storey building that is occupied on the ground floor by NCP car park and is known as the Universal Car Park. The remaining floors of the building are occupied by car parking spaces that are privately owned by surrounding residents.
- 5 Planning permission was granted by the Community Council on 18/09/2003 for the installation of 3 antennae, 4 x 600mm dish, equipment cabinets, ancillary equipment on roof and 1 metre cabinet at ground level (LBS Reg No. 03-AP-0784) at an adjoining site on the London School of Economics, Gainsford Street. The agents have advised that it would not be possible to share the equipment on the roof of this building. Further justification for this has been provided in paragraph 16 of the main report.
- 6 Planning permission is sought for the installation of telecommunications equipment comprising of 3 no. pole mounted antenna, ancillary equipment including radio equipment housing and ancillary development comprising cables, pole mounts, support structures and hand railings on the roof of the

building by T Mobile (UK) Ltd. The proposal is part of the third generation telecommunications network to improve mobile phone technology that is currently being developed and installed throughout the UK. This proposal requires planning permission as the antennae are located on a site that is within the Conservation Area.

- 7 The proposed antennae would be located on the existing plant room that is situated on the central part of the roof of the building that serves the stairs and lift. Following discussions with the agent, the location of the three antennae have been amended at the Council's request in order to minimise the visual impact of the antennae from the streetscene as the site is within the conservation area. They would be positioned on the southeastern and southern corners of the plant room, the highest of which would measure 1.8m in height (approximately 19.4m from the ground floor level) that would be pole mounted (uA1). Two of the antennae on the south (uC1) and east (uB1) would be half height antennae that would be face mounted on the building. The antenna located on the eastern elevation of the plant room would be set back 4.1m from the front elevation of the building.
- 8 The proposed equipment cabinets would be positioned on the southeastern side of the rooftop adjacent to the existing upper plant room and would measure 0.7m (width) by 1.1m (length) by 0.7m (height above the plant room roof). The agents have advised that the height of the antennae would be influenced by the need to ensure that the installation complies with the ICNIRP reference standard for exposure of public to radio frequencies. As the roof of the car park is a public area it would be necessary to ensure that the emissions from the antennas would not exceed the ICNIRP reference standard over this public area.
- 9 It is also proposed to erect a 2.2m high palisade fence with 1.0m wide access gate to the rear of the plant room that would encompass an area of 13 square metres. This would enclose the existing power generator that is located within one of the parking bays on the roof of the building. This was not included as part of the original submission for this application. The agent has advised in the supporting statement received on 11/02/2004 that, as the height of the proposed antennae has been reduced, it would be necessary to introduce additional fencing to ensure that no member of the public could climb onto the equipment housing from the public car park area and thereby enter the site.
- 10 Other ancillary works include the erection of a free standing hand rail to enclose the existing skylight on the plant room and installation of cabling equipment inside the parapet wall of the plant room.
- 11 An ICNIRP (International Commission for Non-Ionising Radiation Protection) certificate has been submitted with the proposal. This is a confirmation that the equipment meets the Government's guidelines on radiation exposure).

FACTORS FOR CONSIDERATION

12 Main Issues

The main issues in this case are the scale and form of the antennae and

equipment, its impact on the surrounding area, in particular the Tower Bridge Conservation Area, the proposal's compliance with health and safety guidelines and the applicant's consideration of alternative sites.

13 Planning Policy

The site is within the Tower Bridge Conservation Area

Southwark Unitary Development Plan 1995 [UDP]:

Policy E.2.3 'Aesthetic Control': the amended scheme would site the antennae on the rooftop of a six-storey building and would not significantly harm the appearance of the site or locality.

Policy E.3.1: 'Protection of Amenity': complies, the applicant has submitted the ICNIRP certificate to confirm that the telecommunications equipment meets the limitation of exposure of the general public to electromagnetic fields.

Policy E.4.3: 'Proposals Affecting Conservation Areas': complies, two of the proposed antennae would not be visible from the streetscene as they would be located to the rear of the plant room and would be face mounted. The southeast facing pole mounted antenna may be slightly visible given its elevated position however it would be set back from the parapet wall of the building and would not appear as a prominent addition to the skyline. It would therefore have a limited impact on the character and appearance of the Conservation Area.

Draft Southwark Plan [agreed for Deposit November 2002]:

Policy 3.1 'Environmental Effects': complies, the equipment does not have an overbearing impact on the site or locality

Policy 3.6 'Heritage Conservation': complies, whilst the views of the telecommunication equipment may be visible from the top floor flats of the surrounding residential properties it would not be considered to be prominent from the streetscene.

Policy 3.19 'Telecommunications and Control of Outdoor Advertisements': telecommunications equipment should not distract motorists or threaten public safety, be unduly dominant or adversely affect the amenity of the area or detract from the special character of conservation areas. The equipment would not be considered to be significantly harmful to the streetscene or highway safety.

Telecommunications Supplementary Planning Guidance: complies, the proposed equipment is located in an appropriate area and is of an acceptable design.

Heritage Conservation: Supplementary Planning Guidance: complies the proposal preserves the character and appearance of the conservation area.

14 Government Guidance

PPG8: Telecommunications:

Central Government guidance advises that local planning authorities should respond positively to telecommunications development, especially where the proposed location is constrained by technical considerations. However, particular regard should be made to the locality and the impact

telecommunications equipment will have on the character and appearance of the area. With regard to health, PPG8 states: 'it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.'

PPG15 Planning and the Historic Environment:

Central Government guidance seeks to protect the historic environment including conservation areas and historic parks and gardens. It requires local planning authorities to carefully consider development to ensure that it enhances and preserves its historic environment. The proposed telecommunications equipment, as amended, would be less visible from the street than the existing structures on the building and would be considered to be of a design and scale that would not harm the character and appearance of the conservation area.

15 Consultations

Site Notice: 05/09/2003

Press Notice: 09/09/2003

Consultees:

37 to 48 Wolfson Court, London School of Economics, 11, Flats 1 to 62 (inclusive), Tamarind Court 18, Bermondsey Community Nursery, Nutmeg House, 60 Gainsford Street SE1

Ground, 1st, 2nd, 3rd, 4th, 5th, Floor, India House, 45, 21 to 32 (inclusive) Curlew Street, SE1

9 Maguire Street, SE1

197 to 361 (inclusive), The Circle, 37 to 39 (odds) Queen Elizabeth Street, SE1

44 to 118 (inclusive) Bulters and Colonial Wharf, Shad Thames, SE1

Agents for T-Mobile also carried out separate consultations.

Conservation and Design

Replies from:

220, 273, 276, 294 The Circle, 50, 60 & 101 Butlers & Colonial Wharf: Object on health grounds, in particular electromagnetic emissions, close proximity to residential properties and local nursery; visual impact of proposal on the area, proposal is unsightly, conspicuous and intrusive and applicant should seek alternative site away from residential and nursery properties.

113 & 118 Butlers & Colonial Wharf: Object on the above grounds but also on noise during construction phase, the equipment itself and in relation to possible maintenance work of the apparatus, access by workforce may be abused and seen by staff as recreational area, possible interference to radio and analogue TV reception and questioned possibility of the Council being liable to litigation

as a result of the approval of this application, devaluation of property due to close proximity of structure.

62 Tamarind Court: Objects, concern regarding existing mast near building, in light of Stewart Report and its recommendations for caution and further research into health issues.

Conservation and Design - the revised scheme would ensure that the proposed antennae would not be visually prominent in views from street level as they would be face mounted and located away from the street facing elevations. The south east facing pole mounted antenna may be slightly visible given its elevated position. However it is set back from the front and east facing parapet walls and would ensure that it would not appear as a prominent addition to the skyline. It would be advised that this antenna would be finished in a matt grey colour to minimise potential visual impacts. The location of the proposed equipment cabinets would be considered adequate to minimise the impact from the streetscene.

PLANNING CONSIDERATIONS

National Guidance:

- 16 The proposal has to be assessed against PPG8 'Telecommunications' produced by Central Government. The use of high buildings to accommodate telecommunication equipment is advocated and this building already has structures on its roof. The building is surrounded by residential properties at Thames Heights to the northwest, The Circle to the south and Butlers and Colonial Wharf to the southeast and Tamarind Court to the north. Although the views of the roof are prominent from the top floor flats of the surrounding residential properties, the antennae proposed are slim and relatively small scale and would not be considered to be significantly harmful from a visual point of view to recommend refusal. The proposed cabinets would be small in size and would not be visible from ground floor level. Due to the size and scale of the development the proposed telecommunications equipment is considered acceptable.

Alternative sites

- 17 The Council in considering mobile phone applications must balance the concerns of the public against the needs and obligations of the code systems operator. PPG8 'Telecommunications' therefore requires code system operators to find the most appropriate site for installing equipment, which fulfills their needs and has the least impact on the surrounding area. In this case T Mobile has considered fourteen alternative sites. The owners of St Saviours Wharf, New Concordia Wharf and Scotts Sufferance Wharf were unwilling to consider a proposal to accommodate telecommunications equipment on the rooftop. Hastings International, 18 Shad Thames and ICSTIS Ltd Clove Building, 4 Maguire Street were identified as possible sites however there have been no response to enquires. London Fire Bridge's Dockhead Fire Station was also considered; however the premises were unavailable due to the

present O2 2G installation and its upgrade to 3G. Any further installation on this building would take it towards the ICNIRP limits and would be unacceptable.

- 18** Liam Og public house was discounted for technical reasons. Due to the lengthy process involved when seeking approval from the Housing Managers of Southwark Council owned housing blocks, Arnold House was not pursued. Tower Bridge Court and Tower Bridge Plaza were unsuitable in terms of their location and Parker's Row and Tower Bridge Buildings were discounted as they are residential premises. The site at India House was unacceptable as the owners have served a notice to quit the use of the existing telecommunications equipment on the roof to Orange (refer to planning application 03-AP-0784 for further information). London School of Economics Building at Butlers Wharf was also considered. Planning permission was recently granted for the installation of telecommunications equipment by Orange (LBS Reg No. 03-AP-0784) on this building. Due to size, space and agreement restrictions, this site was not pursued. Given the applicants have considered alternative sites without success the application site is considered acceptable, and is not directly located on a residential building.

Conservation Area:

- 19** The site lies within the Tower Bridge Conservation Area. As discussed in paragraph 15 above the need for the telecommunications equipment within this area has been demonstrated. Views from the ground level to the top of the building would be considered prominent. Given the revised location of the proposed antenna, the scale and design of the proposed equipment and taking into consideration all other issues, especially technical constraints, it is considered that the proposal would have a minimal impact and would preserve the character and appearance of the conservation area.

Health and Safety:

- 20** The majority of third party representation submitted raised health and safety issues as a major concern particularly given the site's close proximity to Bermondsey Community Nursery and the London School of Economics Halls of Residence. This matter was raised as part of a previous appeal for a telecommunications mast at Quebec Way, SE16. The Inspector concluded that 'The Government's clearly expressed view in PPG8 is that health considerations and public concern can in principle be material considerations in determining applications for planning permission and prior approval.
- 21** The Government's firm view is that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP (International Commission on Non-Ionising Radiation Protection) guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission, to consider further the health aspects and concerns about them.'
- 22** The applicant has submitted their ICNIRP certificate to confirm that they have

met the public exposure guidelines as recommended by the Stewart Report and the proposal is therefore considered to be acceptable on health and safety grounds.

23 EQUAL OPPORTUNITY IMPLICATIONS

Benefit community in terms of improved communication facilities.

24 LOCAL AGENDA 21 [Sustainable Development] IMPLICATIONS

It is preferable to locate equipment on existing structures.

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