

Report of the Corporate Director of Planning & Community Services

Address BT SKYPORT TELEPHONE EXCHANGE NEWALL ROAD HEATHROW AIRPORT

Development: Installation of three Omni pole mounted antennas, one GPS antenna, two 0.3m dish antennas, one equipment cabin, one metre cabinet and associated feeder cables.

LBH Ref Nos: 15665/APP/2009/2485

Drawing Nos: M15_15 SHT 2 NORTH ELEVATION
M15_15 SHT 1 NORTH ELEVATION
M15_15 SHT 2 SITE PLAN
M15_15 SHT 1 SITE PLAN
photo
4 MAPS
004_03

Date Plans Received: 05/11/2009 **Date(s) of Amendment(s):** 17/11/2009
Date Application Valid: 25/11/2009 25/11/2009

1. SUMMARY

This application seeks planning permission for the installation of an electronic communications apparatus including three Omni directional antennas, two 0.3m diameter dish antennas with associated feeder cables and an equipment cabin at rooftop level on the existing BT Exchange building at Bath Road, Hounslow.

The installation of the electronic communications apparatus will provide coverage to meet the needs of the fire, ambulance, police and other emergency, or blue light services. The location and proposal is considered visually acceptable and would not have any significant detrimental impact on the character or appearance of the surrounding area, particularly given that this part of Bath Road is largely characterised by industrial and large commercial buildings. The nearest residential property is located some distance away to the north.

A through site search has been carried out to ensure there are no alternative existing telecommunication facilities in the area suitable for sharing, or alternative rooftop sites, which would be less visually obtrusive. The proposal is considered to comply with relevant planning policies and accordingly, approval is recommended subject to appropriate conditions.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 NONSC Non Standard Condition

The transmission dish antennas shall be painted grey to match the existing antennas and dishes on the roof, and permanently maintained in this colour.

REASON

In the interests of visual amenity and in compliance with Policy BE13 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

3 NONSC Non Standard Condition

The power cable trays fixed to the elevation of the building shall be painted to match the existing brickwork.

REASON

In the interests of visual amenity and in compliance with Policy BE13 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

4 NONSC Remove Antennas if No Longer Required in Future

In the event after implementation of the permission the antennas are no longer required for the purpose hereby approved, these shall be removed and the building restored to its former condition.

REASON

In the interests of visual amenity and in compliance with Policy BE13 of the Hillingdon Unitary Development Plan (Saved Policies 2007).

INFORMATIVES

1 152 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 153 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE37	Telecommunications developments - siting and design
OE1	Protection of the character and amenities of surrounding properties and the local area
A4	New development directly related to Heathrow Airport
A6	Development proposals within the public safety zones around

Heathrow or likely to affect the operation of Heathrow or Northolt airports

3 160 **Cranes**

Given the nature of the proposed development it is possible that a crane may be required during its construction. The applicant's attention is drawn to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at www.aoa.org.uk/publications/safeguarding.asp)

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located at Bath Road, Hounslow, TW6 2DU, on the rooftop of a three-storey BT Telephone Exchange transmitting station, known as Skyport House. The site falls within the Heathrow Airport boundary as shown on the Hillingdon Unitary Development Plan Proposals Map. The site is bounded to the east by Hatton Road North, beyond which are commercial/light industrial buildings associated with the airport; to the south by Newall Road, beyond which are also commercial/light industrial buildings associated with the airport; to the west by a commercial building; and to the north by the A4 Bath Road, beyond which is a large office building and hotel. The site is controlled and managed by Arqiva, a radio management company. Currently, rooftop has a large plant room at its eastern end and already houses a significant amount of telecommunications equipment, appeared to be used by T-mobile and O2. The site finder website shows Vodafone, Orange and '3' have masts within the immediate locality, to the west, north-west and north-east of the proposed site.

3.2 Proposed Scheme

It is proposed to install electronic communications apparatus at rooftop level on the existing BT Exchange building, which would include three Omni directional antennas, an associated equipment cabin, two dish antennas, and associated feeder cables.

A steel grillage equipment cabin, with access steps and handrails, would be located centrally on the rooftop.

Three Omni directional antennas would be mounted on support poles to the cabin, resulting in an approximate mean height of 19.35 metres with an approximate maximum height of 20.6 metres.

On the eastern corner of the rooftop two 0.3m diameter dish antennas would be pole mounted to a tripod at a mean height of 18.5 metres. A 1.1m high freestanding hand railing would also be provided at this location.

Installation of a multi-user meter cabinet would be located at ground level. Associated feeder cables would run between the rooftop apparatus and meter cabinet. Power cable trays support the feeder cable would be fixed to the elevation of the building and would be painted to match the existing brickwork.

The apparatus will form part of the Airwave network, which is a network that is being established for the 2012 Olympics for the dedicated use of the emergency services, including fire, ambulance, police and other emergency, or blue light service. This part of the network will provide coverage over Heathrow Airport and the surrounding area. There are no alternative means of communications available in this instance. The Airwave service is a Public Safety Radio Communications Service and part of the Government's Critical National Infrastructure. Once constructed, the development will be unmanned requiring only periodic visits about once every two to three months for routine maintenance and servicing. An engineer using a light goods vehicle would typically carry this out.

3.3 Relevant Planning History

- 15665/AB/99/1955 Skyport Telephone Exchange Bath Road Harlington
Installation of 4 satellite dishes, 3 pole-mounted antennas, equipment cabin and Cellnet lattice tower (Consultation under Schedule 2, Part 24 of The Town and Country Planning (General Permitted Development) Order 1995)
- Decision:** 26-10-1999 PRN
- 15665/APP/2007/3158 Skyport Telephone Exchange Bath Road Harlington
CONSTRUCTION OF STEEL FRAMEWORK TO SUPPORT UP TO TWELVE DISH ANTENNAS ON ROOF AT EAST END OF BUILDING (INVOLVING REMOVAL OF EXISTING DISH ANTENNAS).
- Decision:** 29-11-2007 NFA
- 15665/APP/2007/3521 Skyport Telephone Exchange Newall Road Heathrow Airport
CONSTRUCTION OF STEEL FRAMEWORK TO SUPPORT UP TO TWELVE DISH ANTENNAS, MAXIMUM DIAMETER 1.2M, ON ROOF AT EAST END OF BUILDING (INVOLVING REMOVAL OF EXISTING DISH ANTENNAS).
- Decision:** 07-04-2008 Approved
- 15665/E/85/0812 Skyport Telephone Exchange Newall Road Heathrow Airport
Application for radio masts, flagpoles etc (P)
- Decision:** 02-09-1985 Approved
- 15665/G/87/0127 Skyport Telephone Exchange Newall Road Heathrow Airport
Resiting of roof aerials (Section 53 det.).
- Decision:** 16-02-1987 GPD
- 15665/S/92/1541 Skyport Telephone Exchange Bath Road Harlington
Installation of antenna and mast for aeronautical public telecommunications service
- Decision:** 30-10-1992 Approved

15665/T/93/1244

Skyport Telephone Exchange Bath Road Harlington

Installation of six antennas and masts for aeronautical public telecommunications service

Decision: 03-01-1994 Approved

Comment on Relevant Planning History

There have been a number of proposals of the installation of telecommunication apparatus, including dish antennas and associated equipment. T-mobile and O2 electronic communications apparatus appear to currently occupy the Skyport House rooftop.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.11 To facilitate the development of telecommunications networks in a manner than minimises the environmental and amenity impact of structures and equipment.

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.

BE37 Telecommunications developments - siting and design

OE1 Protection of the character and amenities of surrounding properties and the local area

A4 New development directly related to Heathrow Airport

A6 Development proposals within the public safety zones around Heathrow or likely to affect the operation of Heathrow or Northolt airports

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Both BAA and National Air Traffic Service (NATS) were consulted and comments were received. The proposed site is considered to be a 'green' rating under the Traffic Light Rating Model of the code of Best Practice on Mobile Phone Network Development. As such, the consultation undertaken is considered appropriate.

BAA

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. No objections are raised subject to 'Cranes' informative

and if any lighting is required, the need to avoid light spill above the horizontal due to the close proximity to the runway. The latter is not relevant in this instance as no light will be required.

NATS

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. No objections are raised.

Internal Consultees

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Due to the amount of equipment already on the rooftop, the proposed installation cannot be progressed through the prior determination procedure as 'Permitted Development'. Accordingly, this application seeks full planning permission and has been submitted by Arqiva, on behalf of Airwave Solutions Ltd, in order to provide a Public Safety Radio Communications Service dedicated to the emergency services during the 2010 Olympic Games.

The application has been assessed against Policy BE37 of the Unitary Development Plan (Saved Policies 2007) and Planning Policy Guidance Note 8: Telecommunications. Both seek to find solutions, which minimise the impact of telecommunications development on the appearance of the surrounding area.

Consideration has been given to the need for the development, the suitability of locating the apparatus at rooftop level at Skyport House and possibility of sharing existing facilities. Planning policy seeks to minimise the visual impact of telecommunications installations by locating them at less sensitive locations including existing telecommunications sites and on buildings, particularly large commercial or industrial buildings.

Within the vicinity of the Skyport House, the proposed apparatus will provide the necessary coverage for emergency services where there is currently a 'hole' in network coverage. Whilst there is an array of large commercial buildings in the locality, which may also be generally suitable for such an installation, it is not considered that any would be visually less sensitive than the proposed site. In addition, sharing the rooftop with other existing installations is considered a sustainable use of the rooftop and will help limit the visual impact of the proposed antennas because they will not be seen as an isolated addition to the roofline.

Officers are unable to suggest a more suitable location and it is considered that the site offers the most appropriate option with the area, compliant with UDP policy.

7.02 Density of the proposed development

Not applicable to this type of development.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable because the site does not fall within an Archaeological Priority Area and there are no Conservation Areas, listed buildings, or Areas of Special Local Character within the vicinity.

7.04 Airport safeguarding

BAA Safeguarding have confirmed that the proposal does not conflict with airport/aircraft safeguarding criteria.

7.05 Impact on the green belt

Not applicable because the site does not fall within the green belt.

7.07 Impact on the character & appearance of the area

The proposed installation would be visible from the A4 Motorway and the surrounding area, as the building is set back approximately 30 metres from Bath Road. However, given the existing equipment already on the roof, and its location, surrounded by many other large buildings with various roof plant and equipment of their roofs, it is not considered that it would be out of keeping with the character and appearance of the surrounding area. The proposed antennas would be sited near to the existing on the roof. There is also another larger mobile phone installation at the western end of the building. These existing installations will help to limit the visual impact of the proposed antennas because they will not be seen as an isolated addition to the roofline.

7.08 Impact on neighbours

Skyport House is situated at the northern side of Heathrow Airport and is surrounded on all sides by commercial development. The nearest residential properties are approximately 165 metres away to the north, and there would be no views of the installation from these houses.

7.09 Living conditions for future occupiers

Not applicable to this type of application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable to this type of application.

7.11 Urban design, access and security

Access to the site is to remain unaltered from the existing access that runs from Netley Road. Once constructed, the development will be unmanned. Routine maintenance and servicing will be required every two to three months. Typically an engineer using a light good vehicle will carry this out.

Access to the rooftop site, in accordance with relevant health and safety legislation and guidelines, will be restricted to authorised personnel only. Trained and qualified staff will carry out the routine maintenance and servicing of the apparatus.

7.12 Disabled access

Not applicable to this type of application.

7.13 Provision of affordable & special needs housing

Not applicable to this type of application.

7.14 Trees, landscaping and Ecology

Not applicable to this type of application.

7.15 Sustainable waste management

Not applicable to this type of application.

7.16 Renewable energy / Sustainability

Not applicable to this type of application.

7.17 Flooding or Drainage Issues

Not applicable to this type of application.

7.18 Noise or Air Quality Issues

Not applicable to this type of application.

7.19 Comments on Public Consultations

7.20 Planning obligations

Not applicable to this type of application.

7.21 Expediency of enforcement action

Not applicable to this type of application.

7.22 Other Issues

In terms of potential health concerns, the applicant has confirmed that the proposed installation complies with the ICNIRP (International Commission for Non-Ionising Radiation Protection) guidelines. Accordingly, in terms of Government policy advice (PPG 8: Telecommunications), there is not considered to be any direct health impact. Therefore, further detailed technical information about the proposed installation is not considered relevant to the Council's determination of this application.

Recent Legislation (PPG 8: Telecommunications) advises that while health implications are a material consideration in the determination of planning applications, it should be for the local planning authority to attach relevant weighting to perceived fears of health in reaching a decision. PPG8 states that providing the proposal complies with the relevant ICNIRP guidelines regarding public exposure levels there should be no further need to consider health implications further. This approach is consistent with the advice set out in PPG8 : Telecommunications and the Stewart Report 2000.

In conclusion, the Stewart Report found that the overall balance of evidence indicates that there are no harmful effects to human health caused by telecommunications equipment. The precautionary principle acknowledges the gaps in scientific research and subsequently the Stewart Report recommends that the health implications should not be considered any further providing (a) all telecommunications applications comply with ICNIRP guidelines with regard to the minimum acceptable levels of electromagnetic radiation; and (b) where the exposure level is at its highest, the beam of greatest intensity should not fall on any school or college.

There are no schools in the vicinity. The applicant has submitted an ICNIRP certificate (confirming the site was in full compliance with the recommended guidelines) and on this basis refusal on this ground would not be sustainable.

There is currently a coverage 'gap', which is of concern given the emergency service nature of this telecommunication provider. The proposal would address this issue.

A through site search has been carried out to ensure there are no alternative existing telecommunication facilities in the area suitable for sharing, or alternative rooftop sites, which would be less visually obtrusive. The proposal is considered to comply with relevant planning policies and accordingly, approval is recommended subject to appropriate conditions.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware

of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

Recent court cases concerning telecommunications development, including the Harrogate Case which went to the Court of Appeal on 12.11.04, have clarified the primacy of Government health advice in this field. The Court of Appeal ruled that a proposed telecommunications mast was acceptable despite a planning inspector having dismissed a planning appeal because he was not convinced that the appellants had provided enough reassurance that there would be no material harm to young children at local schools.

This significant legal judgement backs Government policy and clearly limits the ability of local planning authorities to resist telecommunications installations close to schools or houses on grounds of any adverse health impacts.

9. Observations of the Director of Finance

As there are not s106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

It is not considered that the proposed installation of telecommunication apparatus would have a significant visual impact on the character or appearance of the surrounding area sufficient to justify refusal. There would be no detrimental impact on the amenity or nearby residential properties as a result of the proposal and the scheme is considered to comply with relevant planning policy. In addition, the proposed apparatus is considered part of the Government's Critical National Infrastructure, providing a dedicated service to meet the needs of the fire, ambulance, police and other emergency, or blue light services. As such, approval is recommended.

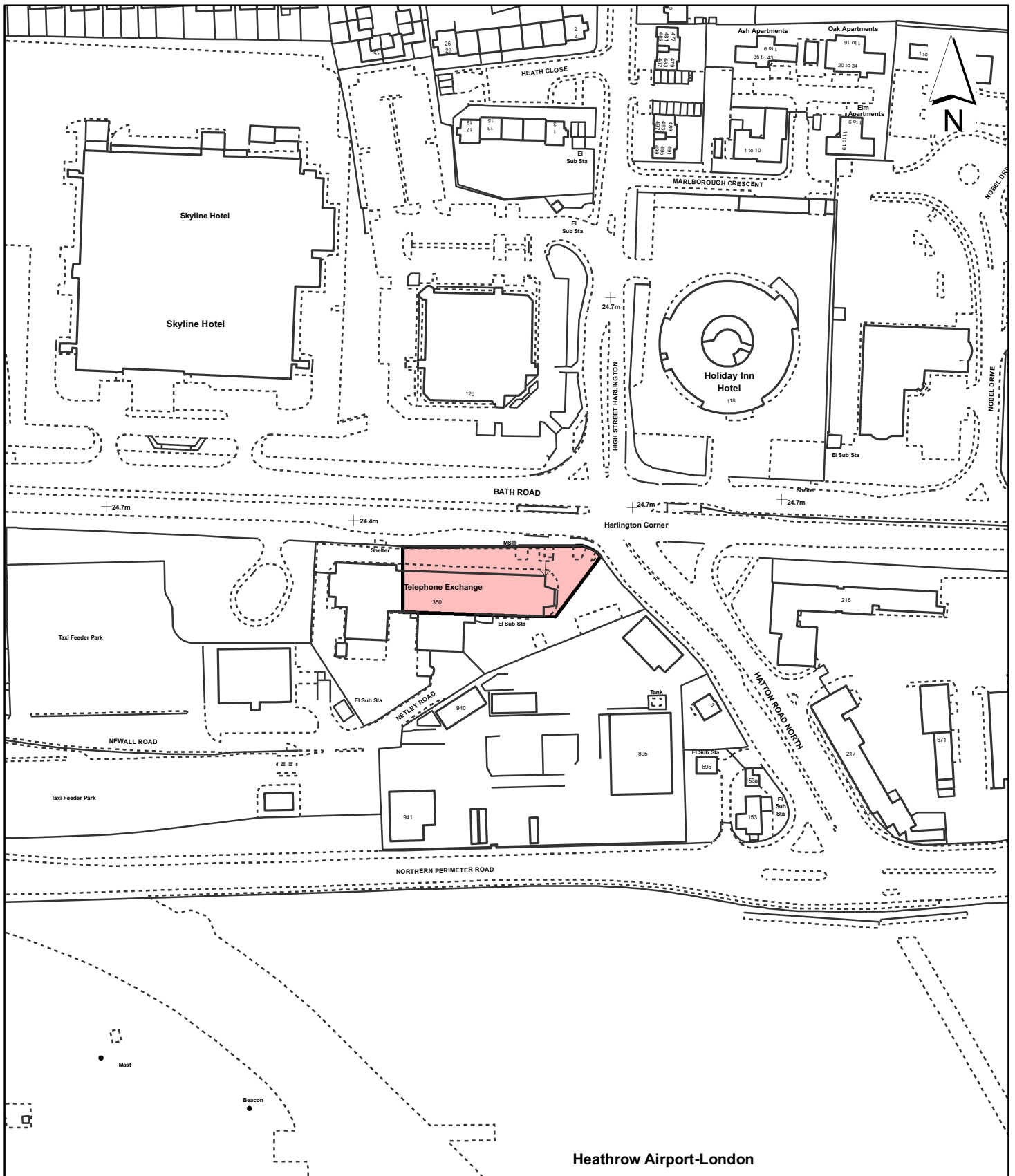
11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies September 2007

London Plan (Consolidated with Alteration since 2004)
PPG 8 Telecommunications
The code of Best Practice on Mobile Phone Network Development


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Heathrow Airport-London

Notes

 Site boundary

For identification purposes only.

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Site Address

**BT Skyport Telephone Exchange
Newall Road
Harlington**

Planning Application Ref:

15665/APP/2009/2485

Planning Committee

Central and South

Scale

1:2,000

Date

December 2009

**LONDON BOROUGH
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