

Report of the Head of Planning & Enforcement Services

Address ENTERPRISE HOUSE BLYTH ROAD HAYES

Development: Installation of 1 300mm diameter dish fixed to the roof of the water tower via a tripod support and development ancillary thereto.

LBH Ref Nos: 11623/APP/2010/1575

Drawing Nos: MTR109-GA-02C
MTR109-GA-03C
Design and Access Statement
Supplementary Information Template
MTR109-GA-01

Date Plans Received: 07/07/2010 **Date(s) of Amendment(s):**

Date Application Valid: 07/07/2010

1. SUMMARY

This application is to install a 300mm dish on a tripod on top of the water tower on Enterprise House, a Grade II listed building within the Botwell: Thorn EMI Conservation Area. It is considered that the proposed dish would be in a prominent position, on top of the water tower structure and would add to the proliferation of telecommunications equipment on the building. This, together with the accompanying application for listed building consent, are recommended for refusal.

2. RECOMMENDATION

Subject to no additional responses being received, which raise new planning considerations that have not already been considered in this report, the application be refused for the following reason:-

1 NON2 Non Standard reason for refusal

The proposed development would not replace any existing telecommunications equipment on the tower and would be sited in a prominent position on the top of the structure. As such, the proposal would be visually intrusive and in addition to existing and permitted telecommunications equipment, would cumulatively result in a cluttered and incongruous form of development which would have an unacceptable visual impact upon the character and appearance of this Grade II Listed Building. The proposal is therefore contrary to policies Pt1.8, Pt1.9, Pt1.11, BE4, BE8, BE9, BE10, BE13, BE15, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.

BE4	New development within or on the fringes of conservation areas
BE8	Planning applications for alteration or extension of listed buildings
BE9	Listed building consent applications for alterations or extensions
BE13	New development must harmonise with the existing street scene.
BE37	Telecommunications developments - siting and design
PPG8	Telecommunications
BE10	Proposals detrimental to the setting of a listed building
OE1	Protection of the character and amenities of surrounding properties and the local area

3. CONSIDERATIONS

3.1 Site and Locality

Enterprise House is an imposing six-storey industrial building, sited to the north of Blyth Road, some 55m to the east of its junction with Trevor Road. It has a large and prominent water tower centrally sited on its flat roof, which partially projects forward of the building façade. There are existing Vodafone antennas attached to the sides of this tower. The building is Grade II Listed and a Listed Building Consent application accompanies this application (ref: 11623/APP/2010/1576), which is also reported on this agenda.

The building is generally surrounded by industrial buildings, although on Blyth Road, approximately 70m to the west of the water tower are two storey terraced residential properties, whereas approximately 65m to the west is a three storey residential block.

Enterprise House is located within the Botwell: Thorn EMI Conservation Area and an Industrial and Business Area, as identified in the Hillingdon Unitary Development Plan.

3.2 Proposed Scheme

This application seeks full planning permission because permitted development rights do not apply to listed buildings. The proposal has been submitted by The Airwave service which is a dedicated system for the exclusive use of the emergency services, including the Police, Fire and Rescue and Ambulance Services, as well as other public safety organisations. The service operates during times of major planned and unplanned events; recent examples include the 2008 floods and G20 event and the service is designed to operate during major incidents when conventional mobile and fixed telephony

networks may become overloaded and/or fail. Airwave has been tasked by the London Organising Committee of the Olympic Games and Paralympic Games (LOCOG) to provide a similar secure and robust service to all LOCOG game venues.

Planning permission is sought to install a 300mm diameter dish on the top of the water tower by means of a tripod support. The centre of the dish would be 1.8m above the height of the water tower roof (33.8m), with the top of the tripod being approximately 2.8m above the height of the roof. The dish would be coloured grey with a steel tripod support.

3.3 Relevant Planning History

Comment on Relevant Planning History

There are numerous telecommunications applications that relate to this site.

The most relevant to these applications are 11623/APP/2010/575 and 576 submitted in March 2010 for planning permission and listed building consent for a similar scheme by the same operator for a dish to be installed on the side of the water tower. These were later withdrawn as Airwaves radio planning department advised that the height of the mast needed to be amended in order for the site to provide an effective link with an existing installation at Heathrow Airport.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.8 To preserve or enhance those features of Conservation Areas which contribute to their special architectural and visual qualities.
- PT1.9 To seek to preserve statutory Listed Buildings and buildings on the Local List.
- 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:

- BE4 New development within or on the fringes of conservation areas
- BE8 Planning applications for alteration or extension of listed buildings
- BE9 Listed building consent applications for alterations or extensions
- BE13 New development must harmonise with the existing street scene.
- BE37 Telecommunications developments - siting and design
- PPG8 Telecommunications
- BE10 Proposals detrimental to the setting of a listed building
- OE1 Protection of the character and amenities of surrounding properties and the local

area

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **11th August 2010**

5.2 Site Notice Expiry Date:- Not applicable

30th July 2010

6. Consultations

External Consultees

57 neighbouring properties have been consulted, the applications have been advertised and a site notice has been displayed on site. No responses have been received to date.

Hayes Town Centre Residents' Association: No response received.

Botwell House Primary School: No response received.

BAA Airports: The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objections to this proposal.

We would, however, make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention 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).

NATS: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Limited has no safeguarding objections to this proposal.

Internal Consultees

Conservation and Urban Design Officer:

COMMENTS: This is a grade II listed property located within the Botwell Thorn EMI CA.

CONSIDERATION: There is considerable concern re the installation of any further antenna on this building, as those already installed are considered to detract from its appearance.

Any new antenna should be carefully located to 'merge' with the design of the water tower, they should not unduly project beyond the existing structure and where possible should be screened using appropriately designed and coloured shrouding so that they merge with the detailed design of the structure.

The dish does not replace any aerial or antenna already existing on the tower; it is positioned on top of the structure, towards the street frontage on a prominently located tripod. It is, therefore, considered to detract from the appearance of the structure.

CONCLUSION: Unacceptable

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application has been assessed against policy BE37 of the Unitary Development Plan 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. Policies BE8, BE9 and BE10, which relate to Listed Buildings, and policy BE4, which seeks to preserve or enhance the appearance and character of conservation areas, are also relevant.

The application premises are located within a predominantly industrial area, characterised by large warehouses and factory units.

Planning policy seeks to minimise the visual impact of telecommunications installations by locating them in less sensitive locations including existing telecommunications sites and on buildings, particularly large commercial or industrial buildings. Although there is existing telecoms equipment already located on the roof of Enterprise House, officers consider that the siting of this equipment would be more prominent, and add to an already prolific assemblage of telecommunications equipment.

7.02 Density of the proposed development

Not applicable to this development.

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

Enterprise House is a grade II listed property and is sited within the Botwell: Thorn EMI Conservation Area. The proposed dish would be sited on top of the water tower, at the front of the structure. The roof area of the water tower has been kept relatively clear of telecommunications equipment. Given the prominent position of the mast, being sited on a tripod, it is considered that it will appear visually intrusive in a prominent forward position, above the height of the water tower. The installation will be visible from street level. The proposal would add to the proliferation of existing telecommunications equipment, detrimental to the appearance of the Listed Building and harmful to the character and appearance of the Conservation Area. The Council's Urban Design and Conservation Officer raises an objection to the proposed installation on this ground.

7.04 Airport safeguarding

BAA and NATS have not raised any safeguarding objections to the proposal.

7.05 Impact on the green belt

Not applicable to the application site.

7.07 Impact on the character & appearance of the area

See Section 7.03 above.

7.08 Impact on neighbours

Enterprise House is located within an industrial area, characterised by large warehouses and factory units. Two small isolated residential areas lie to the east and west of the site, the nearest property being approximately 75m from the nearest side of the water tower. The proposal would not be visible from any of these residential properties.

7.09 Living conditions for future occupiers

Not applicable to this development.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable to this development.

7.11 Urban design, access and security

This has been dealt with in Section 7.03 above.

7.12 Disabled access

Not applicable to this development.

7.13 Provision of affordable & special needs housing

Not applicable to this development.

7.14 Trees, landscaping and Ecology

Not applicable to this development.

7.15 Sustainable waste management

Not applicable to this development.

7.16 Renewable energy / Sustainability

Not applicable to this development.

7.17 Flooding or Drainage Issues

Not applicable to this development.

7.18 Noise or Air Quality Issues

Not applicable to this development.

7.19 Comments on Public Consultations

No public responses have been received to date.

7.20 Planning obligations

Not applicable to this development.

7.21 Expediency of enforcement action

There are no outstanding enforcement issues relating to this site.

7.22 Other Issues

There are no other issues relevant to the consideration of this application.

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'.

9. Observations of the Director of Finance

10. CONCLUSION

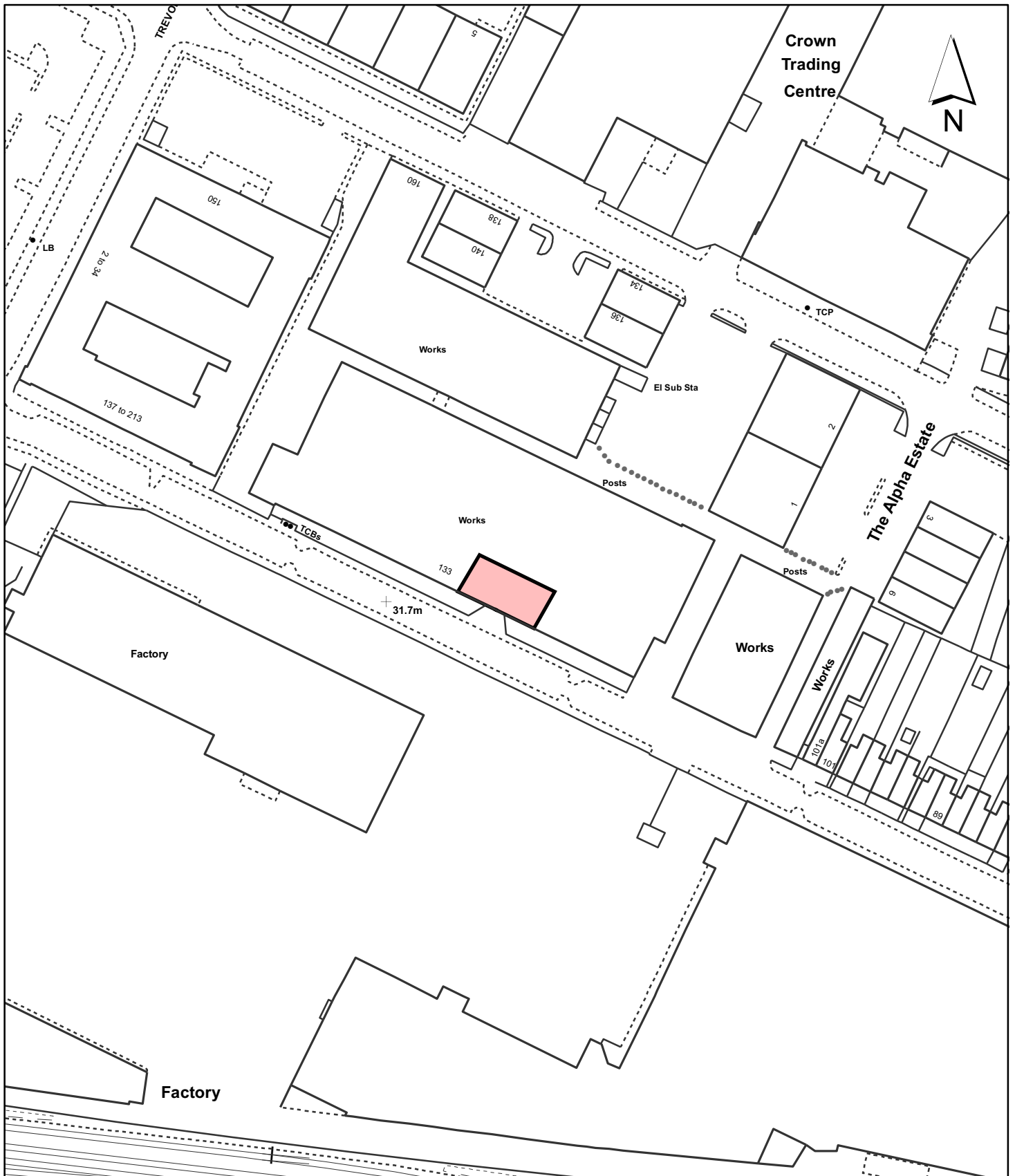
The proposal is for additional telecommunications equipment on this listed building, sited in a prominent position on top of the water tower. It is considered that it would add to the proliferation of telecommunications on this building with a prominent and visually obtrusive siting. It is recommended for refusal.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Policies (September 2007).
PPG8: Telecommunications.

Contact Officer: Richard Phillips

Telephone No: 01895 250230



Notes

 Site boundary
For identification purposes only.

This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.

© Crown Copyright. All rights reserved.
London Borough of Hillingdon
100019283 2009

Site Address	
Enterprise House Blyth Road Hayes	
Planning Application Ref:	Scale
11623/APP/2010/1575	1:1,250
Planning Committee	Date
Central and South	July 2010

LONDON BOROUGH OF HILLINGDON
Planning & Community Services
Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111



HILLINGDON
LONDON