

<b>Committee:</b> Development Committee	<b>Date:</b> 14 <sup>th</sup> December 2011	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.1
<b>Report</b> Corporate Director of Development and Renewal  <b>Case Officer:</b> Mandip Dhillon		<b>of:</b>	<b>Title:</b> Planning Application for Decision  <b>Ref No:</b> PA/11/01263  <b>Ward(s):</b> Bow East

## 1. APPLICATION DETAILS

**Location:** Old Ford Lock, 51 Dace Road, London  
**Existing Use:** Pedestrian footpath alongside Old Ford Lock  
**Proposal:** The Installation of a 25m temporary lattice mast, complete with 12 antennas and four dish antennas, associated radio equipment cabinets within a secure compound, for a period not exceeding 12 months from 1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2012.

**Drawing No's:** Drawing Numbers:  
100rev G, 101 rev G, 102 rev G, 103 rev G and 802 rev A.

Documents:  
Design and Access Statement Cell Ref 81987,  
Impact Statement,  
Health and Mobile Phone Base Stations dated March 2010,  
General Background Information on Radio Network Development for Planning Applications ref: v1.doc 20091116,  
Pre-Application Consultation dated 14<sup>th</sup> April 2011,  
Site Specific Supplementary Information Site Ref No. 1345/016/81931,  
London Olympics 2012 Old Ford Lock Temp Mast Macro RF Justification dated March 2011,  
London Olympics 2012 Olympics Park Planned Temporary Macro Site dated 7th July 2011,  
Discounted Site Report External Olympic Stadium Capacity Coverage, Photographic Aerial Survey prepared by arts-group.co.uk ref 10539, Aboricultural Survey dated March 2011,  
Tree Survey Report prepared by net;  
Olympic Park Telecommunications Statement; and  
Site Requirement Appraisal dated November 2011.

**Applicant:** Vodafone UK  
**Owner:** British Waterways  
**Historic Building:** None.

**Conservation Area:** Fish Island Conservation Area

**Other designations:** Application site is within a Flood Protection Area and an area of Archaeological Importance or Potential.

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower

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Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

1. The proposal facilitates the temporary need arising for telecommunications systems whilst keeping the environmental impacts to a minimum. The application is considered to have considered and demonstrated the provision of mast sharing and the Council is satisfied that there are no other solutions available to facilitate this installation. As such, the proposal is in line with saved policy DEV10 of the Unitary Development Plan 1998, policy U3 of the Interim Planning Guidance 2007, policy SP10 of the Core Strategy September 2010 and National Planning Guidance contained in PPG8.
2. The proposal is only considered to be acceptable because it is a proposal for the temporary installation of equipment with the site conditions being reinstated by the 31<sup>st</sup> December 2012. The temporary telecommunications equipment are considered to be acceptable under exceptional circumstances, as it facilitates the 2012 London Olympic Games, which meets the aims and objectives of Policy 2.4 of the London Plan 2011 and SO2 of the Core Strategy adopted 2010.

### **3. RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to the imposition of the following conditions and informatives.
- 3.2 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions:**

##### Conditions

1. This permission shall be for a limited period only, commencing 1<sup>st</sup> January 2012 expiring on 31<sup>st</sup> December 2012. On or before the expiration date the telecommunications equipment shall be discontinued and all associated structures/fixtures removed no later than 31<sup>st</sup> December 2012 at which time the site shall be re-instated.
2. Compliance with plans and documents
3. Lattice tower to be finished in a green colour
4. Tree protection plan to be implemented in accordance with details submitted
5. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

### **4. PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

- 4.1 The proposal seeks the installation of temporary telecommunications mast to facilitate the telecommunications needs associated with the London Olympic Games of 2012. Consent is sought for the installation of a mast for a temporary period of 12 months, from January 1<sup>st</sup> 2012 to 31<sup>st</sup> December 2012. This 12 month period includes the installation period and demounting of the telecommunications mast and the applicants have advised that as such the mast would be on site for less than 12 months.
- 4.2 The temporary mast would measure 25metres in height. The structure would be a temporary lattice mast contained within a fenced off area. The antenna would facilitate 12 antennas and

four dish antennas at high level. At ground floor level, an area of 52 square metres will be fenced off by a 1.8 metre high chainlink fence.

### **Site and Surroundings**

- 4.3 The application site lies to the west of Old Ford Lock. The sites western boundary abuts the rear of 51 Dace Road, the north, south and east of the site are bound by the towpath of the Old Ford Lock. The land itself forms part of the towpath which runs alongside the waterway and is currently a vacant area of hardstanding. The application site itself is a rectangular parcel of land covering an area of 52 square metres.
- 4.4 There are principally commercial uses located directly around the application site. The residential development at the Iron Works is located to the southwest of the application site.
- 4.5 The application site lies in an area of Archaeological Importance and a Flood Protection Area. The site is also within the Fish Island Conservation Area. There are no listed buildings within the vicinity of the site. To the west of the application site lie 4 trees covered by Tree Preservation Orders.

### **Planning History**

- 4.6 There is no relevant planning history for this site.

#### Adjoining Site- Land adjacent to H Forman and Son, Stour Road, London

- 4.7 PA/11/00737 - Proposal for Temporary building for the position of a corporate hospitality venue associated with the London 2012 Olympic and Paralympic games- This application was recommended for approval at the LTGDC committee on 10<sup>th</sup> November 2011. The application will now be referred back to the GLA for the Stage 2 referral prior to a final decision being issued.

#### Swan Wharf, Dace Road, London

- 4.8 PA/11/00481 - Temporary change of use from Class B1/B8 industrial to sui generis hospitality venue including erection of temporary structures - This application was approved at the LTGDC committee on 8<sup>th</sup> September 2011.

## **5. POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### **Unitary Development Plan 1998 (as saved September 2007)**

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV8	Protection of views
	DEV10	Telecommunications
	DEV14	Tree Preservation Orders
	DEV27	Small Scale Proposals
	DEV46	Riverside, Canalside, Docks and Other Water Areas

### **Core Strategy (2010)**

Strategic Objectives:	SO2	Maximising the Olympic Legacy
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S012	Creating a Green and Blue Grid
S013	Creating a Green and Blue Grid
S022	Creating Distinct and Durable Places
S023	Creating Distinct and Durable Places

Spatial Policies:	SP04	Creating a Green and Blue Grid
	SP10	Creating Distinct and Durable Places
	SP11	Working Towards a Zero Carbon Borough
	SP12	Delivering Placemaking

### **Interim Planning Guidance for the purposes of Development Control (October 2007)**

Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV20	Capacity of Utility Infrastructure
	CON2	Conservation Areas
	CON5	Protection and Management of Important Views
	U3	Telecommunications

### **Supplementary Planning Guidance/Documents**

Fish Island Conservation Area Management Appraisal, 2009

### **Spatial Development Strategy for Greater London (London Plan) 2011**

Policies:	2.4	The 2012 Games and their Legacy
	7.4	Local Character
	7.5	Public Realm
	7.8	Heritage Assets

### **Government Planning Policy Guidance/Statements**

NPPF	Draft National Planning Policy Framework
PPS1	Delivering Sustainable Development
PPG8	Telecommunications
PPS15	Planning and the Historic Environment

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

6.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **Olympic Joint Planning Authorities Team**

6.2 No comments received to date.

### **London Thames Gateway Development Corporation**

6.3 No comments received to date.

### **LBTH Arboricultural Officer**

6.4 The engineering solution is adequate and given that the trees are proposed to be retained in

accordance with the information provided, no objection raised.

*(Officer Comment: Conditions to secure the protection of the trees in accordance with the details submitted.)*

### **LBTH Design**

- 6.5 Objections have been raised to the scale of the proposal and its impact on the setting of the conservation area.

*(Officer comment: The design and merits of the proposal are considered in full below.)*

### **British Waterways**

- 6.6 No objection raised.

### **English Heritage Archaeology**

- 6.7 There is no need to undertake archaeological investigations as the proposals have no impact upon heritage assets of archaeological interest. No objection.

## **7. LOCAL REPRESENTATION**

- 7.1 A site notice was displayed at the application site and the application was advertised in East End Life.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No. of individual responses: 23      Against: 23      In Support: 0

### **Objections**

- 7.2 Land Use

- Whilst submitted as temporary, it is envisaged that the proposal will be retained permanently.

*(Officer comment: British Waterways have confirmed that only a temporary licence would be issued and that it is not intended to issue a permanent/extended licence for this proposal. A condition will also be imposed requiring the removal of the Mast and all associated equipment on December 31<sup>st</sup> 2012.)*

- Congestion in this part of the Lock due to other proposals such as drop off point for water boat and the hospitality venue proposed.

*(Officer Comment: It is not considered that the current application will unduly lead to overcrowding on the lock.)*

- As the mast relates to the Olympics, it should be located within the Park.

*(Officer comment: Officers have been advised that due to the levels of demand which is anticipated at the time of the Olympics, different locations are required to serve the Park. This proposal serves the edge of the Park and the majority of masts serving the Olympics are located within the Park itself. Further details of the consented infrastructure and the search area are provided below in the Material Planning Considerations section.)*

- 7.3 Design

-The Proposal is not suitable in a conservation area.

-Mast at 25metres in height is incongruous in the conservation area.

-Mast at this height will destroy views of and from the Lock side.

*(Officer Comment: These points will be discussed within the Material Planning*

*Considerations.)*

#### 7.4 Amenity

- Health risks

*(Officer comment: Health implications are a material planning consideration in the determination of a telecommunications application. An ICNIRP certificate has been submitted alongside this application in accordance with Government Guidelines regarding the health safeguards of proposed telecommunication masts.)*

- Impact upon trees

*(Officer Comment: No works are proposed to the adjoining Trees, a Tree Protection Plan has also been submitted to safeguard the trees during the installation of the mast and during its removal.)*

#### 7.5 Biodiversity

- Impact upon local wildlife

*(Officer Comment: The proposal is located on an area of existing hardstanding. The proposal does not seek to remove any vegetation or the adjoining trees, as such it is not considered that these temporary works will impact upon local biodiversity.)*

### **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The application has been fully reconsidered against all relevant policies under the following report headings:

- 8.2
1. Telecommunications
  2. Land Use
  3. Design
  4. Other

#### **Telecommunications**

##### Central Government Guidance

8.3 Central Government Guidance governing telecommunications development is contained within PPG 8, which was published in August 2001. The Government's policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Guidance also confirms that the Government has a responsibility for protecting public health. In order to minimise visual intrusion, the Government attaches considerable importance to keeping down the numbers of masts and the sharing of masts is strongly encouraged. It stresses however, that authorities need to consider the cumulative impact upon the environment.

8.4 The Guidance states that authorities and operators should use sympathetic design and camouflage to minimise the impact of the development.

8.5 The Guidance confirms that health impact represents, in principle, a material planning consideration. However, the Guidance states that it is the Government's firm view that the planning system is not the place for determining health safeguards. In the Government's view, if a proposed mobile base station meets the ICNIRP guidelines, 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.

8.6 The Supporting Guidance refers to the general precautionary approach to such development (advocated by the Stewart Report) but states that local planning authorities should not implement their own precautionary policies (by way of imposing a ban or moratorium on new telecommunications development).

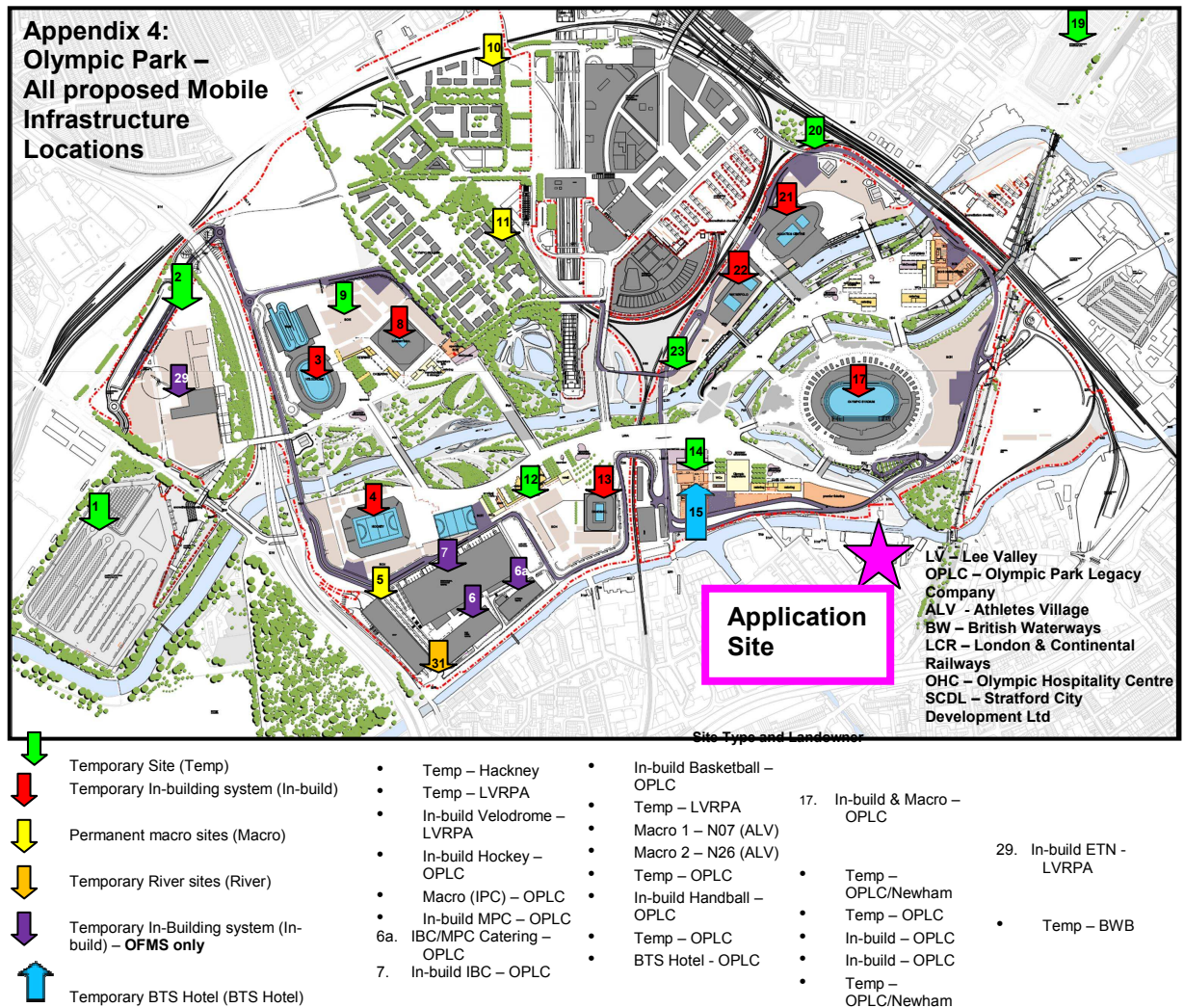
### Local Planning Policy

- 8.7 Policy U3 of the IPG 2007 states that the Council will only grant planning permission for telecommunications equipment where consideration has been given to minimising harm to local amenity, the local community and the environment.

### **Land Use**

- 8.8 The application seeks the temporary change of use of the site for a period of 12 months to provide a temporary lattice mast, associated radio equipment cabinets and chainlink fencing.
- 8.9 Policy 2.4 of London Plan 2011 requires the borough to encourage the promotion of the Olympic Park and venues as an international visitor destinations.
- 8.10 Strategic Objective SO2 of the Core Strategy 2010 seeks to ensure that Tower Hamlets supports the activities and sporting events and opportunities associated with the London Olympic Games.
- 8.11 The provision of this temporary mast seeks to facilitate the need for additional telecommunications requirements during the duration of the Olympic and Paralympics Games.
- 8.12 National planning guidance in PPG8 encourages the sharing of masts and sites to minimise the cumulative impact upon the environment. The applicant has undertaken a full assessment of the site and surrounding area and has confirmed that there is no other satisfactory and feasible option open to the various telecommunications operators other than the proposed installation. The assessment undertaken accords with the requirements of national guidance contained within PPG8 and local planning policies DEV10 of the Unitary Development Plan 1998 and U3 of the IPG 2007.
- 8.13 Plan 1 below shows the location of the proposed (consented) mobile phone infrastructure in and around the Olympic Park and the surrounding area which generally shows an even distribution. The area within the vicinity of the application site will have limited telecommunications coverage and is required to meet the demands for the duration of the Games.

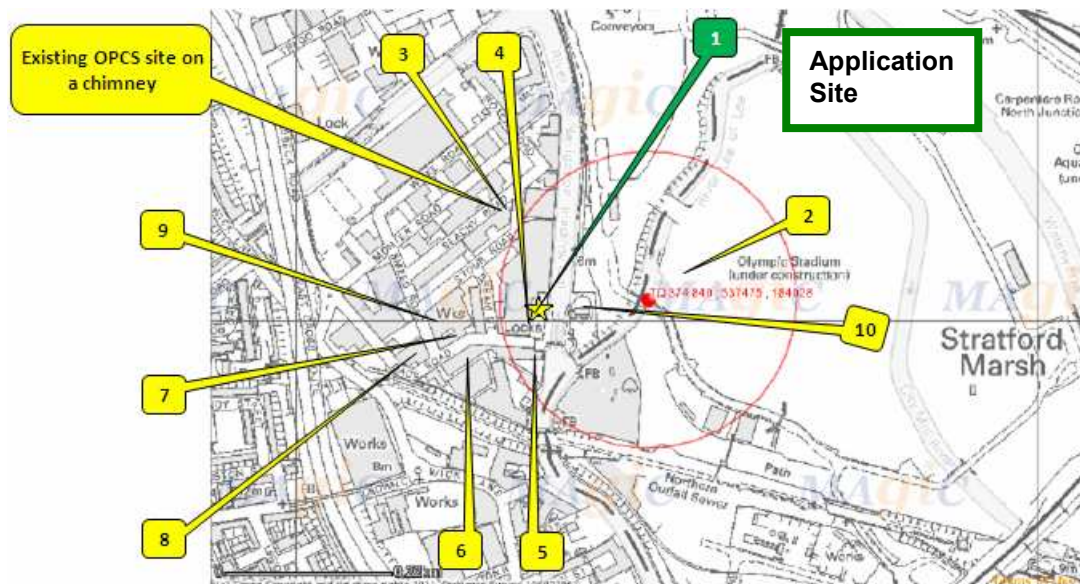
### **Plan 1 – Proposed Mobile Infrastructure Locations**



8.14 Plan 2 below shows the area within which the applicants have undertaken a search of existing sites and masts, in accordance with national and local guidance. The search area is determined by the area of coverage that the mast is required to serve. Within the search area, there are limited existing buildings on the western side of Old Ford Lock which were considered suitable. On the eastern side of Old Ford Lock, the provision of existing telecommunications equipment on the Olympic stadium and the location of the hospitality area has restricted possible locations for the provision of a mast within the defined search area. There is only one existing mast within the search area which is located on the Rutland Print Chimney on Stour Road. This site has been discounted because the existing Chimney is too small to facilitate the quantity of additional telecommunication equipment required (See map below- Existing OPCS site on a Chimney).

**Plan 2 - Map of Search Area and All Sites Considered.**

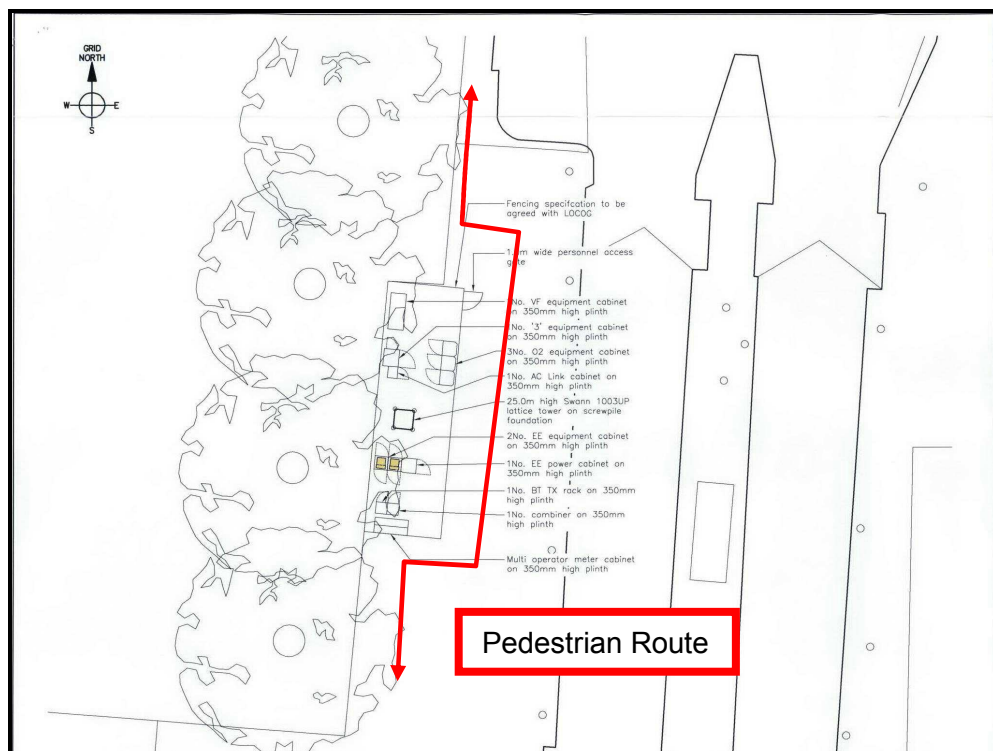




8.15 The application is located on an existing area of hardstanding which form part of the towpath alongside the Old Ford Lock. Saved policy DEV46 of the Unitary Development Plan 1998 states that development which has an adverse impact on the water environment will be resisted, including public access (accessibility) to the waterways.

8.16 The application seeks the temporary use of 52square metres of the site. The proposal will not result in the closure of the pedestrian footpath which runs alongside the Old Ford Lock. The diagram below shows the location at ground floor level of the proposed telecommunications fencing. The existing footpath along this stretch measures some 10.5m in width. This will be reduced to 6 metres with the temporary installation of the telecommunications mast and associated cabinets and equipment. The retention of the north south pedestrian route are shown on Plan 3 below.

**Plan 3 - Proposed Site Layout Plan**



- 8.17 The proposal is not considered to restrict pedestrian movement along the Old Ford Lock footpath, with clear pathways retained for safe and comfortable use on foot and for bicycles.
- 8.18 Given the very special circumstances of temporarily structure to provide the additional telecommunications requirement during the Olympic Games, the exceptional circumstances justify permission for the temporary change of use of the site, provided that the land is reverted back to its original use and state after the temporary planning permission expires.
- 8.19 The proposal is only considered to be acceptable in land use terms because it is a proposal for temporary use and for a temporary period which will reinstate the site in December 2012. The temporary use of the site is considered to be acceptable for exceptional circumstances as it facilitates the 2012 London Olympic and Paralympics Games, which meets the aims and objectives of Policy 2.4 of the London Plan 2011 and objectives of SO2 of the Core Strategy 2010.

## **Design**

- 8.20 Good design is central to the objectives of national, regional and local planning policy. Policy DEV1 of the UDP; objectives SO20, SO21, SO22, SO23 and policy SP10 of the Councils Core Strategy 2010 and IPG policy DEV2 provide guidance on design of new developments and specify a number criterion aimed at achieving good design.
- 8.21 These policies require new development to be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. They also require development to be sensitive to the capabilities of the site.
- 8.22 The site is located within the Fish Island Conservation Area. In assessing any development proposal in a Conservation Area, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. PPS5 provides additional advice on the approach to development in Conservation Areas.
- 8.23 National guidance is carried through to the local level in saved policy DEV27 of the Unitary Development Plan 1998, policy CON2 of the Interim Planning Guidance 2007, which re-asserts that development in Conservation Areas should preserve or enhance the distinctive character or appearance of that area in terms of scale, form, height, materials, architectural detail and design. In addition policy DEV46 seeks to protect and promote waterways for their contribution to the character of the borough and as important open areas.
- 8.24 The provision of this 25 metre high lattice mast and associated equipment contained at ground level within a secure fenced area measuring 52 square metres is not considered to preserve or enhance the character and appearance of the Fish Island Conservation Area or the waterway.
- 8.25 However, the proposed works are temporary in nature. Whilst it is not considered that they preserve or enhance the character and appearance of the conservation area, the works do not impact upon the accessibility of the waterway and pedestrian thoroughfare. The proposals are linked to a wholly exceptional, once in a lifetime event and given the temporary nature of the works and as they are fully reversible, it is considered that the principle of the proposals is acceptable, subject to the imposition of suitable conditions for their removal and the reinstatement of the site back to its original condition.
- 8.26 The proposal is only considered to be acceptable because it is a proposal for the temporary installation of telecommunications equipment and for a temporary period which will reinstate the site in December 2012. The temporary equipment and mast are considered to be acceptable for exceptional circumstances as it facilitates the 2012 London Olympic and Paralympic Games, which meets the aims and objectives of Policy 2.4 of the London Plan

2011 and SO2 of the Core Strategy adopted 2010.

### **Others**

#### Mast Sharing

- 8.27 The application seeks to facilitate mast sharing by the 5 major telecommunication operators. As such, the Council do not envisage any further applications being proposed to accommodate further telecommunications equipment within the search area identified above.

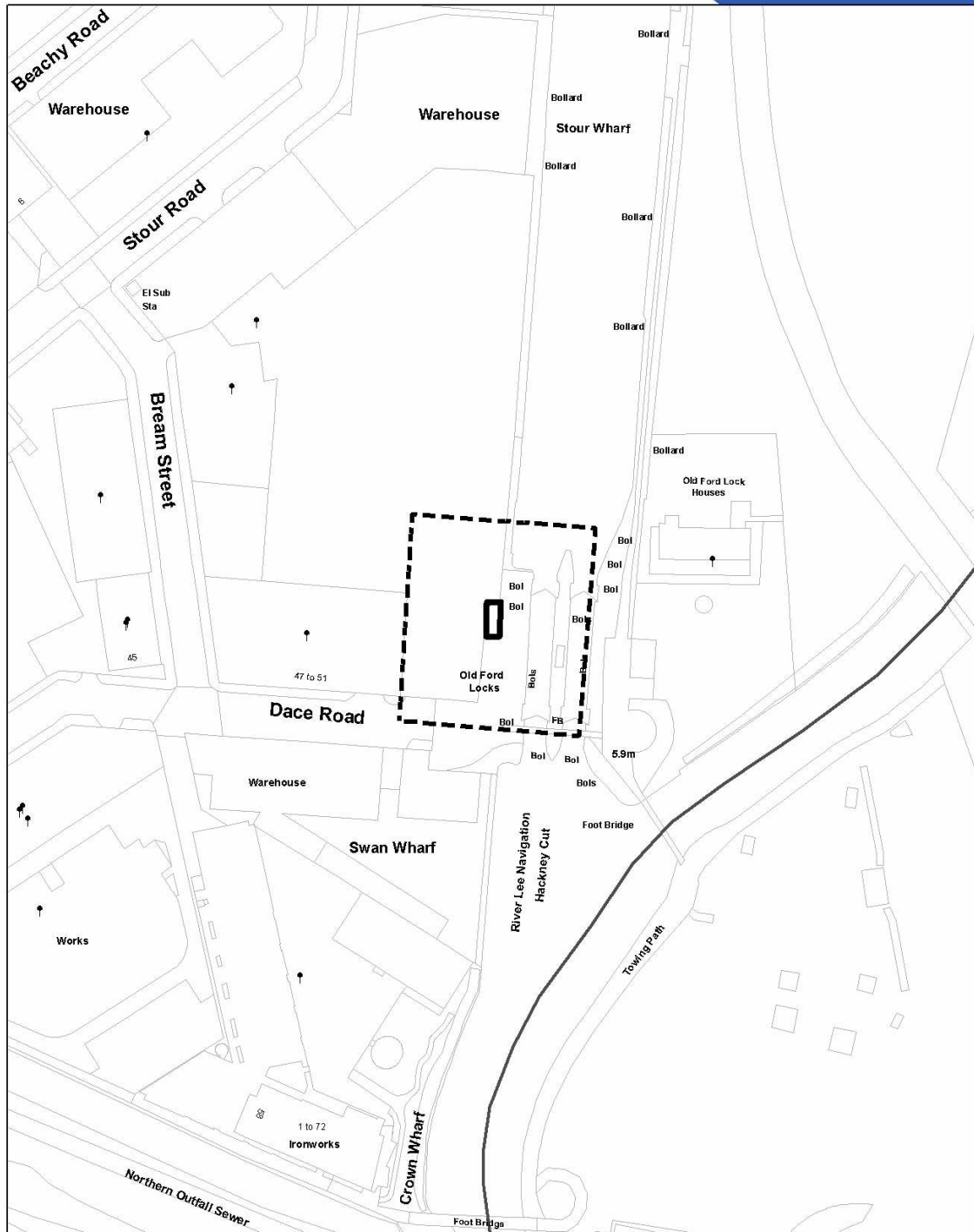
#### Biodiversity and Trees

- 8.28 All trees adjoining the application site, which are protected by a Tree Preservation Order, are proposed to be retained. A Tree Protection Plan has also been submitted to ensure all works mitigate any impact upon the trees during installation and removal from the site. The Council is satisfied that the proposed works will not detrimentally impact upon the adjoining trees, especially as the works will be removed and the site re-instated in December 2012. The application accords with policy DEV13 of the Interim Planning Guidance 2007 and policy SP10 of the Core Strategy 2010.
- 8.29 The application does not propose to remove any existing vegetation at the application site or the adjoining trees. The works are also temporary and the site is proposed to be reinstated in December 2012. It is not considered that the works, of a temporary nature will impact upon local biodiversity. The application accords with policy DEV46 of the Unitary Development Plan 1998, DEV7 of the Interim Planning Guidance 2007 and policy SP10 of the Core Strategy 2010.

### **9.0 Conclusions**

All other relevant policies and considerations have been taken into account. Temporary planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



Planning Application Site Boundary

Locally Listed Buildings

Land Parcel Address

Consultation Area

Statutory Listed Buildings



1:1,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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