

Report of the Head of Planning & Enforcement Services

Address LAND ADJACENT TO VAUXHALL GARAGE YEADING LANE HAYES

Development: Installation of a 12.5m high telecommunications streetworks pole, associated ground based equipment cabinets and ancillary developments (Consultation Under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) (as amended.)

LBH Ref Nos: 67033/APP/2010/2310

Drawing Nos: 100 (Site Location Maps)
200 (Site Location Plan)
300 (Proposed Site Elevation)
400 (Site Layout and Equipment Plan)
500 (Technical Information)
4 x Photomontages
Design and Access Statement
Document entitled Site Conditions, Technical Constraints, Landscape Features and Capacity Requirements
Site Specific Supplementary Information
Supporting Technical Information dated 24/05/10
Declaration of Conformity with ICNIRP Public Exposure Guidelines dated 04/10/10

Date Plans Received: 05/10/2010

Date(s) of Amendment(s):

Date Application Valid: 05/10/2010

1. SUMMARY

This application has been submitted on behalf of the Telefonica Group (O2) and Vodafone and seeks to determine whether prior approval is required for the siting and design of a 12.5m high monopole design mobile phone mast and ancillary equipment cabinets, which would accommodate antennas for both operators.

Vodafone and O2 have formed a strategic partnership to share mobile assets within the UK and across Europe. Therefore the organisations are seeking to work together to build new sites jointly and to consolidate the number of base stations required through sharing, which is in accordance with Government policy.

The proposed installation is required in order to provide improved signal quality and 2G and 3G coverage to the surrounding area. The applicant has searched the desired coverage area and concluded that there are no other more suitable locations available. In support of the application Vodafone have supplied technical details of their search/coverage area plans and justification for their site selection.

Whilst, the proposed installation would be clearly visible within the streetscene, it is not considered that there are more appropriate, visually less sensitive sites, for the proposed installation within the surrounding area, which would be capable of providing the required coverage. The design results from the need to accommodate antenna for two operators in the head of the mast. The proposal is considered to comply with relevant UDP policy and guidance within PPG8: Telecommunications. Accordingly, it is recommended that the details of siting and design are approved.

2. RECOMMENDATION

- (A) That prior approval of siting and design is required.
(B) The details of siting and design are approved.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to approve the details of siting and design 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 I53 Compulsory Informative (2)

The decision to approve the details of siting and design 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

3

You are advised that paragraph A.2(2)(a) of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) requires the removal of the installation, as soon as is reasonably practicable, after it is no longer required for electronic communications purposes.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the public footway adjacent to the Vauxhall car garage/dealership, located on the west side of Yeading Lane in Hayes. The footpath already houses an existing 12m high T-Mobile mast and associated equipment cabinets, in addition to streetlighting. The junction of Yeading Lane, Willow Tree Lane and Shakespeare Avenue lies approximately 60m to the north of the site. The site is bounded by the garage to the west, and by commercial premises directly opposite. The immediate locality is characterised by commercial, retail and residential developments, with commercial/retail premises at ground floor level and offices and/or residential above many of the properties fronting the road junction to the north. The area immediately to the south is residential. The wider area is predominantly residential in nature. The application site falls within the developed area as shown on the Hillingdon Unitary Development Plan Proposals Map.

3.2 Proposed Scheme

It is proposed to install a 12.5m high (including antennas) monopole mobile phone mast incorporating six antennas for use by both Vodafone and O2. One 1.84m by 0.44m by 1.55m high equipment cabinet, and a small 0.38m by 0.17m by 0.85m high ancillary

electrical mains pillar, would be located adjacent to the mast. The mast would be coloured grey and the cabinet would be coloured green.

3.3 Relevant Planning History

Comment on Relevant Planning History

An identical application was withdrawn at the applicant's request on 01/10/10 (ref: 67033/APP/2010/1981). This was due to a question over the validity of the application as the applicant had failed to notify RAF Northolt (which lies within 3km of the application site) of the proposal prior to submission in accordance with A.3(2) of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995.

The nearby 12m high T-Mobile installation gained consent in November 2000 (ref: 55735/APP/2000/2314).

4. Planning Policies and Standards

The application has been assessed principally against Policy BE37 of the Hillingdon Unitary Development Plan Saved Policies (September 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.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 3rd November 2010

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 105 local owner/occupiers, five local schools, the Willow Tree Lane Area Residents' Association, Willows Residents' Association and Yeading Residents' Association. A site notice was also posted. One letter of objection has been received from the adjacent car dealership/garage, which raises the following concerns:

- i) Unknown health risks.
- ii) When the adjacent garage was built particular attention was paid to the aesthetics of the building. Shortly after a phone mast appeared outside. An additional mast would further detract from the aesthetics of the building, and create an eyesore for staff, who's outlook is already contaminated by various poles and posts. The proximity of the proposed mast would be invasive and intrusive.
- iii) In considering a second mast so close to an existing installation, the "precautionary principle" recommended in the Government commissioned Stewart Report, calling for a cessation in the erection of masts close to people until more is known about the possible health effects of mobile phone technology, has been ignored by the Council.
- iv) Lack of pre-application consultation with the local community by the operator, contrary to guidance set out in PPG8 and the industry's own voluntary code.
- v) Consideration should be given to sharing the existing mast in compliance with Government guidance.
- vi) There may be alternative more remote sites available.
- vii) The proposal would not benefit the local community in any way. Mobile phone coverage is more than adequate in this area and the new mast is simply a commercial venture by the operator to capture a wider area of the Borough. The operator's licence obligations only require 80% coverage. Any coverage above that is effectively only being sought for commercial reasons. This clearly counts against the operator on the question of need for this specific installation and evidence must be provided to demonstrate that this site is needed. It is clear that the Council is entitled to discount the need for coverage in the locality by 20%.

Internal Consultees

HIGHWAY ENGINEER

No objection.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed installation does not exceed the limits set out in Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). It would not be located in an environmentally sensitive area, such as a conservation area, where more restrictive criteria are applicable. Accordingly, the proposal constitutes permitted development.

In accordance with Part 24 of the Town and Country planning (General Permitted Development) Order 1995 (as amended) Vodafone/O2 are required to apply to the Local Planning Authority for a determination as to whether prior approval of the details of siting and design is required and, if so, for the Local Planning Authority to either approve or refuse those details.

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. 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 of the site.

7.04 Airport safeguarding

There is no requirement for the Council to consult the airport safeguarding authorities regarding this proposal.

Under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, the applicant is required to consult either the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, on applications for any

installation comprising a mast within 3km of the perimeter of an aerodrome. The application site is located within approximately 2,400m (as measured on the Council's GIS system), from the perimeter of RAF Northolt and the previous application was withdrawn due to questions over its validity as this was not done until after the application was submitted. The applicant has provided evidence that the appropriate consultation was been carried out prior to submission of this application.

7.05 Impact on the green belt

Not applicable. The site is not located near any areas of Green Belt.

7.07 Impact on the character & appearance of the area

At 12.5m high the proposed mast would be taller than the immediately surrounding buildings and nearby streetlights, and of a comparable height to the nearby T-Mobile installation, located approximately 16m to the south. Given the requirement to accommodate two operators it would also have a bulkier headframe than the existing nearby installation, and it would be clearly visible within the street scene appearing as functional and utilitarian in its design.

Nevertheless, the applicant has investigated the use of seven alternative sites within the surrounding area, including other streetworks locations, and the rooftops of nearby buildings. The alternative streetworks sites have been discounted as they are closer to residential properties and/or schools, and are considered to be more prominent. Rooftops of nearby buildings have been discounted due to site owners unwilling to accommodate such equipment, or because the locations do not meet the operator's technical requirements.

Officers have searched the surrounding area and are unable to suggest any more appropriate alternative locations, which would be less prominent than that proposed. Given the residential nature of the surrounding area, it is particularly difficult to identify any sites which are likely to be visually more appropriate within the applicant's search area.

A monopole type design is considered to be most appropriate for this location which is relatively urban in character. Whilst the headframe of the proposed pole is relatively large and bulky in its design, it is acknowledged that this is due to the need to accommodate two operators, and that it would negate the need for an additional streetworks pole within the area which would otherwise be required. Accordingly, whilst it would be clearly visible within the streetcene and the design is not ideal, given the lack of more appropriate alternative sites within the surrounding area, on balance it is not considered the proposal would be so visually obtrusive in this location so as to justify refusal.

In terms of the equipment cabinet, this would be similar in appearance to those typically use by utility companies and often found on footways or highway verges. It is not considered that this would be out of keeping with the character or appearance of the area.

Notably, where the Council has refused previous proposals for such equipment, but has been unable to suggest reasonable alternative sites or designs, which would be visually more appropriate, these have been allowed at appeal. For example, in assessing a proposal for a 12m high imitation telegraph pole telecommunications mast at the junction of Paddock Road and Field End Road in South Ruislip (which would have been closer to residential properties and schools and received petitions and numerous letters of objection), whilst acknowledging that there would be some visual harm, the appeal Inspector stated "I consider that the need for the installation and the lack of any better alternative site outweighs the limited harm and policy conflict I have identified" (ref: APP/R5510/A/06/2014644 allowed 31/08/06).

7.08 Impact on neighbours

The application site falls within a suburban residential area which, with the exception of the adjacent Vauxhall garage, a smaller garage opposite, and some commercial/retail premises around the Yeading Lane/Shakespeare Road/Willow Tree Lane junction to the north, is largely characterised by three to four storey blocks of flats, and a mix of two-storey terraced and semi-detached houses.

The nearest residential properties are located approximately 30m away to the south west, in Meridian Court on the opposite side of Yeading Lane, and approximately 40m away to the south, in Cornelia Drive. The nearest school building is located approximately 370m to the north.

Although it is likely the mast would be visible from the front windows of surrounding residential properties, it would not be directly overlooked. It would also be seen in context with the commercial development in this location, the existing T-Mobile mast and streetlights. Accordingly, it is not considered that it would have a significant impact on the residential amenity of nearby residential properties.

Concern has been raised over the visual impact the installation would have on the outlook from the adjoining car dealership/garage. However, this is a commercial property where people are not spending all of their time, and the forecourt, which accommodates cars for sale, is considered to provide sufficient barrier between the windows of the premises and the proposed installation. It is not considered that the proposal would result in such a loss of outlook to employees of the building so as to justify refusal.

7.09 Living conditions for future occupiers

Not applicable to this type of development.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Telecommunications installations are visited infrequently for maintenance purposes only. As such, it is not considered that the proposed installation would have a significant detrimental impact on the free flow of traffic or highway safety. No objections have been raised by the Council's Highway Engineer.

7.11 Urban design, access and security

This issue has been largely addressed in part 7.07 of the report. Whilst the proposed installation would appear as functional and utilitarian in its design, and would have a somewhat cumbersome and bulky headframe, it is acknowledged that this is due to the need to accommodate two operators, and the monopole design is considered most appropriate in this location. This is considered preferable to having a taller mast, where the antennas would be stacked on top of each other in order to achieve a more slimline appearance, or two masts, one for each operator. Accordingly, on balance, it is not considered that refusal could be justified on design grounds.

7.12 Disabled access

Not applicable. There would be no requirement for members of the public to access the installation.

7.13 Provision of affordable & special needs housing

Not applicable to this type of development.

7.14 Trees, landscaping and Ecology

Not applicable to this type of development.

7.15 Sustainable waste management

Not applicable to this type of development.

7.16 Renewable energy / Sustainability

Not applicable to this type of development.

7.17 Flooding or Drainage Issues

Not applicable to this type of development.

7.18 Noise or Air Quality Issues

Not applicable to this type of development.

7.19 Comments on Public Consultations

Points (i), (ii), (iii) and (vi) have been addressed in the report.

Point (iv) raises concerns over the lack of pre-application consultation with local residents.

Whilst the operators are encouraged to carry out consultation with the local community there is no statutory requirement for them to do this. The Council has consulted with 105 local owner/occupiers, local residents' associations, nearby schools and a site notice has been posted, which exceeds statutory guidelines.

Point (v) suggests Vodafone and O2 should share the existing nearby T-Mobile mast. The applicant has confirmed that the adjacent mast is in use by T-Mobile and that in order to accommodate three operators it would need to be redeveloped into a much larger and taller structure. This is not considered visually desirable. Notably Vodafone and O2 would share the proposed installation. This is considered to be in compliance with current Government policy which encourages mast sharing.

Point (vi) questions the need for the installation in this location. The applicant has provided coverage plots which clearly demonstrate that the proposal would lead to improved coverage within the surrounding area. Accordingly, it is not considered that refusal could be justified on this basis.

7.20 Planning obligations

N/A. There is no requirement for the applicant to pay any S106 contributions for this type of development.

7.21 Expediency of enforcement action

None.

7.22 Other Issues

HEALTH:

In terms of potential health concerns, the applicant has confirmed that the proposed installation complies with the ICNIRP (International Commissions for Non Ionising Radiation Protection) guidelines. Accordingly, in terms of Government policy advice, 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.

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

Not applicable.

10. CONCLUSION

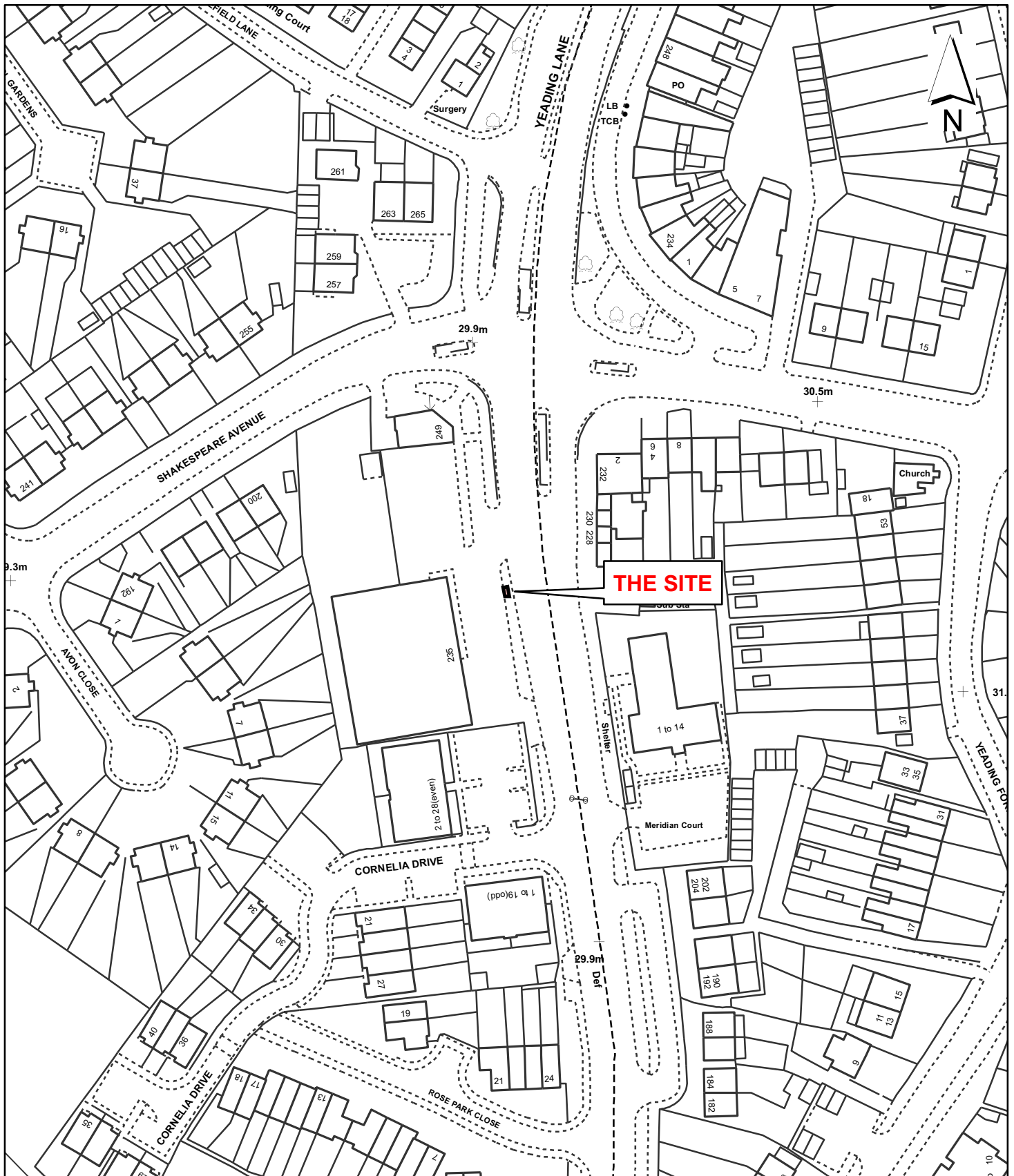
Whilst, the proposed installation would be clearly visible within the streetscene, officers are unable to suggest any more appropriate, visually less sensitive designs or sites, for the proposed installation within the surrounding area, which would be capable of providing the required coverage. The design, whilst not ideal due to the need for a bulkier headframe than is often required due to the need to accommodate two operators is, on balance, considered to be acceptable in this location. The proposal is considered to comply with relevant UDP policy and guidance within PPG8: Telecommunications. Accordingly, it is recommended that the details of siting and design are approved.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Policies September 2007
PPG8: Telecommunications

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Land adjacent to Vauxhall Garage Yeading Lane Hayes	
Planning Application Ref:	Scale
67033/APP/2010/2310	1:1,250
Planning Committee	Date
Central and South	November 2010

**LONDON BOROUGH
OF HILLINGDON**

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