

Report of the Head of Planning & Enforcement Services

Address REAR OF FOOTPATH ADJACENT TO UXBRIDGE CRICKET GROUND
PARK ROAD UXBRIDGE

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: 67031/APP/2010/2364

Drawing Nos: 1293/016/100
1293/016/200 REV A
1293/016/300 REV A
1293/016/400 REV B
Photos as Existing and Proposed
Design and Access Statement
Site Specific Supplementary Information
General background Information on Radio Network Development for Planning Applications
Health and Mobile Phone Base Stations
Cornerstone: Supporting Technical Information for o2 and Vodafone
1293/016/500 Rev A Technical Information
Drawing List

Date Plans Received: 08/10/2010

Date(s) of Amendment(s):

Date Application Valid: 08/10/2010

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 located adjacent to the Green Belt (Uxbridge Cricket Ground) and an Area of Special Local Character (Uxbridge Common) and would be visible within the streetscene, a more appropriate, visually less sensitive site, for the proposed installation within the surrounding area, which would be capable of providing the required coverage has not been found. The design, would accommodate two operators, allowing for the mast sharing in compliance with current planning policy

relating to telecommunications installations. As such, on balance, a telecommunication mast installation in this location is considered to be acceptable.

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

RECOMMENDATION (A) That prior approval of siting and design is required.

RECOMMENDATION (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.

OL1	Green Belt - acceptable open land uses and restrictions on new development
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
OL5	Development proposals adjacent to the Green Belt

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, including all cabling, equipment cabinets and any other associated equipment, as soon as is reasonably practicable, after it is no longer required for electronic communication purposes.

4 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

3. CONSIDERATIONS

3.1 Site and Locality

The site comprises the public footway/cyclepath on the east side of Park Road, approximately 70m to the north of the junction with Gatting Way, in Uxbridge. A grass verge and row of mature trees and vegetation is located to the rear of the footway. The proposed mast would be located between the footway and adjacent cycle path, and the cabinets would be located on the grass verge. Uxbridge Cricket Ground lies to the east of the site. Beyond Park Road, which is four lanes wide at this point, lies Uxbridge Common to the west. The nearest residential properties to the site are located approximately 90m to the south west at the junction of Park Road and South Common Road.

The site falls within the developed area, as shown on the Hillingdon Unitary Development Plan Proposals Map. However, Uxbridge Common opposite is designated as Metropolitan Open Land and falls within the North Uxbridge Area of Special Local Character. The playing fields to the east fall within the Green Belt. Nearby trees along Gatting Way are protected by Tree Preservation Orders (TPO), however the site area is not covered by a TPO.

3.2 Proposed Scheme

The application is for the installation of an 12.5m high (including antennas) monopole mobile phone mast incorporating three antennas to provide coverage for Vodafone and O2.

Three equipment cabinets, with dimensions of 0.38m by 0.17m by 0.85m high, 1.9m by 0.8m by 1.65m high and 1.3m by 0.93m by 1.9m high respectively, would be located near the mast at the rear of the footway. Both the mast and cabinets 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 29/09/2010 (ref: 67031/APP/2010/2025). This was due to a question over the validity of the application as the applicant had failed to notify RAF Northolt (which lies with 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 (as amended).

It is noted that there is an existing Vodafone installation and existing T-Mobile installation located nearby on the Uxbridge Water Tower (20m and 21m in height), approximately 360m to the north. The Uxbridge Water Tower is a Locally Listed Building.

4. Planning Policies and Standards

The application has been assessed against Policy OL1 of the Unitary Development Plan, which seeks to protect the Green Belt from inappropriate development. The application has also 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. Policy BE4 is also relevant and seeks to preserve and enhance the appearance and character of conservation areas.

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:

- OL1 Green Belt - acceptable open land uses and restrictions on new development
- 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
- OL5 Development proposals adjacent to the Green Belt

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 95 local owner/occupies, including the North Uxbridge Residents Association, Uxbridge Cricket Club, and the Scout Association.

Six letters of objection has been received, which raises the following concerns:

- i) Proximity to Green Belt, Area of Special Local Character, recreation ground, schools, parks and built up areas.
- ii) Unknown health concerns.
- iii) Proximity to school and even closer to school nursery.
- iv) Visual impact.
- v) Sharing of existing masts as an alternative
- vi) Already sufficient coverage
- vii) Near residential properties

In addition, a response has been received from Arqiva, who manage and operate the nearby Uxbridge Water Tower mast site, a locally listed building of Architectural and Historic appearance, which Vodafone currently occupy. Arqiva have referenced PPG 8 and other Telecommunication Best Practice guidance, noting that the sharing of existing telecommunication sites should be considered as part of the planning assessment.

Arqiva suggest the sharing of the site between Vodafone and O2.

OFFICER COMMENT

- i) has been addressed in sections 7.01, 7.03, 7.05, 7.07 and 7.08 of the report
- ii) has been addressed in section 7.22 of the report.
- iii) has been addressed in section 7.08 of the report
- iv) has been addressed in sections 7.07 and 7.11 of the report
- v) has been addressed in sections 7.01 and 7.07 of the report
- vi) has been addressed in section 7.01 of the report
- vii) has been addressed in sections 7.07 and 7.08 of the report

Arqiva:

Consideration of the Water Tower as a shared site has been discussed with the Council's Conservation Officer, who notes that additional telecommunication apparatus on this Locally Listing Building would not likely be supported by the Council and that, in this instance, it is appropriate to discount the Water Tower as a potential site for Vodafone and O2 to share.

Internal Consultees

HIGHWAY ENGINEER

The Council's Highways Officer has reviewed the application and raises no objection.

CONSERVATION OFFICER

The Council's Conservation Officer has reviewed the application and considers the proposal to be acceptable, noting that the proposed mast, along with associated equipment would not be considered detrimental to the setting of the North Uxbridge Area of Special Local Character.

TREES AND LANDSCAPING

The Council's Trees Officer has reviewed the application and notes the following:

'This area is not covered by a TPO, nor within a Conservation Area.

There are several trees in the vicinity of the proposed telecommunications pole: A line of young field maples, hawthorns and mixed shrubs between the pavement and the boundary fence of the cricket ground; and a scattered line of low quality leyland cypress trees beyond the cricket ground. None of the trees are high value, however any that are removed as part of this scheme should be replaced.

Taking onto account my comments made above, this scheme is considered acceptable in terms of the Saved Policy BE38 of the UDP'.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Planning Policy Guidance Note 8: Telecommunications and Policy BE37 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are supportive of telecommunications development providing the visual impact is minimised. In particular they encourage telecommunications operators to share or make use of existing installations and tall buildings before considering alternative, and often more visually obtrusive options.

However, notwithstanding this, the installation represents development adjacent to the Green Belt and it is therefore necessary for the applicant to demonstrate that special circumstances apply if an exception is to be made to established Green Belt policy.

Given that the mast would not be overlooked from the Green Belt, by way of benefiting

from existing screening provided by the backdrop of trees and landscaping, and combined with policy advice to share telecommunications structures where available, it is not considered that refusal could be justified on visual grounds, despite being proposed adjacent to Green Belt.

The applicant has provided details of alternative sites (9 in total) which have been investigated. It is notable that there are no other more suitable existing telecommunications installations within a wide area of this site, which would be suitable for sharing and are not located within the Green Belt or on a Listed Building (Uxbridge Water Tower). It is likely therefore, that should this site be deemed unsuitable on Green Belt grounds, that an alternative more obtrusive site may be sought which, given the nature of the area, would most likely also be located in or close to a Green Belt location, and/or closer to residential properties.

Notably, the partnership between Vodafone and O2 allows equipment locations to be shared, which was not always possible previously. This sharing of infrastructure reduces the need for an additional mast within the surrounding area, which would otherwise be required to meet Vodafone's coverage requirements. Officers are unable to suggest a more suitable, visually less prominent alternative location for the installation within the surrounding area. It is considered that sharing the site offers the most appropriate option within the area, compliant with UDP policy and, accordingly, no objections are raised to the principle of the proposed development in this location, providing site specific issues can be satisfactorily addressed.

Further analysis of the principle of the proposal in relation to its location within the Green Belt is provided at section 7.05 of this report.

7.02 Density of the proposed development

Not applicable to this type of application.

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

The proposed site is not located within an archaeology area, Conservation Area or on a Listed Building.

The site is however located adjacent to Uxbridge Common, which is Metropolitan Open Lane and an Area of Special Local Character. The Council's Conservation Officer has reviewed the application and considers that the application would not be detrimental to the setting of the Area of Special Local Character and as such is acceptable.

7.04 Airport safeguarding

There is no requirement for the Council to consult the airport safeguarding authorities regarding this proposal. However, 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 approximately 2,200m (as measured on the Council's GIS system), as the crow flies, from the perimeter of RAF Northolt. Evidence that this has been done has been provided by the applicant.

7.05 Impact on the green belt

Policy OL1 seeks to protect the Green Belt from inappropriate forms of development in order to preserve its openness and visual amenity.

Whilst a telecommunications installation would not usually be considered an acceptable form of development adjacent to Green Belt, this needs to be balanced with policies which strongly encourage telecommunications providers to share existing sites, and that the installation would be mostly screened by trees and other vegetation, providing a visual buffer between the installation and the Green Belt.

It is important to note that if allowed this proposal would allow both O2 and Vodafone to share an installation, without the need for an additional second antenna nearby. If this Consultation were not approved, it is likely Vodafone and/or O2 will require an installation elsewhere within the locality.

The applicant has confirmed that the area requiring coverage comprises the residential area and built up areas of North Uxbridge. There are no telecommunications installations suitable for sharing, or large buildings which would provide visually less prominent locations for a telecommunications installation, within the built up area. Whilst it is acknowledged that there is the Uxbridge Water Tower nearby, it is noted that the Tower is a Listed Building and it is not considered that additional installations would be appropriate at this location.

Existing trees and vegetation surrounding the proposed site significantly screen views of the mast and equipment compound from surrounding areas, particularly the Uxbridge Cricket Club. Whilst the top part of the mast can be seen through the trees from some vantage points, it is not considered that the proposed antennas would have any additional impact on the character or appearance of the existing installation or on the openness and visual amenity of the surrounding Green Belt. Notably, the proposal eliminates the potential requirement for an additional Vodafone installation within the surrounding area. As such, it is not considered that refusal could be justified on Green Belt grounds.

7.07 Impact on the character & appearance of the area

The surrounding area is largely characterised by Park Road, a busy main road, an Area of Special Local Character (Uxbridge Common) to the west and a large open area of Green Belt (Uxbridge Cricket Club) to the east.

At 12.5m high the proposed mast would be of a similar height to immediately surrounding streetlights. Given the requirement to accommodate two operators it would also have a bulkier headframe and it would be visible within the street scene appearing as functional and utilitarian in its design.

Nevertheless, the applicant has investigated the use of 9 alternative sites within the surrounding area, including other streetworks locations, and the rooftops of nearby buildings, and the Uxbridge Water Tower. 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 nearby surrounding area, it is particularly difficult to

identify any sites which are likely to be visually more appropriate within the applicant's search area. Of note, the Council's Conservation Officer considers additional telecommunication apparatus on the Uxbridge Water Tower is not considered suitable due to its Listed Building status.

A monopole type design is considered to be most appropriate for this location which is relatively urban in character with surrounding open space. 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. The applicant notes that the slimmest design option available to accommodate two Operators within a single structure has been selected. In addition, with the back drop of established trees between the installation and the Cricket Ground it is considered that screening would be provided to both the mast and ground based equipment within this location. It is proposed to paint both the cabinet and mast green to blend in with the surrounding trees and vegetation.

Accordingly, whilst it would be clearly visible within the streetscene, 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.

7.08 Impact on neighbours

The surrounding area is largely characterised by Park Road, a busy main road, an Area of Special Local Character (Uxbridge Common) to the west and a large open area of Green Belt (Uxbridge Cricket Club) to the east.

The nearest residential is located approximately 90m to the south west. There are no schools within close proximity to the site, however there is a nearby Scout Hut/Nursery approximately 150m to south east. No consultation responses were received from the Scout Association/Nursery.

It is considered that the proposed installation would not be directly overlooked by residential properties and would benefit from a significant backdrop of trees and vegetation, which would provide screening for the lower part of the mast and cabinets, particularly during summer months. Accordingly, it is not considered that the proposal would have a significant impact on the residential amenity of nearby residential properties.

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.

The Council's Highways Officer has reviewed the application and raises no objection.

7.11 Urban design, access and security

The proposed installation and equipment is functional and utilitarian in its design. Given the nature of the proposed installation, it is not considered that the proposal would have any significant detrimental impact on its visual appearance. The proposed antennas would be designed and coloured green to be in keeping with the appearance of the backdrop of vegetation. As such, it is not considered that the proposal would have a significant impact on the openness of the surrounding Green Belt or on the visual amenity of the surrounding area.

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. There is no requirement for this type of development to contribute towards affordable or special needs housing in the borough.

7.14 Trees, landscaping and Ecology

The proposed site is not covered by a Tree Protection Order (TPO), nor is it within a Conservation Area.

There are several trees in the vicinity of the proposed telecommunications pole that provide a suitable screen buffer between the proposal installation and the Cricket Club, including a line of young field maples, hawthorns and mixed shrubs, as a scattered line of low quality leyland cypress trees beyond the cricket ground.

The proposed development would have no impact on nearby trees of landscaping. No additional landscaping has been proposed with this development.

The Council's Trees and Landscaping Officer has reviewed the application and considers the scheme to be appropriate in terms of the Saved Policy BE38 of the UDP.

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

This is addressed in 6.1 of the report.

7.20 Planning obligations

Not applicable. There is no requirement for the applicant to pay any S106 contributions for this type of development.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

Health:

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, 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'.

9. Observations of the Director of Finance

10. CONCLUSION

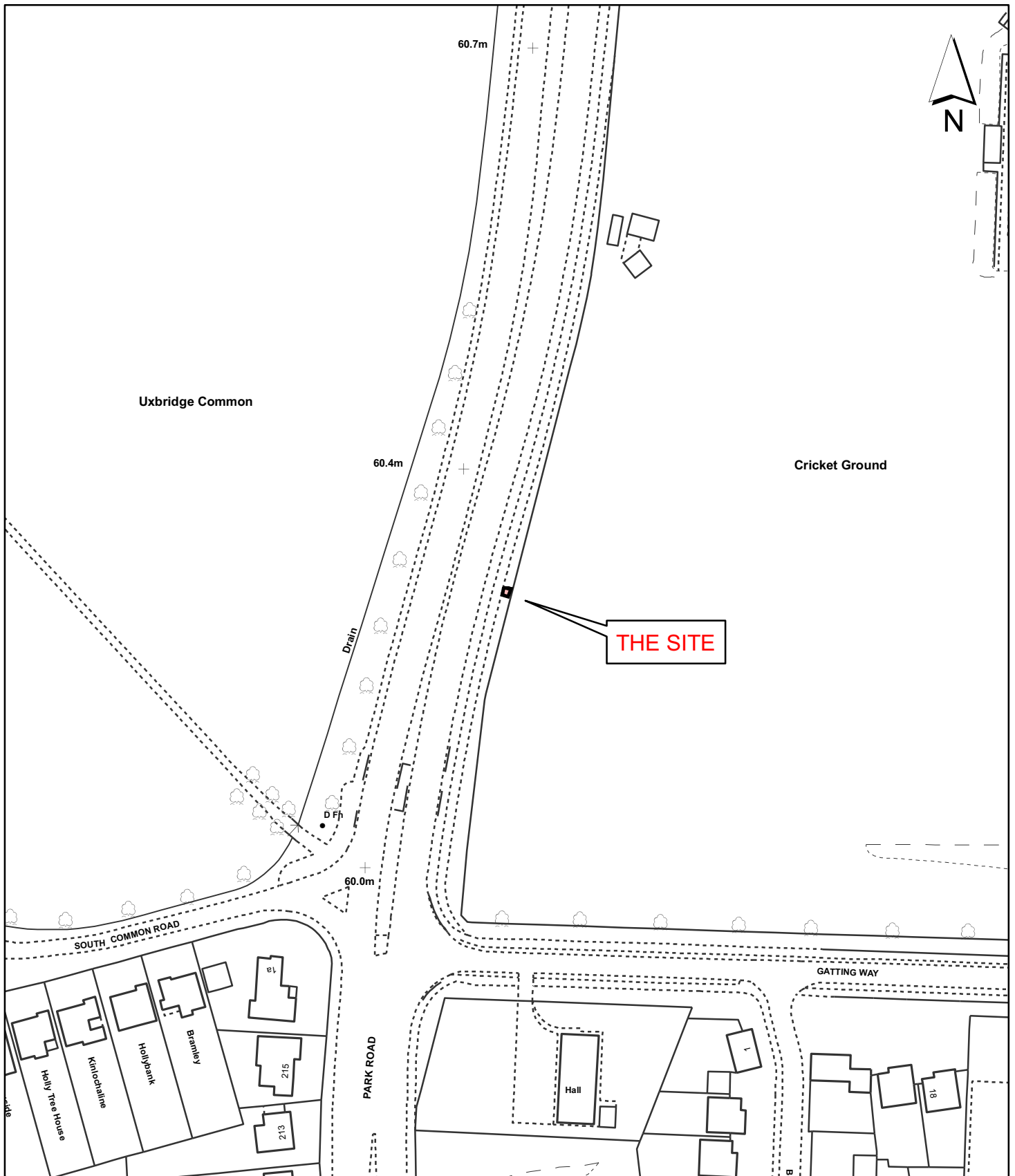
It is not considered that the proposed installation would result in a significant detrimental visual impact on the character or appearance of the surrounding area, including the Uxbridge Common Area of Special Local Character, or on the openness or visual amenity of the Green Belt in this location. The proposal complies with current planning policy which encourages telecommunications operators to share existing facilities. The proposal is considered to comply with relevant UDP policies and planning guidance. Accordingly, approval is recommended.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007)
London Plan (Consolidated with Alterations since 2004)
Planning Policy Guidance 2: Green Belts
Planning Policy Guidance 8: Telecommunications
Code of Best Practice on Mobile Phone Network Development

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Rear of footpath adjacent to
Uxbridge Cricket Ground
Park Road, Uxbridge**

**LONDON BOROUGH
OF HILLINGDON**

**Planning, Environment
& Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:

67031/APP/2010/2364

Scale

1:1,250

Planning Committee

Central and South

Date

**November
2010**



HILLINGDON
LONDON