

## Report of the Head of Planning & Enforcement Services

**Address** LAND AT GRASS VERGE OPPOSITE REAR OF COMET WAREHOUSE  
CYGNET WAY HAYES

**Development:** Installation of a 15m high mobile telecommunications pole and ancillary equipment cabinet (Consultation under Schedule 2, Part 24 of The Town and Country Planning (General Permitted Development) Order 1995) (as amended.)

**LBH Ref Nos:** 67034/APP/2010/2309

**Drawing Nos:** 1293/020/100 REV A  
1293/020/200 REV A  
1293/020/300 REV A  
1293/020/400 REV A  
Photos as Existing and Proposed  
Design and Access Statement  
General background Information on Radio Network Development for Planning Applications  
Health and Mobile Phone Base Stations  
Site Specific Supplementary Information  
Cornerstone: Supporting Technical Information for o2 and Vodafone  
Technical Information 1293/020/500

**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 15m 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 more appropriate, visually less sensitive sites, for the proposed installation exist within the surrounding area, which would be capable of providing the required coverage. The design features a bulkier headframe due to the need to accommodate antenna for two operators. 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.

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, 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 grass verge opposite the rear of Comet Warehouse, Cygnet Way, Yeading. The grass verge forms part of the Transport for London (TfL) Highway (A312 road).

The site is in a mixed use area, although the immediate locality is primarily characterised by the commercial scale of Comet Warehouse and a heavy goods vehicle testing facility.

Further along Cygnet Way are residential properties, the nearest being 1-11 Pintail Way, located approximately 80 to the south. To the west of the site is a large tree covered mound, beyond which is the A312 road, approximately 40m away. The nearest school to the site is the Willows School located approximately 270m to the north.

There are two existing masts located near to the site, one 30m to the north and one 30m to the south, both located along Cygnet Way.

The site falls within the Developed Area as designated in the Hillingdon Unitary Development Plan Proposals Map.

### **3.2 Proposed Scheme**

It is proposed to install a 15m high (including antennas) monopole mobile phone mast incorporating three radio antennas enclosed within a shroud, an equipment cabinet at ground level and ancillary electrical mains pillar.

The equipment cabinet would measure 2m by 0.6m by 1m high and the ancillary electrical mains pillar would measure approximately 0.9m high. Both cabinets would be located adjacent to the mast. The mast would be coloured grey and the 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: 67034/APP/2010/1892). 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 (as amended).

There are two existing masts located near to the site, one 30m to the north and one 30m to the south. Planning permission for the mast to the north was granted in October 2006 (ref: 62224/APP/2006/2511) for the erection of a 18m high monopole mobile phone mast and ancillary equipment cabinets on the grass verge on the same side of Cygnet Way. Planning permission for the mast to the south was also granted in October 2006 (ref: 62232/APP/2006/2527) for the erection of a 11.8m high monopole mobile phone mast and ancillary equipment cabinets on the grass verge on the opposite side of the Cygnet Way to your application site. The Site Finder website shows that both planning permissions have been implemented and that Orange operate the 11.8m mast and 3 Mobile operates the other. Of note, the Site Finder website shows the second mast to be only 16.3m in height, rather than the permitted 18m.

### **4. Planning Policies and Standards**

The application has been assessed principally against Policy BE37 of the 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 103 local owner/occupies, Willows School, Willow Tree Lane Residents Association, Willows Residents Association, Yeading Residents Association. No responses have been received from these consultees.

### **BAA SAFEGUARDING**

BAA Safeguarding have examined the proposal from an aerodrome safeguarding perspective and note that the proposed mast would not conflict with safeguarding criteria. No objections are raised.

The proposed site is considered to be an 'amber' rating under the Traffic Light Rating Model of the code of Best Practice on Mobile Phone Network Development. As such, the consultation undertaken is considered appropriate.

### **Internal Consultees**

#### **HIGHWAY ENGINEER**

No objection subject to TfL approval, as the proposed mast would be located on TfL Highway (A312 road). TfL have assessed the proposal and raise no objection. This is discussed in section 7.10 of the report.

## **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 is 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 to this type of development. The proposed site is not located within an archaeology area, Conservation Area, Listed Building or Areas of Special Character.

#### **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 within approximately 2,000m (as measured on the Council's GIS system), from the perimeter of RAF Northolt. Evidence that this has been done has been provided by the applicant.

In addition, BAA Safeguarding have reviewed the application and have confirmed that the proposal does not conflict with airport/aircraft safeguarding criteria.

#### **7.05 Impact on the green belt**

Not applicable. The application site is not located near any Green Belt land.

#### **7.07 Impact on the character & appearance of the area**

At 15m high the proposed mast would be taller than the immediately surrounding buildings and nearby streetlights, and of a comparable height to the masts installations along Cygnet Way. 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.

Nevertheless, the applicant has investigated the use of 10 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 nearby surrounding area, it is particularly difficult to

identify any sites which are likely to be visually more appropriate within the 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. In addition, with the back drop of established trees in between Parkway and Cygnet Way it is considered that screening would be provided to both the mast and ground based equipment when viewed from the west. 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 schemes have been allowed at appeal.

#### **7.08 Impact on neighbours**

The application site falls within a mixed use area comprising commercial/retail, Highway and suburban residential.

The nearest residential properties are located approximately 80m to the south. The nearest building is the Comet Warehouse, located approximately 40m to the east. The nearest school building is located approximately 250m away from the proposed site. The nearest school building is located approximately 350m away.

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 masts, cabinets and streetlights. Accordingly, it is not considered that it would have a significant impact on the residential amenity of nearby residential properties. Notably, to date, no objections have been received from residents.

#### **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 subject to comments received from TfL as the proposed site is within the TfL Highway. The applicant served notice of intent on TfL, informing TfL of the proposed mast. TfL have assessed the proposal and raise no objection.

#### **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**

N/A to this type of application.

#### **7.13 Provision of affordable & special needs housing**

N/A. 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**

N/A. The proposed development would have no impact on nearby trees or landscaping. No additional landscaping has been proposed with this development.

#### **7.15 Sustainable waste management**

N/A to this type of application.

#### **7.16 Renewable energy / Sustainability**

N/A to this type of application.

#### **7.17 Flooding or Drainage Issues**

N/A to this type of application.

#### **7.18 Noise or Air Quality Issues**

N/A to this type of application.

#### **7.19 Comments on Public Consultations**

Refer to section 6.1 of the report.

#### **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**

N/A.

#### **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**

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.

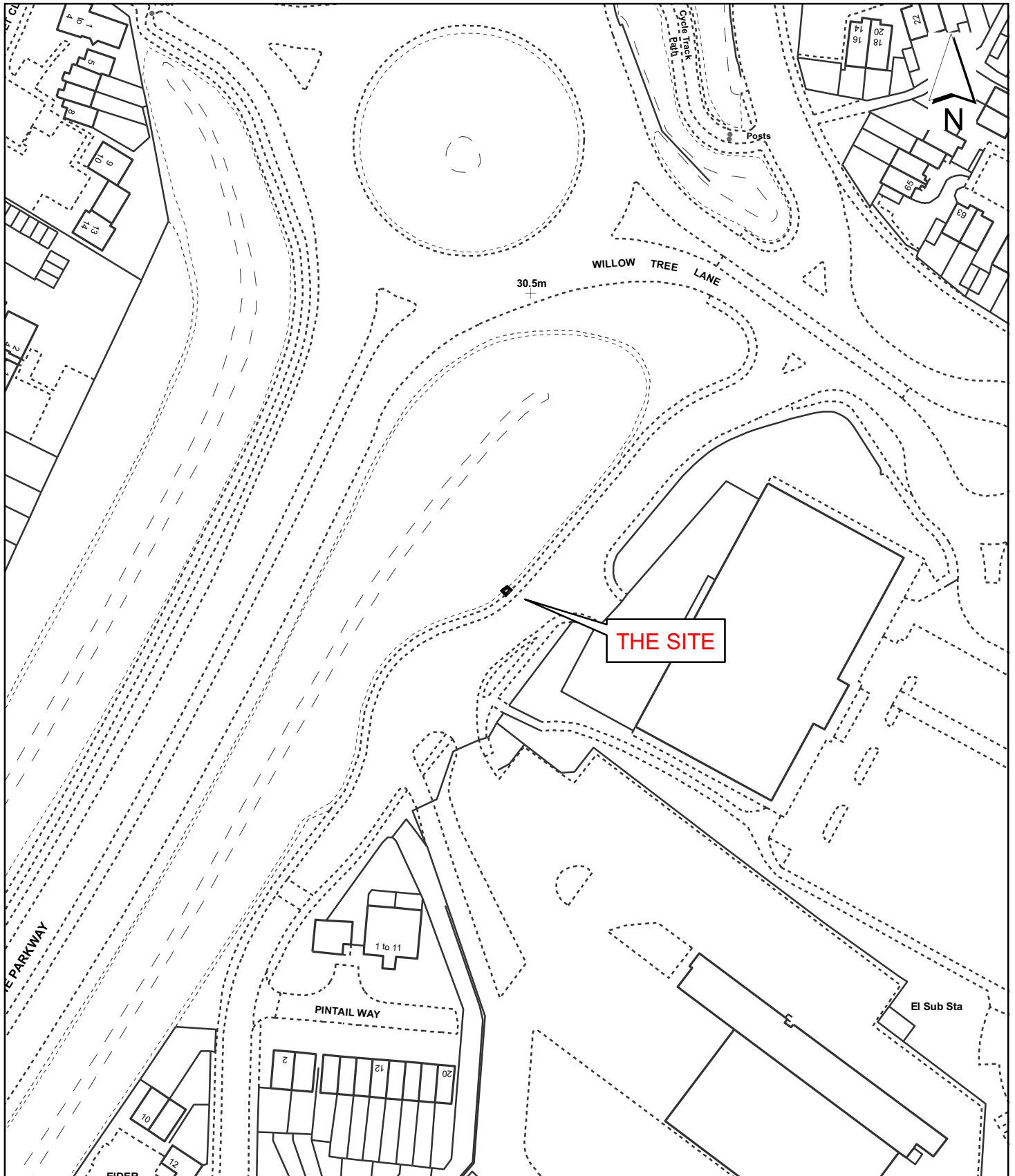
## **11. Reference Documents**

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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London Borough of Hillingdon  
100019283 2010

Site Address	
<b>Land at grass verge opposite rear of Comet Warehouse Cynet Way, Hayes</b>	
Planning Application Ref:	Scale
<b>67034/APP/2010/2309</b>	<b>1:1,250</b>
Planning Committee	Date
<b>Central and South</b>	<b>November 2010</b>

**LONDON BOROUGH OF HILLINGDON**  
**Planning, Environment & Community Services**

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