

## Report of the Head of Planning & Enforcement Services

**Address** GRASS VERGE REAR OF 109 AND 111 SWEETCROFT LANE HERCIES ROAD (CLOSE TO BUS STOP) HILLINGDON

**Development:** Installation of 12.5m high imitation telegraph pole mobile phone mast and ancillary equipment cabinet (Consultation under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995).

**LBH Ref Nos:** 67517/APP/2010/2930

**Drawing Nos:** 100  
200  
300 REV A  
400 REV A  
Antenna/Equipment Schedule (500 REV A)  
General background Information on Radio Network Development for Planning Applications  
Site Specific Supplementary Information  
Cornerstone: Supporting Technical Information for Vodafone Agent's Letter Accompanying Application - 14/12/2010  
Tyco Electronics Letter to RAF Northolt - 14/12/2010  
Vodafone Letter to Chief Planning Officer - 14/12/2010  
Tyco Electronics Letter to Highways Department - 14/12/2010

**Date Plans Received:** 14/12/2010                      **Date(s) of Amendment(s):**

**Date Application Valid:** 14/12/2010

### 1. SUMMARY

It is proposed to erect a telecommunications mast on the grass verge fronting Hercies Road, to the rear of 109 and 111 Sweetcroft Lane.

The proposed telecommunications mast by virtue of its size and location would detract from the street scene, because it would be a readily apparent, incongruous element. The mast would not harmonise with the existing street scene and as such is contrary to Policies BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

### 2. RECOMMENDATION

**REFUSAL for the following reasons:**

#### 1 NON2 Non Standard reason for refusal

The proposed development would result in an incongruous and visually obtrusive form of development which would be out of keeping with the visual character of the surrounding street scene. Furthermore, other potential solutions have not been fully investigated. The proposal is therefore contrary to Policies pt.1.8, pt1.11, BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

## INFORMATIVES

## **1 I52 Compulsory Informative (1)**

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **2 I53 Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

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. CONSIDERATIONS**

#### **3.1 Site and Locality**

The site comprises the grass verge fronting Hercies Road, to the rear of 109 and 111 Sweetcroft Lane. The proposed installation would be situated behind an existing bus shelter and near to the Hercies Road/Sweetcroft Lane intersection. A row of trees and vegetation, measuring approximately between 8m and 16m high, are located on the grass verge and provide a boundary between the application site and the back gardens of Sweetcroft Lane. Extensive areas of open space, including playing fields, are located to the north west and fall within the Green Belt. The site falls within the developed area, as shown in the Unitary Development Plan Proposals Map.

#### **3.2 Proposed Scheme**

It is proposed to install a 12.5m high replica telegraph pole with 3 integral antennas and an ancillary equipment cabinet. The equipment cabinet would measure 1.58m by 0.38m by 0.4m high and would be located adjacent to the mast. The mast would be coloured brown and the cabinet would be coloured green. The cabinet would set back from 0.35m from the edge of the bus shelter and the mid-point of the mast would be set back 0.5m from the edge of the bus shelter.

#### **3.3 Relevant Planning History**

##### **Comment on Relevant Planning History**

There is no planning history on the site.

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

### **UDP / LDF Designation and London Plan**

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

Part 1 Policies:

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:- **25th January 2011**

**5.2** Site Notice Expiry Date:- Not applicable

## **6. Consultations**

### **External Consultees**

Consultation letters were sent to 85 local owner/occupiers, Hercies Road resident Association and the North Uxbridge Resident Association and a site notice was posted. To date three letters of objection have been received. The following concerns are raised:

- i) Health risks.
- ii) Visual impact.

### **Internal Consultees**

Highways

No objection. It should also be noted that no Highways objections were raised at pre-application stage.

## **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**

The site is located approximately 80m south of the green belt. Between the site and the green belt is Sweetcroft Lane with relatively large rear gardens.

The site is not in a Conservation Area or Area of Special Character.

#### **7.04 Airport safeguarding**

The proposed mast will have no impact on airport safeguarding.

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

The proposed mast is not located within and will not be visible from the Green Belt.

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

The proposed mast has been designed to have the appearance of a telegraph pole, however it is to be approximately 50cm in diameter and 12.5m in height. The closest telegraph pole is set further back on the grass verge, closer to the trees and bushes that line the back of the properties on Sweetcroft Lane and is much narrower and only approximately 8m in height. The most prominent street furniture forming the setting, albeit that these are on the opposite side of the road, of the mast are lampposts. These are relatively thin metal columns approximately 9m in height.

The mast would be located in a highly prominent position that would be visible from long views down Hercies Road as well as Sweetcroft Lane. It is therefore considered that the proposal would detract from the street scene, because it would be a readily apparent, incongruous element. The mast would not harmonise with the existing street scene and is as such contrary to Policy BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Polices (September 2007).

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

Residents express concerns about the possible health risks from the development. PPG8 indicates that the planning system is not the place for determining health safeguards. It goes on to state that if a proposed mobile phone base station meets the ICNIRP guidelines, it should not be necessary to consider further the health aspects of the development and concerns about them. The applicant has confirmed that the proposed equipment would comply with ICNIRP guidelines. There is nothing to indicate that there is a risk to health, nor is there evidence to outweigh advice in PPG8 on health considerations. As such it is considered that the health fears of residents do not weigh significantly against the development. As such a reason for refusal on health grounds cannot be substantiated.

#### **7.09 Living conditions for future occupiers**

Not applicable to this type of application.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

Not applicable to this type of application.

#### **7.11 Urban design, access and security**

Not applicable.

#### **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.

#### **7.14 Trees, landscaping and Ecology**

The proposed mast is to be located on a road side grass verge, away from trees and as such would have no impact on surrounding trees.

#### **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**

Concerns raised by residents have been addressed within the report.

#### **7.20 Planning obligations**

None.

#### **7.21 Expediency of enforcement action**

None.

#### **7.22 Other Issues**

None.

### **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**

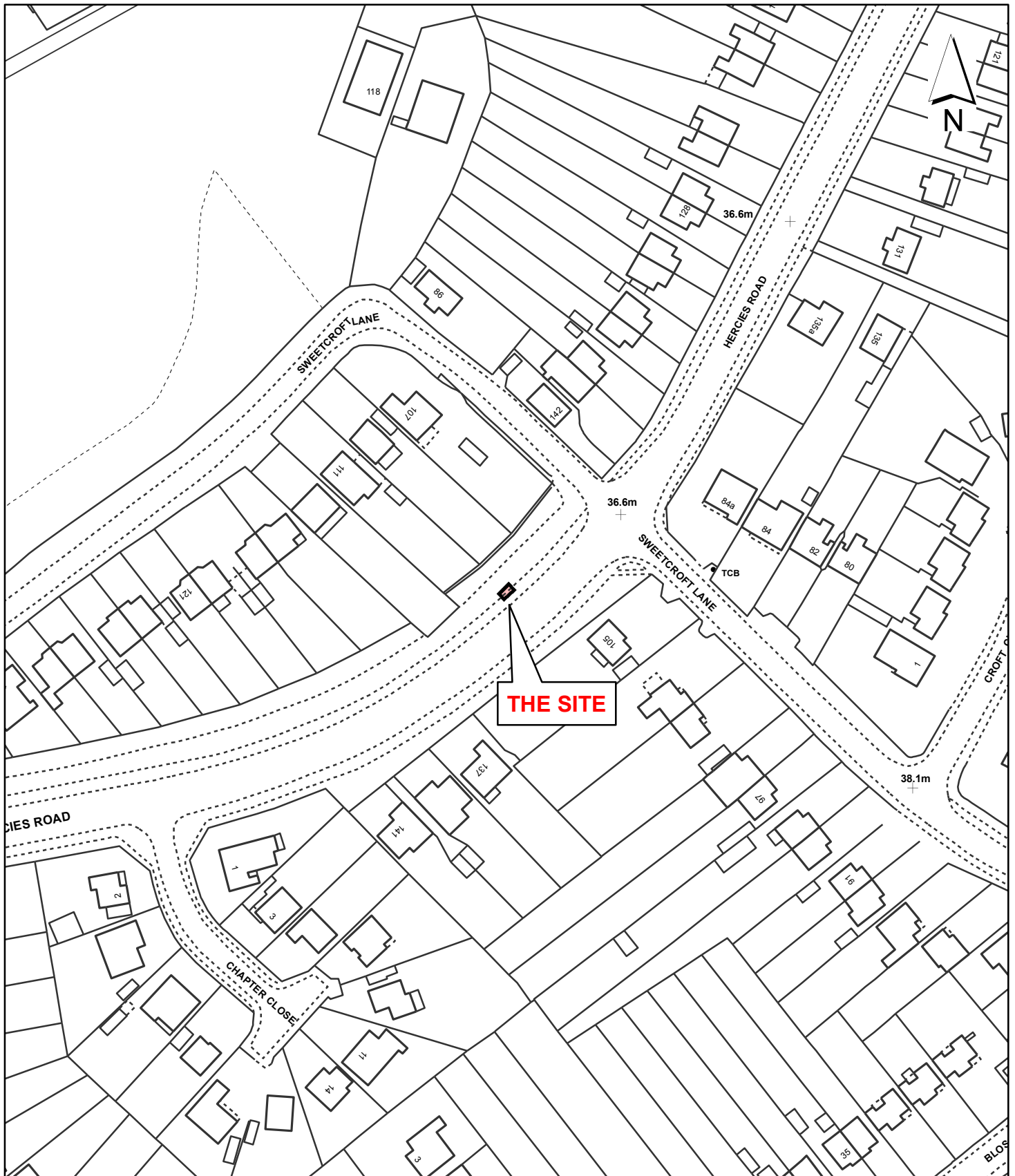
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## **11. Reference Documents**

Hillingdon Unitary Development Plan Saved Policies (September 2007).  
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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2011</p>	<p>Site Address</p> <p><b>Grass verge rear of 109 and 111 Sweetcroft Lane, Hercies Road (close to bus stop), Hillingdon</b></p>		<p><b>LONDON BOROUGH OF HILLINGDON</b></p> <p><b>Planning, Environment &amp; Community Services</b></p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>	
	<p>Planning Application Ref:</p> <p><b>67517/APP/2010/2930</b></p>	<p>Scale</p> <p><b>1:1,250</b></p>	 <p><b>HILLINGDON</b> LONDON</p>	
	<p>Planning Committee</p> <p><b>Central and South</b></p>	<p>Date</p> <p><b>January 2011</b></p>		