

Report of the Head of Planning & Enforcement Services

Address LAND ADJACENT TO BUS SHELTER, JUNCTION OF BURY STREET AND PLOUGH FARM CLOSE RUISLIP

Development: Installation of an 11.8m high telecommunications pole, associated equipment cabinet and ancillary development works (Consultation Under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) (as amended.)

LBH Ref Nos: 67082/APP/2011/135

Drawing Nos: 76294_0/002 Rev. B
76294_0/003 Rev. B
76294_0/004 Rev. B
76294_0/001 Rev. B
76294_0/005 Rev. B
Site Specific Supplementary Information
Health and Mobile Phone Base Stations
General background Information on Radio Network Development for Planning Applications
Cornerstone: Supporting Technical Information for o2 and Vodafone

Date Plans Received: 21/01/2011 **Date(s) of Amendment(s):**

Date Application Valid: 21/01/2011

1. **SUMMARY**

It is proposed to install an approximately 11.8m high (including antennas) monopole mobile phone mast incorporating six antennas to provide coverage for Vodafone and O2. One equipment cabinet, with dimensions of 0.9m x 1.9m x 1.6m high, would be located near the mast at the rear of the footway.

It is considered that given the sensitivity of the site, located close to listed buildings, the Local Planning Authority would need to be convinced that all other possible options for an alternative siting had been explored which the application fails to do. Furthermore, it is considered that a more appropriate design for the mast could be achieved.

It is recommended that the prior approval of the siting and design of the mast is required and that the details of siting and design are refused.

2. **RECOMMENDATION**

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

RECOMMENDATION (B) The details of siting and design are refused for the following reason:

1 NON2 **Non Standard reason for refusal**

The proposed development by reason of its siting and design would result in an incongruous and visually obtrusive form of development which would be out of keeping with the visual character of the adjoining street scene, the surrounding area and to the

setting of the adjoining listed buildings. Alternative siting solutions have not been fully investigated. The proposal is therefore contrary to Policies Pt 1.10, Pt1.11, BE10, BE13, BE37, OE1 and AM7(ii) of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to raise an objection 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 raise an objection 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.

OL5	Development proposals adjacent to the Green Belt
BE13	New development must harmonise with the existing street scene.
BE37	Telecommunications developments - siting and design
BE19	New development must improve or complement the character of the area.
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
PPG8	Telecommunications
BE10	Proposals detrimental to the setting of a listed building

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The site comprises the public footway on the east side of Bury Street, approximately 6m to the south east of the junction with Plough Farm Close, in Ruislip. A row of mature trees and vegetation is located to the rear of the footway.

The proposed mast and cabinets would be located to the rear of the footway just to the north of the existing bus stop. The nearest residential properties to the site are located approximately 30m to the east with their curtilage being immediately to the rear of the footpath.

The site falls within the developed area, as shown on the Hillingdon Unitary Development Plan Proposals Map. However, no. 144 Bury Street (located approximately 30m to the east), Woodman's Farmhouse (located approximately 50m to the north east and accessed via Plough Farm Close) and The Plough Public House (located approximately 50m to the north) are all grade II Listed Buildings.

3.2 Proposed Scheme

It is proposed to install an approximately 11.8m high (including antennas) monopole mobile phone mast incorporating six antennas to provide coverage for Vodafone and O2. One equipment cabinet, with dimensions of 0.9m x 1.9m x 1.6m high, would be located near the mast at the rear of the footway. The mast would be coloured grey and the cabinets would be coloured green.

3.3 Relevant Planning History

Comment on Relevant Planning History

None

4. Planning Policies and Standards

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:

OL5 Development proposals adjacent to the Green Belt

BE13 New development must harmonise with the existing street scene.

BE37 Telecommunications developments - siting and design

BE19 New development must improve or complement the character of the area.

OE1 Protection of the character and amenities of surrounding properties and the local area

AM7 Consideration of traffic generated by proposed developments.

PPG8 Telecommunications

BE10 Proposals detrimental to the setting of a listed building

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 18th February 2011

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed, 47 adjoining owner/occupiers and the Ruislip Residents Association were consulted. 26 responses have been received objecting to the proposal on the following grounds:

(i) The proposed mast would be detrimental to health;

- (ii) The mast and equipment would result in a negative visual impact;
- (iii) The mast is located close to listed buildings and will have a negative impact on their setting;
- (iv) Negative affect on property prices and future sale of properties;
- (v) Mobile reception in the area is fine - no need for another mast;
- (vi) Footpath will be narrowed which will result in pedestrians being endangered;
- (vii) Proximity to residential properties.

Internal Consultees

CONSERVATION OFFICER:

BACKGROUND: The site lies very close to The Plough and Woodman's Farm, both of which are timber framed, grade II listed buildings. The setting of these buildings would be detrimentally affected by this proposal.

RECOMMENDATIONS: Objection

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 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 application.

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

The site is not located within an archaeological priority area, the green belt or within a conservation area.

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, the nearest designation being Park Wood to the rear of properties fronting the east of Bury Street.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The proposed site is located in a relatively prominent and sensitive location along a busy main road and in very close proximity to a number of Grade II Listed Buildings. Nevertheless, it would not be directly overlooked by residential properties and benefits 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. That said, there are numerous other locations within the vicinity which would also benefit from a backdrop of vegetation and which would not be so prominently located in the immediate vicinity of

listed buildings.

In design terms it is not considered the proposed location would be acceptable unless a thorough site search had been carried out and it could be sufficiently demonstrated that there were no other more suitable sites available, which would be capable of providing the required coverage, have less visual impact and be located further from buildings with merit in terms of conservation.

It is noted that a monopole design mast has been chosen to reflect the character of the nearby lamp posts and street signs. However, it is considered that the proposed mast would appear as utilitarian and clumsy in its design, particularly given its large bulky head frame. A slimline design, with a less obvious antenna shroud, would be visually more acceptable. Given the backdrop of vegetation and vast nearby areas of open space, a telegraph pole design may be more appropriate in this location, despite the nearby street furniture.

The currently proposed design is unlikely to be acceptable in this location unless it can be sufficiently demonstrated that there are no other options available which would be technically viable.

It is acknowledged that this is a sensitive area in which to find a site. Nevertheless, a thorough site search should be carried out to fully demonstrate that all relevant options have been explored and that there are no less sensitive locations which would be better suited in terms of highways safety and which would be visually less prominent. Coverage plots should be provided with any future submission to help justify the site selection. It is noted that there are numerous similar sites benefiting from a vegetative backdrop in the area, including elsewhere on Bury Street/Ducks Hill Road, which would be located further from Listed Buildings.

7.08 Impact on neighbours

Residents have expressed concerns about the possible health risks from the development. PPG8 indicates that the planning system is not the place for determining health issues. 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. The visual impact on adjoining residents is discussed above.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Whilst the pavement in the vicinity of the site is not particularly wide, the proposed siting of the mast and cabinet, on the grass verge, would not result in the pavement being narrowed to any extent and thus the proposal is not likely to result in conditions which are prejudicial to highway or pedestrian safety. The Council's Highway Engineer has not objected to the proposal.

7.11 Urban design, access and security

Not applicable to this type of application.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

Points (i), (ii), (iii), (vi) and (vii) have been addressed in the report. Points (iv) and (v) are not considered to be material planning considerations.

7.20 Planning Obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

There are no other relevant issues raised by 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

Not applicable to this application.

10. CONCLUSION

Given the sensitivity of the site, located close to Grade II Listed buildings, the application fails to demonstrate that an alternative siting for the mast has been fully investigated. Furthermore, it is considered that a more appropriate design for the mast could be achieved on this site. As such, the proposal would be detrimental to the visual amenities of the street scene and surrounding area, the setting of Listed buildings and highway safety.

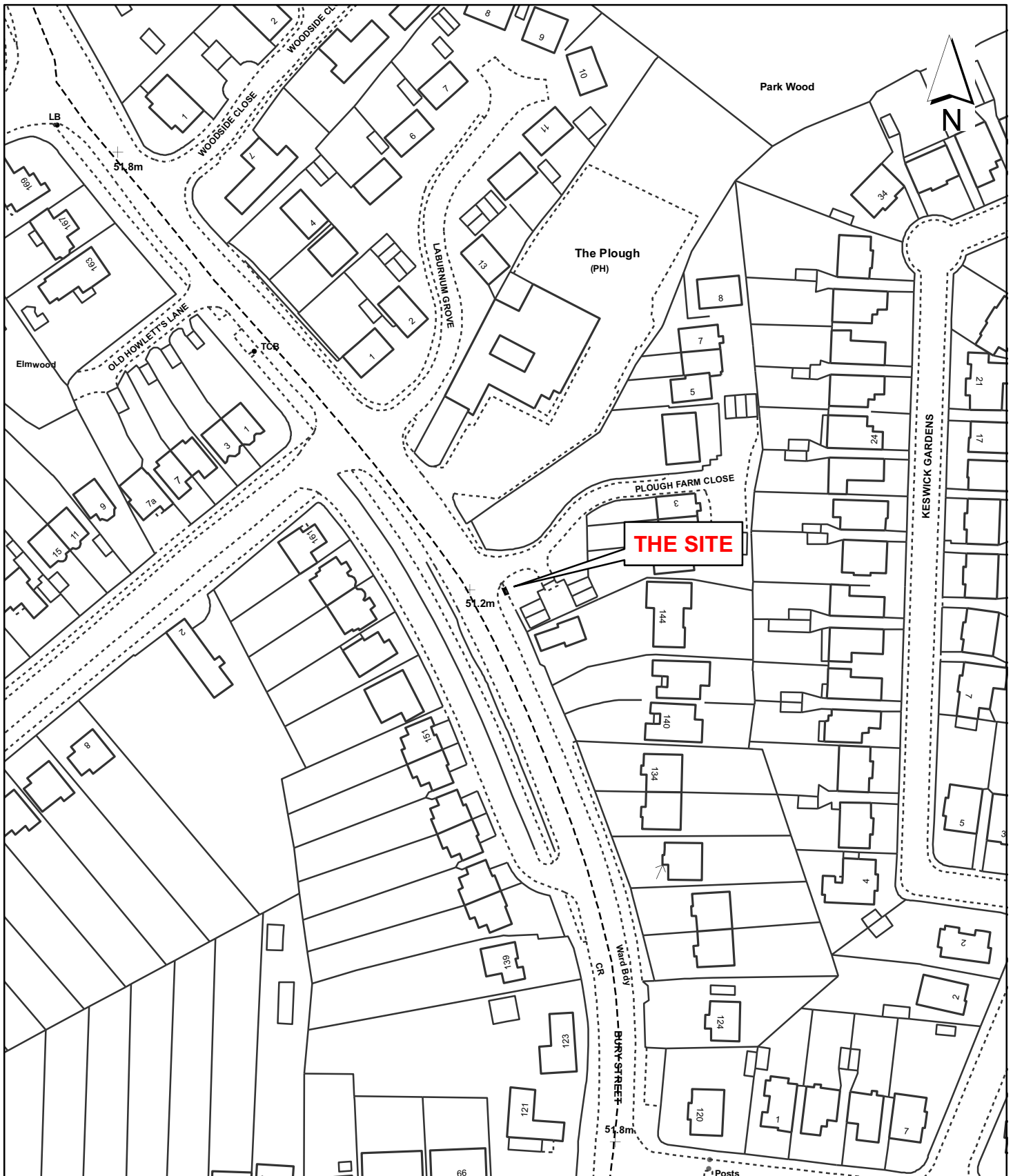
It is recommended that the prior approval of the siting and design of the mast is required and that the details of siting and design are refused.

11. Reference Documents


PPG8: Telecommunications
Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
Consultation responses

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Land adjacent to Bus Shelter, junction of Bury Street and Plough Farm Close, Ruislip	
Planning Application Ref:	Scale
67082/APP/2011/135	1:1,250
Planning Committee	Date
North	March 2011

LONDON BOROUGH OF HILLINGDON

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