

## Report of the Head of Planning, Transportation and Regeneration

**Address** SPITFIRE HOUSE CHURCHILL ROAD UXBRIDGE

**Development:** Installation of a rooftop base station to accommodate 6 antenna apertures, 4 600mm dishes, 9 cabinets and associated ancillary development thereto

**LBH Ref Nos:** 585/APP/2020/3892

**Drawing Nos:**

- 266 Max Configuration Site Elevation B + C Issue E
- 2G/3G/4G Coverage Plots - EE
- 3G/4G Coverage Plots - 3UK
- Supplementary Information
- Signed Declaration of Conformity with ICNIRP Public Exposure Guideline: 5G Mobile Technology: a guide
- Home Office Emergency Services Network (ESN) Information Note
- 265 Max Configuration Site Elevation A Issue E
- 5G and Future Technology
- Covering Letter 24 November 2020
- Notice Under Article 13 of Application for Planning Permission
- Developers Notice 24 November 2020
- 002 Site Location Plan Issue C
- 100 Existing Site Plan Issue D
- 215 Max Configuration Site Plan Issue E
- 150 Existing Site Elevation Issue C

**Date Plans Received:** 24/11/2020      **Date(s) of Amendment(s):** 26/11/2020

**Date Application Valid:** 24/11/2020

### 1. SUMMARY

The application seeks full planning permission for a rooftop base telecommunication to accommodate 6 x antenna apertures, 4 x 600mm dishes, 9 x cabinets and associated ancillary development thereto. One of the the cabinets is to be located at ground floor level adjacent to the residential car park. The purpose of this telecommunication radio equipment is to replace site 90779 at Brunel University, which is at risk of being lost under circumstances which the operators state are beyond their control. As such, a replacement site is sourced to prevent potential loss of service when the existing apparatus is removed as noted in the applicant's supplementary information document. The application site will provide coverage for two operators, EE UK Ltd and H3G UK Ltd.

The proposed telecommunication base station is a new site located on the rooftop of a four storey high apartment building in a dense residential area. Given its location, the proposal is considered to be an incongruous and visually obtrusive form of development. This proposal is a permanent structure that would not harmonise with the character of the area and would be detrimental to the local visual amenities, impacting the residents and the wider community in general which have been reflected in the comments received from the petition and public consultation.

Although Chapter 10 of the NPPF (2019) encourages the support of electronic communication developments and its benefits, however, the impact of the development would not overcome the above concerns which are material considerations. As such, it

fails to comply with Policies DMHB 11 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2019).

This application is recommended for Refusal.

## **2. RECOMMENDATION**

### **REFUSAL for the following reasons:**

#### **1 NON2 Non Standard reason for refusal**

The proposed development, by reason of its siting in this open prominent position, size, scale, bulk, height and design would fail to harmonise with the architectural composition of the original building and would be detrimental to the character, appearance and visual amenities of the street scene and the surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (February 2019).

#### **2 NON2 Non Standard reason for refusal**

The proposed development, by virtue of its size, scale, bulk and proximity would be detrimental to the amenities of the adjoining occupiers at 6-12 Churchill Road by reason of visual intrusion and loss of outlook. Therefore the proposal would be contrary to Policies DMHB 11 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

## **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 Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMAV 1	Safe Operation of Airports
DMHB 11	Design of New Development
DMHB 21	Telecommunications
LPP 4.11	(2016) Encouraging a connected economy
NPPF- 10	NPPF-10 2018 - Supporting high quality communications

#### **3 I59 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

### **3. CONSIDERATIONS**

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

The application site is on the rooftop of a four storeys high residential building, known as Spitfire House. The building is located at the junction of Churchill Road and Hillingdon Road. The proposed equipment is to be located on the west and the east side of the rooftop. There is an existing row of trees along the west of the building along Hillingdon Road and on the north between the building and Lacey Grove.

The surrounding area is mainly residential in nature with two to three storeys high terraces with loft space. The site is located within St Andrews Parks (Formerly RAF Uxbridge) and Tree Preservation area of 736. The former use of the land was MOD Land/Rifle Range. The site is within the Hillingdon Air Quality Management Area. The site is directly adjacent to a row of listed buildings, 11-25 Hillingdon Road.

#### **3.2 Proposed Scheme**

This application seeks to install a rooftop base station to accommodate 6 x antenna apertures, 4 x 600mm dishes, 9 x cabinets and associated ancillary development, however one metre cabinet is to be located on the ground floor level.

The proposed cabinet dimensions:

- 1 x Meter Cabinet (1.1 x 0.4 x 1.2metres)
- 1 x Link AC Mk5B (1.2 x 0.6 x 1.8metres)
- 1 x 3900A (0.6 x 0.48 x 1.6metres)
- 1 x FURO (0.75 x 0.6 x 2.1metres)
- 1 x APM5930 (0.64 x 0.60 x 2.16metres)
- 1 x EE APM5930 (0.64 x 0.48 x 1.2metres)
- 3 x Additional Cabinets (0.77 x 0.77 x 2.1metres)

The purpose of this telecommunication radio equipment is to replace site 90779 at Brunel University. The Brunel University site is at risk of being removed therefore, the applicant is attempting to secure an alternative site to prevent potential loss of service.

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

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

No planning history relevant to the application. This is a new site.

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

## Development Plan

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)  
The Local Plan: Part 2 - Development Management Policies (2020)  
The Local Plan: Part 2 - Site Allocations and Designations (2020)  
The West London Waste Plan (2015)  
The London Plan - Consolidated With Alterations (2016)

## Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

## Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

## Draft London Plan (Intend to Publish Version, December 2020)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

The Mayor considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required.

On 9th December 2020, the Mayor wrote to the Secretary of State to advise of his intention to formally approve a new draft London Plan, which included his best understanding of the modifications required. The Secretary of State responded on 10th December 2020 requesting that the draft London Plan was re-submitted with more specific amendments to address the 11 previous Directions and 2 additional Directions. On 21st December 2020, the Mayor formally approved a new London Plan, the 'Publication London Plan'. This has

been submitted to the Secretary of State. The Secretary of State has 6 weeks to respond or can request a further extension of time. The Mayor can only publish the Plan after the Secretary of State has given approval.

More limited weight should be attached to parts of draft London Plan policies where the Secretary of State has directed specific amendments. Greater weight may be attached to policies that are not subject to the specific amendments from the Secretary of State.

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

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMAV 1 Safe Operation of Airports

DMHB 11 Design of New Development

DMHB 21 Telecommunications

LPP 4.11 (2016) Encouraging a connected economy

NPPF- 10 NPPF-10 2018 - Supporting high quality communications

## **5. Advertisement and Site Notice**

**5.1 Advertisement Expiry Date:- 10th January 2021**

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

## **6. Consultations**

### **External Consultees**

A site notice was displayed to the front of the building and a total of 254 neighbouring owners/occupiers were consulted. A total of 95 objections and 1 comment in support of the application received.

Three councillors are opposed to this application and a valid petition with 185 signatures have been received. The desired outcome of the petition is the refusal of the application. The grounds of objection to this application include:

- Visual impact and unsightly vista on the roof of the block including masts which will reach 19.5m above ground level
- Ruining look and exclusive nature of the estate, out of character
- Ruining family centred nature of the estate
- Proximity to neighbouring houses
- Loss of local characteristics through unsympathetic design
- The need to maintain the historic character, identity, suburban qualities of the borough's places, buildings and spaces
- The proposed installation is not in character with a residential area (borough Policy: BE1 and HE1)

Summary of comments received:

Siting/Appearance/Amenity

- I am greatly worried about the structure on my building.
- It's going to look ugly.
- This will be out of character with the existing building and theme of estate.
- It will be overlooking our privacy in our hallway and our bedroom. It would overshadow and cause loss of light.
- Noise - the roof is not concrete, it is a Metsec roof, we hear everything, down to weather, if someone is up on the roof it sounds like someone is coming through, this would cause alarm and distress, with regular people up there to maintain this.
- This will not fit in with building regulations for the structure you want to install, this would be a huge fire risk due to high voltage of power directly above our heads, when we have been advised already by Paradigm that certain parts of the building haven't got fire stopping in. To put 6 x 19-meter structures directly above us, how is this going to be anchored to the roof to hold in place, during high winds and bad weather.
- It will be disastrous for the aesthetics of the development.
- This from aesthetics point of view and also security aspect as it will invite lot more visitors at any time to repair/maintain the kit once installed.
- I am against this application as it is a horrendous thing to put on the top of a residential building.
- Residential area, hazardous and unsightly
- Does not appear to the current view of the development and will be an eyesore. Will also mean extra external people coming to private land.
- Antennas shouldn't be in residential development, St Andrews Park as we are a small community that enjoys their life and beauty of the nature, park and history of the RAF in this location. The antennas will result in health and visual impact on local community
- I feel an installation of this type should not be in a residential area and would be better suited in the town centre which is only a short distance away.
- This installation is at the very visible site at the main entrance of the estate and highly visible from the busy Hillingdon Road.
- Totally inappropriate for a domestic setting.
- Visual impact and unsightly vista on the roof of the block including masts which will reach 19.5m above ground level. - The need to maintain the historic character, identity, suburban qualities of the borough's places, buildings and spaces - several locally listed buildings within St Andrew's Park.
- The proposed installation is not in character with a residential area (borough Policy: BE1 and HE1).
- St Andrew's Park is part of the London's Green Belt and the installation of this mast would be detrimental to this notion.
- I am against this application, as this will cause major visual damage for the St Andrews Park estate view.
- The security system is operated by entering a code and we feel that our privacy and safety will be at risk as these details will be given out to strangers who do not live here there are vulnerable adults and children living in the block.
- Out of character -The proposed site, because of the siting in this prominent position, size, scale and design of the proposed the size, scale and siting of the equipment cabinets, would create an obtrusive form of development which would be detrimental to the character, appearance and visual amenities of surrounding properties. The proposed site is part of The St. Andrew Park development, a development in Hillingdon Council local plan. The proposed installation contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012).
- It will be seen throughout the estate.
- Reading the documents its not a single tower its multiple masts.
- It would stand out within the development and surrounding parkland immensely.
- The St Andrews Park development represents an update to Uxbridge's housing stock and was designed to improve appearance in Hillingdon. All residents were requested to sign a deed of covenant so that this appearance is not altered. The proposed masts would deteriorate the current pleasant visual impression and will transform a beautiful neighbourhood into a ghetto-looking estate. In addition, Spitfire House is highly visible from Hillingdon road so the deterioration in street aspect would not affect only St Andrews Park but the entire Uxbridge area. Hillingdon road is one of the

main arteries leading to Uxbridge so almost all visitors would see the unsightly masts.

- This installation will have a strong negative impact on the skyline in the Uxbridge area.
- This area is of British historical importance (Royal Air Force) and the green space around Spitfire House should not be tainted by the dreadful structure.
- Based on the submitted plans, including ground elevations, the antenna apertures and satellite dishes that would be installed add almost 50% height to the existing structure, or 6.25m additional height on a 13m tall building. This is obtrusive in size and will have a detrimental impact on the look of the estate as a whole. The tree line is clearly not higher than the current structure itself, so the additional 6.25m (or nearly 2 story tall antenna masts and satellite dish installations) will be clearly visible from all angles of Spitfire House.
- I feel that the siting and appearance of the masts, dishes, and associated equipment would result in an incongruous and visually obtrusive form on the development which would be to the detriment of the visual amenity of the street scene and the wider community in general. As Spitfire House is sited at the top of a small hill right along Hillingdon Road, it is clearly visible to all passing traffic, and the rooftop is clearly visible from Churchill Road, the main thoroughfare of the St Andrews Park estate. The installation as proposed would have an impact on the overall beauty of the development as well as the value of the properties.
- The proposed installation of these industrial and commercial-sized antenna and dishes is not at all in keeping with the visual aesthetics of the community which comprises some 1300 homes. I feel that the installation of the proposed antenna, microwave dishes, and other equipment would further have a detrimental impact on the character and appearance of the development and surrounding area.
- The building is a landmark passed on route to Brunel as well as Hillingdon hospital, it would be an eyesore.
- Our outside space is already congested with cars of residents who need access to them 24hrs for work commitments including Teachers, Nurses, Social Workers and Delivery Drivers therefore, there is no room for any external equipment to install, fix or generally maintain this proposal. Having previously been on the roof I feel there is already a substantial amount of solar panels (amongst other things) on there and therefore adding to this will have a negative impact on the condition of the roof (which was not built for this sort of purpose) along with the amount of maintenance which it will require. Which in turn will reduce the condition of our roof along with increasing noise pollution when work is happening for our residents or perhaps even from the equipment itself.
- Out of character - The proposed installation is contrary to Hillingdon Council Policy HE1: Heritage & BE1: Built Environment The developments of St Andrew Park is a former RAF Uxbridge site. RAF Uxbridge is brimming with military history with the Grade II listed mansion, Hillingdon House forming the focal point of this soon-to-be thriving community. The installation will look giant monsters on the rooftop and does not fit the surrounding area. The proposed building is residential homes and surrounding residential scenes, historic properties and trees.
- Noises - Wind speed averages in the United Kingdom are generally highest in the winter months; hence, the proposed installation will harm residents living on the 3rd floor because tall apertures on the rooftop will create annoying noises, especially during windy days.
- There are also disabled residents in the building who will suffer if there is work going on as I am sure it will create blockages to the main entrance doors. There are also many parents with prams in the building who require the lift to access the exits and this will inevitably be damaged by the works making access extremely difficult. The lift regularly breaks down, so it will be worse with people using it additionally to access the roof with building materials. Not to mention the dirt and the noise.

#### Case Officer's Comments:

Concerns in relations to appearance and impact of the neighbours is addressed in the main body of this report. The site is not located in the Green Belt.

#### Health/Safety

- The impact of this plan is causing distress to local families.
- Affects physical health as well proven by medics.

- The impact of additional stress on your mental health eg. worrying about the potential impact of 5G on myself my children is not fair, one of my children have special needs. Our home is already not good for our mental health.
- It's a potential fire hazard as it's electricity on the roof. I strongly oppose this taking place.
- We also have an epileptic child who does not need high voltage static frequency's above his head.
- I'm against 5G antenna on Spitfire house not only for the bad image that bring on in St Andrews Development but also for concern over health issue which could impact residents locally due to 5G waves being above and near our homes.
- The Human Rights Act 1998 The proposed installation contravenes Protocol 1, Article 1 protects my right to enjoy my property peacefully. Property can include things like land, houses, objects you own, shares, licences, leases, patents, money, pensions and certain types of welfare benefits. This right applies to companies as well as individuals. This proposed installation also contravene ps Article 8 protects my right to respect for my private life, my family life, my home and my correspondence. I have the right to live in my property without fears of health risks, the anxiety of building safety & security and worries of disruption by the mast during development and after completion.
- Disturbance: The mast site development will cause noises from the rooftop and also lead the inconveniences in the surrounding neighbourhood such as road closures. Besides, many problems will arise from the construction activity associated with proposed works such as dust, construction vehicles, noises and hours of working.
- Unknown health risks - There is no conclusive proof that this won't be harmful to people using the area. There are plenty of papers on risks of 5G including loss of bees and birds. Another denied that there was any research to show that 5G is safe, but a vast body of evidence of serious adverse health effects from exposure to radiation emitted by these masts. There are many concerns over the safety of 5G. A 2017 appeal by 240 doctors and scientists has been sent to the EU to prevent the roll-out of 5G due to health concerns. As of May 8, 2020, 372 scientists and medical doctors have signed the appeal. Check out <http://www.5gappeal.eu>, for more info. There has not been sufficient research on the cumulative or long term effect of this technology. Many scientists consider it has the potential to cause serious harm to all animals, humans and the environment. Children are particularly vulnerable to these effects.
- Building Safety: The roof weight and thickness have not constructed to built additional massive telecom mast. I live on the 3rd floor at Spitfire House and have already suffering noises from the roof because solar panel installation and the issue could not be resolved by the builder until now. The telecom mast will increase the risks of damaging the roof or any mechanical equipment and the risk of causing rooftop leaking/noises or collapse.
- Having lived on the top floor for the past 5 years, the building shakes when a lorry or buses goes past. This has been reported to Hillingdon Council and to Paradigm, the shaking has caused three double windows to pop. Significant work to put reinforcement on the roof to hold the weight of the structure will be required. This would be a massive disruption to us.
- The access to the roof currently is small and internal and has no ladder permanently attached to it and therefore access would be difficult. The access is also restricted by the roof skylight that opens to give access to the roof when needed.
- The following is taken from The Invisible Rainbow by Arthur Firstenbeg, p313/4, Alfonso Balmori Mazrtinez reported 'serious health problems provoked by cell phone antennas as noticed on nearby rooftop sixty antenna between Dec 2000-Jan2002...when five cases of leukaemia and lymphoma were diagnosed at a local school...The antenna were removed by court order'. The EMF's can cause health problems and there's growing link between EMF's and cancer. There are millions more EMF radiation than 10 yrs ago (Dr Olle Johanson, Head of Neuroscience at the Karolinska Inst. Sweden). The 'high-frequency wireless' that requires antennas around our homes & businesses amplify this potentially dangerous signal and radiation. It is therefore necessary and urgent to do all that is in our power to lower the EMF radiation stress.
- Sampling of research on 5G, millimetre waves, cellular antennas, the environment and human health has posed serious questions from a study held by parliament committee and also finds mentions in several american research papers. Please refer to written evidence findings for health

and wellbeing concerns related to use more frequent high frequency radio waves in a populated area. <https://committees.parliament.uk/writtenevidence/2230/html/>.

**Case Officer's Comments:**

The applicant has submitted a signed Declaration of Conformity with ICNIRP Public Exposure Guidelines therefore acknowledging the proposal would be in full compliance with the requirement of the Radio Frequency (RF) Public Exposure.

**Site Notice/consultation:**

- We, as residents of the building, were not sent the planning application notice in the first round of communications from the planning department. An "oversight" when I queried the case worker. This kind of oversight is huge and a sign of gross disrespect to the residents. I feel that we have been marginalised because we are the "Housing Association" lot. Your planning strategy talks about getting the opinions from the marginalized in the community, but you forgot to send us the letters first off and the residents on Lacey Grove, directly behind Spitfire were also omitted. I also note that the site notice was nowhere to be found before I rang and questioned this.
- The way this has been handled between Waldon and the Planning department, is very unprofessional with vague letters and no letters going out.
- I also feel that the company and the council have not communicated properly with us. The company ignored our concerns and we only found out about the planning application through a letter shared by a neighbour on Churchill Road. I am annoyed by the lack of clear and open communication by the council with the residents of the building. After all we are the ones who have to live with this literally on our heads.

**Case Officer's Comments:**

All adjoining and nearby properties have been consulted via letters and a site notice was displayed adjacent to the site, exceeding best practice guidance and it is considered that the consultation undertaken was commensurate with the nature of the proposals. The only requirement regarding a site notice is that it remains on display for 21 days within the duration of the application in which the Council has fully complied with. Following receipt of revised plans, a further 14 days consultation was issued.

**Other**

- Not happy about that, we were not informed when we were buying the house that this may appear.
- Please do not allow this monstrosity to be installed on my building. I worked extremely hard to own my property and this is a a kick in the face.
- The value of my property will depreciate.
- We signed a contract when we purchased our property it states on page 20 item 6 that no outhouse, wireless or television aerial, advertisement board or boarding or other structure of any kind weather temporary or permanent shall be erected to the premises or the building or on the estate or any part thereof - this is breaking our contract which is legal document that we signed.
- Strongly oppose the installation of these rooftop base stations.
- Against the 5g.
- Not suitable for a residential building, it isn't fair on the residents.
- This application must be rejected.
- I am against this plan
- Against this being put here
- Not in favour of 5G towers over Spitfire flats in my neighbourhood
- I don't have EE network and not interested on my roof.
- You consulted residents on the block - they said no. We say no! Unslightly and wrong!
- What is the benefit of this to residents?
- I feel very strongly that this shouldn't be put on a residential property, or near one.
- We as residents feel this should go on some commercial buildings which are plenty in city centre of Uxbridge not in a housing locality!.

- I wish this proposal is not located on residential estate, there are plenty of space on the hill not close to where people live and will reduce impact on residential life.
- I believe there are many commercial buildings in the area fit for purpose instead.
- This will also potentially deter interests from future potential property buyers, the residents are also against this application as it is not in their interest and their rights have not been given due consideration.
- This is a commercial project and mostly seen on commercial buildings. Why has this residential building been chosen when earlier proposals failed on Brunel University and Cowley Business Park.
- There is no parking on site, as it is all permits there is also no facility to buy a visitor permit or to park on the road between any hours.
- The operators could consider installing equipment in station underground vault sites, radios; furthermore, antennas are mounted below street level, making it possible to use existing assets where fibre and power already exist. The other options are using small cells with street furniture, such as bus stops or outdoor advertising. The other example such as Los Angeles is the world's first city to deploy Philips' SmartPole street lighting with fully built-in 4G LTE wireless technology.
- Building Insurance: This residential building has completed in 2015 and property insurance covered by NHBC for ten years because the structural design of flat roofs is fulfilled the standard by NHBC. The operator plans to install a rooftop base with numbers of dishes, antennas and cabinets will destroy original roof structure and void the insurance premium.
- The operators could upgrade existing sites.
- I appreciate that we will need additional masts for 5G coverage to be effective and am grateful that St Andrew's Park estate will be included in the planned roll out of 5G coverage in Uxbridge. However, for many other residents you may need to more prominently explain why more masts are required and the benefits that they will get from 5G (i.e. not just existing services such as phone calls and internet) for the planning application to be more widely supported.
- We need to understand what type of 5G is planned (6GHz or millimetre wave?), why is it necessary to be on Spitfire building (could be standalone masts close to roads), how many other 5G antennas are planned after that (5G requires a lot of antennas when to its full capacity). To whom payments for the rental would go? Leaseholder, or us freeholders?
- Erecting a mast with substantial electrical equipment on top of a residential building is immoral.
- I believe that this installation would fall ever so slightly inside the exclusion zone for Northolt at 2.99km.
- Part 4: I would like to hope that Hillingdon Council will put "residents first at the heart of everything" you do and ensure "civic pride" ensuring that new buildings fit in with the natural environment". (Point 1.4 Strategic Plan Hillingdon Council).
- I strongly object this violation of our human rights as stated in the planning application on Cowley Business Park: 74118/APP/2020/3119 g 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)- We have not had a fair hearing. The will remove our right to a private and family life- people on the roof, walking through our building without prior consent or permission.
- Please find a more suitable location, not a residential and historical area.
- No-one is going to be mortally affected if their phone runs on 4G and not 5G til a suitable non-residential site is found, but I am afraid the mental and emotional health of the residents of Spitfire and St Andrew's Park should be taken at greater value than whether someone can watch Sky Sports on their phone.
- The proposed installation is an industrial use in a residential building H3G and EE apply to install a new site will only generate business benefits for company interest. It is not for public interests to build a new mast in the proposed building because H3G and EE could also sign an agreement with Vodafone and share the mobile stations with Vodafone existing mobile stations.
- The operators should consider upgrade exiting stations or share mobile with other operators O2 and Vodafone do not have any issue with signal coverage in Uxbridge. Digital Economy 2017 also mentions that operators should share mobile stations or upgrade exiting telecommunication stations before building a new site.

- With this being a significant historical site of interest it should be preserved as much as possible.
- The estate has planning restrictions on the planning agreement with Hillingdon Council: Installing masts on the tops of buildings would be contrary to the requirements of condition 38 of 585/APP/2009/2752 - the outline planning application which granted planning permission to develop the old Uxbridge RAF site into St Andrews Park. Condition 38 states. Unless otherwise agreed in writing by the Local Planning Authority, no antenna, masts, poles, satellite dishes or the like shall be erected on the buildings hereby approved including the Mons Barrack Blocks building, with the exception of the Class C3 detached, semi-detached and terraced residential dwelling houses.
- There is strict control over these small family dishes, therefore a huge installation on the roof would be contravening the controls that you have over families and contradicting the council's own policies, which would make the residents of the area start a free for all as the message you would be sending is, anyone can do anything.
- It also destroys natural wildlife habitats around the development.

Agent's Response to Comments:

As outlined in section 2 of the Site Specific Supplementary Information document submitted, the Agent undertook pre application consultation and adhered to The Code of Best Practice on Mobile Network Development in England 2016.

It has been confirmed that the proposal is ICNIRP compliant by way of the submitted certificate.

As outlined in our supporting statement, whilst we do appreciate that the installation will be visible, on balance we believe that the numerous social and economic benefits of providing continuous, and improved (in the form of 5G), coverage to the surrounding area, for two Operators, outweighs any visual impact associated with the proposal, and should therefore receive Council support.

It should also be noted that the telecommunications industry is expecting the Government to update planning regulations imminently which we believe will increase Permitted Development rights, because of the increased reliance of the public on telecommunications networks and the changes in technology since the last revision (i.e. the national roll-out of the 5G network). It is expected that there will be greater rights for the installation of equipment on buildings and less restrictions in terms of what can be deployed.

Lastly, the shift in demand from city centres to urban/residential areas has been huge since a significant proportion of the country's workforce were displaced into working from home. The operators are working hard to meet the demand of network users. Given that London City has seen a significant drop in workers, and the out-lying boroughs (where usual commuters are often based) has seen a significant increase in working from home, the continued provision of network services is essential to not only everyday life, but also now to everyday working life. It is therefore considered that, on balance, the continued and enhanced network services which will be brought forward as part of this application, greatly outweigh any perceived visual impact that may be caused by the proposed development, and should therefore receive Council support.

MOD SAFEGUARDING - RAF NORTHOLT/MINISTRY OF DEFENCE:

This relates to an application to install a rooftop base station to accommodate 6 x antenna apertures, 4 x 600mm dishes, 9 x cabinets and associated ancillary equipment.

The application site falls within the Statutory Safeguarding Technical Zone surrounding RAF Northolt

I can confirm the MOD has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

## **Internal Consultees**

None.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Policy DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) states that telecommunication development will only be permitted where:

- i) it is sited and designed to minimise their visual impact;
- ii) it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area;
- iii) it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings;
- iv) there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest; and
- v) it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.

Chapter 10 of the National Planning Policy Framework (2019) stresses the importance of advanced, high quality and reliable communications infrastructure and the role it plays in supporting sustainable economic growth. It goes on to advise that the aim should be to keep the numbers of radio and telecommunications masts and sites to a minimum, consistent with the efficient operation of the network and that existing masts and sites should be used unless there is a demonstrable need for a new site.

As mentioned above, this application proposes a rooftop telecommunication base station. The applicant has noted that an existing site at Brunel University is currently at risk of being lost beyond the operators' control therefore, a new site is required to prevent potential loss of service, in the event that the apparatus is to be removed. The aim of this application is to provide network coverage for EE UK Ltd and H3G UK Ltd. A cell search has indicated that a total of 15 site has been examined including the site selected.

It is noted that the sites that were discounted are due to the following reasons:

- Cowley Business Park (Streetworks) - planning application was refused by the Local Authority under planning ref: 74118/APP/2020/3119.
- Mast on Cowley Mill Road (Existing Streetworks) - not structurally capable of withstanding the replacement apparatus.
- Hillingdon Golf Club (Greenfield) - discounted on Radio Planning grounds as it would not provide the necessary coverage to the target area, as it is too far from the existing site.
- Turnpike Lane/Hillingdon (Streetworks) - discounted on Radio Planning grounds, as they would not provide the necessary coverage to the target area.
- Amberley Lane/Hillingdon (Streetworks) - discounted on Radio Planning grounds, as they would not provide the necessary coverage to the target area.
- Brunel Sports Fields (Greenfield) - discounted on Radio Planning grounds, as they would not provide the necessary coverage to the target area.
- A408, Cowley Road (Streetworks) - discounted on Radio Planning grounds, as they would not provide the necessary coverage to the target area.
- Buchan Close/A408 (Streetworks) - discounted on Radio Planning grounds, as they would not provide the necessary coverage to the target area.
- Land to the rear of Station Road (Streetworks) - discounted on Radio Planning grounds, as they would not provide the necessary coverage to the target area.
- Land south of Nursery Lane (Greenfield) - discounted on Radio Planning grounds, as they

would not provide the necessary coverage to the target area.

- Student Halls Complex (Rooftop) - this location do not satisfy radio planning requirements and a base station on the rooftops of these buildings would not provide the necessary coverage to the target area.

- Cleveland Road (Streetworks) - discounted on Radio Planning grounds, as it would not provide the necessary coverage to the target area and are within close proximity to front facing residential properties with characteristically narrow pavements, affording little prospect of supporting mast development.

- Brunel University Campus (Rooftop) - None of the surrounding buildings satisfy radio planning requirements to adequately replace the network coverage due to be lost from the existing site.

- High Street/Station Road (Streetwork) - discounted on Radio Planning grounds as it would not provide the necessary coverage to the target area and there are space restrictions on this road.

The applicant has emphasised that the site must be located within a short distance to the operation base station that will be replaced in order to replace the existing coverage pattern.

A signed Declaration of Conformity has been provided as part of this submission.

#### **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 archaeology, conservation area or in an area of special character. However, the proposal is located directly across a row of listed buildings. Given the site's location and height, it is unlikely to impact on the listed buildings.

#### **7.04 Airport safeguarding**

Policy DMAV 1 of The Local Plan: Part 2 - Development Management Policies (2020) states that proposals that may be hazard to aircraft safety will not be permitted.

The site is located 2.9km away from RAF Northolt Aerodrome, therefore MOD Safeguarding - RAF Northolt was consulted. No objections were raised in regard the proposed development.

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

Not applicable to this application.

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

Policy DMHB 11 of the The Local Plan: Part 2 - Development Management Policies (2020) states that A) All development, including extensions, alterations and new buildings will be required to be designed to the highest quality standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site; and impact on neighbouring open spaces and their environment. ii) ensuring the use of high quality building materials and finishes; iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities; iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and v) landscaping and

tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

Policy DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) states that Telecommunication development will only be permitted where: i) it is sited and designed to minimise their visual impact; ii) it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area; iii) it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings; iv) there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest; and v) it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.

The proposed new telecommunication base station will be installed on the east and west side of the rooftop. The equipment will be installed at roof level and will be visible from the top of parapet at 13.65 metres of the building. It is noted that a small part of the building's roof has a roof level of 14.8 metres, however, it is not apparent from the front elevations, as it is located to the central rear of the site. The proposed development will result in the increase of the overall height of the development to 19.25 metres, measured at the top of the propose apertures. This equates to a 40% increase in height from the parapet (30% increase from the highest point of the existing roof level).

The overall height of the building will result in an utilitarian development well beyond the height of the existing residential skyline, that consists generally of 3 storeys with loft space high residential dwellings and a 4 storey high apartment block. As such, the proposed development will have a detrimental impact on the the openness, visual amenity, character and appearance of the street scene, building and the area in general. There is currently no structure or building of this size and height. When compared to the adjacent residential dwellings, the rooftop telecommunication base station will appear unduly dominant and intrusive.

When viewed from Hillingdon Road, the installation will be highly visible to road users and this will be exacerbated when entering into St. Andrew's Park estate via Churchill Road, the main entrance.

Whilst it is understood that the purpose of rooftop base station is to ensure no telecommunication services are lost and to replace the Brunel University site, the proposal will have a significant negative impact on the high density residential area, visual amenity of adjacent residents and to the area in general. It would severely harm the character and appearance of the street scene of the residential estate. As such, the proposal is contrary to Policy BE1 of The Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHB 11 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020).

## **7.08 Impact on neighbours**

Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020) seeks to ensure that developments do not adversely impact on the amenity of adjacent properties, and seeks to protect outlook for residents, defined as the visual amenity enjoyed by occupants when looking out of their windows.

The nearest neighbours are residential flats of Spitfire House, residing directly below the rooftop. The adjacent residents along Churchill Road is 14.4 metres away from the application site, therefore, the part of the equipment installation located on the east side of the rooftop would be highly visible. The front habitable rooms to no. 6-12 Churchill Road will have a direct line of sight to the apparatus.

Residents on Lacey Grove is 42 metres away. Although there is existing landscaping to the north of the site, given the height of the installation and the topography of the terraces on Lacey Grove, the installation will also be visible.

A majority of the equipment will be installed on the west side of the rooftop, therefore when viewed from Hillingdon Road, the site will appear very prominent to road users and to the row of listed buildings.

Based on the design and location of the equipment, both, the rooftop and the ground level cabinet would be unlikely to severely impact on daylight/sunlight or overshadowing. However, it will impact on adjoining neighbours outlook. Due to its proximity, size and overall height of the equipment, the proposal would be highly visible and intrusive to the immediate adjacent residents and surrounding area in general. As such, the proposal would severely impact the outlook of the existing residents and therefore fails to accord with Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020).

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

Not applicable to this application.

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

The application site is located on a private property mainly on the rooftop and the cabinet located on the ground is not located on public highway. As such, the proposal is unlikely to impact on traffic, car/cycle or pedestrian safety.

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

Refer to "Impact on the character & appearance of the area".

#### **7.12 Disabled access**

The equipment is located mainly on the rooftop while one cabinet is located at ground level. As the cabinet at ground level is located to the side of the building, it is unlikely to impact on disable access.

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

Not applicable to this application.

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

The scheme will not impact on the trees within the surrounding area as this is a rooftop installation and the ground cabinet is to be installed on existing paving.

#### **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**

Refer to "External Consultees"

**7.20 Planning obligations**

Not applicable to this application.

**7.21 Expediency of enforcement action**

Not applicable to this application.

**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**

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected

characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

## **9. Observations of the Director of Finance**

Not applicable to this application.

## **10. CONCLUSION**

The application seeks planning permission for a rooftop base station to accommodate 6 antenna apertures, 4 600mm dishes, 9 cabinets and associated ancillary development thereto.

The siting of the proposal would result in an unacceptable impact on visual amenity particularly to the adjacent residential dwellings, and the character and appearance of the area. Therefore, it is contrary to Policy BE1 of The Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHB 11 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020).

This application is therefore recommended for Refusal.

## **11. Reference Documents**

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

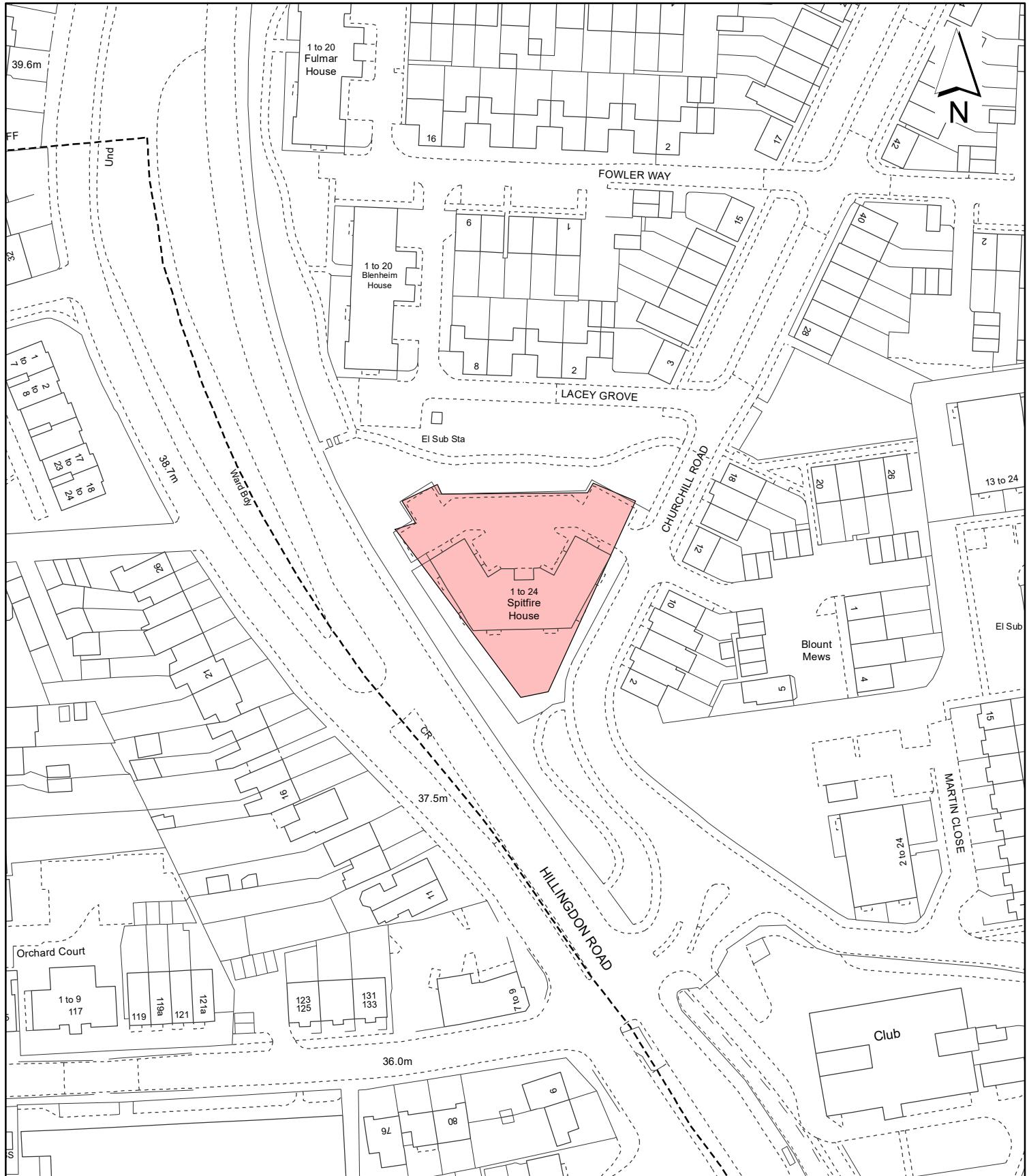
The London Plan - Consolidated With Alterations (2016)

National Planning Policy Framework (2019)

Publication London Plan December 2020

**Contact Officer:** Rebecca Lo

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**Notes:**

 Site boundary

For identification purposes only.

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Site Address:

**Spitfire House  
Churchill Road**

**LONDON BOROUGH  
OF HILLINGDON**  
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Planning Section

Civic Centre, Uxbridge, Middx. UB8 1UW  
Telephone No.: 01895 250111

Planning Application Ref:

**585/APP/2020/3892**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**February 2021**



**HILLINGDON**  
LONDON