

Report of the Head of Planning & Enforcement Services

Address HIGHWAYS LAND AT ROUNDABOUT, JUNCTION OF PARK AVENUE AND KINGS COLLEGE ROAD RUISLIP

Development: Installation of a 14.8m high telecommunications monopole, associated equipment cabinet and ancillary developments works (Consultation Under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) (as amended.)

LBH Ref Nos: 61954/APP/2011/2925

Drawing Nos: General Background for Telecommunications
Site Specific Supplementary Information
100- Site Location Plan
200- Proposed Site Plan
400- Antenna & Equipment Layout
500 - Antenna & Equipment Schedule
300 - Proposed Site Elevation

Date Plans Received: 02/12/2011 **Date(s) of Amendment(s):**
Date Application Valid: 02/12/2011

1. SUMMARY

This application has been submitted by Vodaphone and 02 Orange and seeks to determine whether prior approval is required for the siting and design of a 14.8m high monopole supporting 3 number Vodaphone antennas and 3 number 02 antennas, the installation of an associated radio equipment cabinet and ancillary development works.

The proposed installations would be located in the centre of a roundabout nestled between 6 existing trees. To the north west and north east of the site are a series of detached and semi-detached houses, to the south of the site is King College Playing Fields containing the Kings College Pavilion and the Eastcote Hockey & Badminton Club and their respective car parks. The site and its immediate surroundings has a verdant quality to it, is populated with trees, and is generally free of an excess of street furniture that can give rise to a sense of clutter within the streetscape.

The installation of the telecommunication mast and associated cabinet would have an adverse impact upon the visual amenity value gained from the trees located within the roundabout, be detrimental to the general streetscene and to the setting of the high quality public open spaces located to the south of the site that is designated as forming part of a Green Chain link. Furthermore the applicant has failed to demonstrate that the trees will be unaffected by the development and has not made provision for their long-term protection. As such, refusal, is recommended on these grounds.

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 reasons:

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 street scene and be detrimental to the setting of the high amenity value open parkland and playing fields located to the south of the site. The proposal is therefore contrary to Policies Pt 1.10, Pt. 1.11, BE13, BE37, and OL11 of the Hillingdon Unitary Development Plan.

2 NON2 Non Standard reason for refusal

In the absence of a tree survey or arboricultural implications assessment, the proposal fails to demonstrate that the long term future of the trees on the site can be safeguarded. The loss of these trees would have a detrimental impact on the visual amenity and character of the area contrary to Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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.

PPG8	Telecommunications
BE13	New development must harmonise with the existing street scene.
BE37	Telecommunications developments - siting and design
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
AM7	Consideration of traffic generated by proposed developments.
OL5	Development proposals adjacent to the Green Belt
OL11	Green Chains

3. CONSIDERATIONS

3.1 Site and Locality

The site is a roundabout, at the junction of Park Avenue and Kings College Road, oval in shape approximately 28m long (west-east) and 18m wide (north-south) and occupied by a grassed area and at least 6 trees including a mix of deciduous and conifers. The land to the south is high quality public open space comprising a mix of open playing fields and mature parkland trees. The land to the north of Park Avenue is characterised by semi-detached and detached houses within established garden plots, again featuring mature

trees, many of which are protected by Tree Preservation Orders. Trees on the roundabout are highway trees and are, therefore, not protected by a TPO. The roundabout also contains 4 x 6m metre high streetlights. The site is designated as developed land in the Unitary Development Plan and the Kings College Playing Fields forms part of a designated Green Chain link.

3.2 Proposed Scheme

The proposal is to install a 14.8m high (including antennas) monopole mobile phone mast incorporating six antennas to provide coverage for Vodafone and O2. An equipment cabinet, with dimensions of 1.89m (wide) x 0.79 (deep) x 1.65m (high) would be located 1m to the east of the mast. The mast would be holly green in colour and the cabinet green. The mast would consist of a single pole that would thicken in dimension towards the top from a height of 11.8m to a diameter of 475mm for the top 3m.

3.3 Relevant Planning History

Comment on Relevant Planning History

No relevant planning history for 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:

- | | |
|--------|---|
| 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:

- | | |
|------|---|
| PPG8 | Telecommunications |
| BE13 | New development must harmonise with the existing street scene. |
| BE37 | Telecommunications developments - siting and design |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| AM7 | Consideration of traffic generated by proposed developments. |
| OL5 | Development proposals adjacent to the Green Belt |
| OL11 | Green Chains |

5. Advertisement and Site Notice

- | | | |
|------------|-----------------------------|-------------------------|
| 5.1 | Advertisement Expiry Date:- | 2nd January 2012 |
| 5.2 | Site Notice Expiry Date:- | Not applicable |

6. Consultations

External Consultees

15 adjoining owner/occupiers and the Eastcote Residents Association were consulted. A site notice was also displayed. 2 individual responses have been received 1 seeking information on the radiated power of the mast output, the other objecting to the proposal on the following grounds:

- (i) Health grounds;
- (ii) It will be an eyesore blighting green belt land;
- (iii) The mast will be very visible in winter months;
- (iv) There must be a better discrete location in Ruislip Woods;
- (v) The Council are motivated to support this scheme because of the revenue stream it will deliver them.

THAMES WATER:

There are public sewers across or close to the development. No impact piling should take place until a piling method statement has been submitted to and approved by the local planning authority.

Internal Consultees

Landscape/Trees Officer:

Background: The site is an area of highway land forming the centre of a round-about, occupied by a number of trees including a mix of deciduous and conifers. The land to the south (east and west of Kings College Road) is high quality public open space comprised of a mix of open playing fields and mature parkland trees. The land to the north of Park Avenue (to the east and west of the junction is characterised by semi-detached and detached houses within established garden plots again featuring mature trees, many of which are protected by Tree Preservation Order.

Tree on the roundabout are highway trees and are, therefore, not protected by TPO.

Proposal: The proposal is to install a 14.8 metre high telecommunications pole with associated equipment cabinet and ancillary development. The siting of the equipment is indicated slightly off-centre in a space between the trees.

Landscape Considerations: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

· No tree survey or arboricultural implications assessment has been submitted and the position and spread of trees shown on plan is thought to be approximate only. Further information is required about the arboricultural implications of this proposal. This will require a full tree survey, based on a topographical survey and an understanding of the construction details relating to the proposed facilities, together with the associated alignment of underground services which may require trenching close to tree roots.

· The time to consider the impact of development on existing trees is before planning approval is granted. In the absence of a Tree Survey and Arboricultural Implications Assessment, to BS 5837:2005, the applicant has failed to demonstrate that the trees will be unaffected by the development and has not made provision for their long-term protection.

Conclusion: I object to this proposal for the reasons given above. The loss of trees on this site will have a detrimental impact on the amenity and character of the area.

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 with an archaeological priority area, a conservation area, or an Area of Special Local 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 located approximately 150m to the south of Ruislip Woods, the nearest Green Belt designated land. At this distance it is not considered the scheme will have an adverse impact upon the general appearance and setting of the Green Belt.

7.06 Environmental Impact

No environmental impact resulting from the proposals.

7.07 Impact on the character & appearance of the area

The application has been assessed principally against Saved Policy BE37 of the Unitary Development Plan and Planning Policy Guidance Note 8: Telecommunications. Both seek to find solutions which minimise the impact of telecommunications development on the appearance of the surrounding area.

The proposed site is located on a roundabout containing a series of meretricious mature trees, attractive residential development lies to the north west and east and high amenity value open playing fields to the south west and east.

Saved Policy BE37 requires that telecommunications development should not seriously harm the appearance of the townscape or landscape. In the proposed location, the 14.8m high monopole mast and equipment cabinet would be clearly visible to residents of Kings College and Park Avenue and fail to conserve and enhance the high visual amenity value gained from the adjacent Green Chain Kings College Playing Fields lying on land to the immediate south of the site. The issue of negative impact on the streetscene and the positive value gained from the Green Chain breaking up the surrounding urban character will be most acute in the winter months with the fall of leaves from the deciduous trees on the site.

At 1.65m the proposed cabinet would not be an insignificant sized structure and given the uncertainty with the scheme in respect of securing the long term future of the trees and other planting on the site it is considered that the cabinet, in itself, would have an adverse impact upon the visual amenity of the area.

The proposal is thus considered to be contrary to Policies BE13, OL11 and BE37 of the Hillingdon Unitary development Plan Saved Policies September 2007.

It is acknowledged that the applicant has demonstrated that there is a clear need for an installation in this area (notably in respect of existing poor Vodaphone coverage) and discounted numerous sites. In this instance the applicant has provided details of nine different sites, which have been investigated within the desired search area, together with reasons for discounting them. The Council is, however, not convinced all these other sites are reasonably considered inappropriate. Given the issues outlined above, in relation to the visual impact of the proposal and the potential impact upon safeguarding the future of existing trees on the site, it is considered that the proposal in this location is unacceptable.

In conclusion, it is considered that 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 and the high visual amenity value gained from the playing field immediately to the south of the site. The proposal is therefore contrary to Policies Pt 1.10, Pt. 1.11, BE13, BE37, BE38 and OL11 of the Hillingdon Unitary Development Plan.

7.08 Impact on neighbours

The nearest residential properties to the proposed development are a sufficient distance not to be affected by the proposal in terms of overshadowing and loss of light.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The location of the mast and cabinet within the centre of the roundabout means the scheme will have no adverse impact upon either pedestrian or vehicle safety.

7.11 Urban design, access and security

Not applicable to this 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

A tree survey or arboricultural implications assessment has not been submitted and the position and spread of trees shown on plan is thought to be approximate only. The tree Officer considers that further information is required relating to the arboricultural implications of this proposal including an assessment of the associated alignment of underground services which may require trenching close to tree roots. In the absence of a Tree Survey and Arboricultural Implications Assessment, to BS 5837:2005, the applicant has failed to demonstrate that the trees on site will be unaffected by the development and the applicant has not made provision for their long-term protection.

The trees on site complement the high quality public open space, comprised of a mix of open playing fields and mature parkland trees, which form part of a designated Green Chain link to the adjacent land to the south of the site and which provides a welcome break in the general built up character of the area.

In conclusion, the proposal fails to safeguard the trees on the site whose loss would have will have a detrimental impact on the amenity and character of the area contrary to Policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

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

The issues raised have been covered in the main report.

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 ISSUES

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.

Court cases concerning telecommunications development, including the Harrogate Case which went to the Court of Appeal on 12.11.04, have clarified the primacy of Government health advice in this field. The Court of Appeal ruled that a proposed telecommunications mast was acceptable despite a planning inspector having dismissed a planning appeal because he was not convinced that the appellants had provided enough reassurance that there would be no material harm to young children at local schools. This significant legal judgement backs Government policy and clearly limits the ability of local planning authorities to resist telecommunications installations on grounds of adverse health impacts.

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

The proposed installation due to its height, prominent position, design and appearance together with the impact of the development on existing trees, the proposal is considered to have a detrimental visual impact. As such, refusal, is recommended.

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

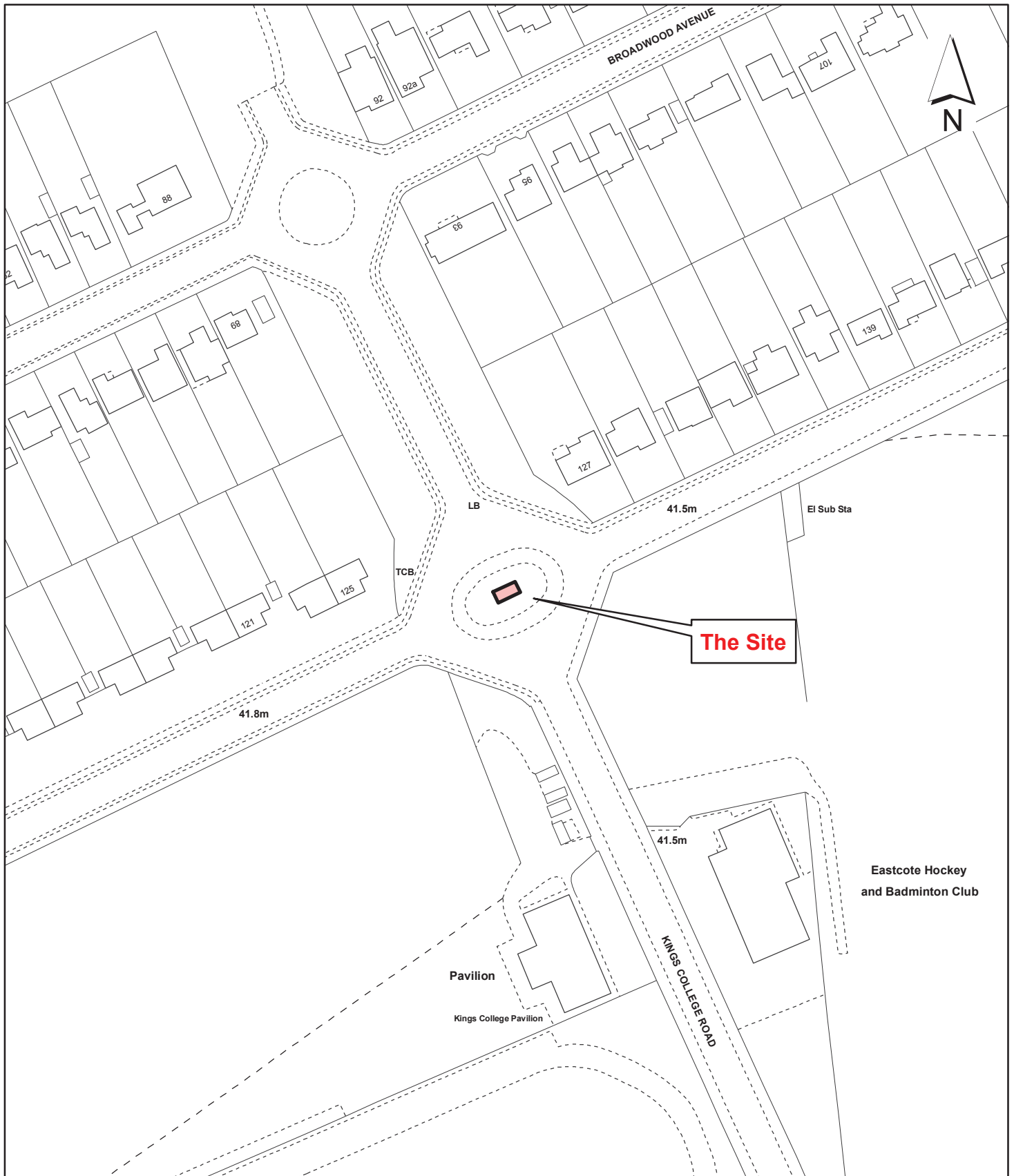
RECOMMENDATION (B) The details of siting and design are refused for the following reasons:

11. Reference Documents


Hillingdon Unitary Development Plan Saved Policies (September 2007).
PPG8: Telecommunications

Contact Officer: Gareth Gwynne

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address	
Highways land at roundabout junction off Park Avenue and Kings College Road, Ruislip	
Planning Application Ref:	Scale
61954/APP/2011/2925	1:1,250
Planning Committee	Date
North	December 2011

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