

Report of the Head of Planning & Enforcement Services

Address FOOTWAY ADJACENT TO AUTOCENTRE NORTHWOOD PINNER ROAD
NORTHWOOD

Development: Installation of a 15m high telecommunications pole, 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: 67084/APP/2011/2897

Drawing Nos: General Background for Telecommunications Development
Site Specific Supplementary Information
100- Site Location Plan
200- Site Location Map
300- Side Elevation
400 - Antenna/Equipment Layout [plan]
500 -Antenna/Equipment Schedule

Date Plans Received: 23/11/2011 **Date(s) of Amendment(s):**

Date Application Valid: 23/11/2011

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 15m 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 at the back of the pavement in close proximity to a zebra crossing. The land behind the site is occupied by advertising hoardings located adjacent to the railway embankment. Due to its height, position, design and appearance together with the existence of a large number of other structures within close proximity of the proposed mast the proposal is considered to have a detrimental visual impact. As such, refusal, is recommended.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 **Non Standard reason for refusal**

The proposed development by reason of its siting and design, in conjunction with the existing street furniture and other paraphernalia including an existing 16m telecommunications mast would result in an incongruous and visually obtrusive form of development adding to the existing visual clutter, which would be detrimental to the visual character of the street scene and surrounding area. The proposal is therefore contrary to Policies Pt 1.10, pt1.11, BE13 and BE37 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).

2 153 **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
AM11	Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services
OE1	Protection of the character and amenities of surrounding properties and the local area

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The applicant is informed that the Local Planning Authority consider that a strong justification for a mast in this location has not been provided (with reference to existing and proposed UMTS 3G coverage).

3. CONSIDERATIONS

3.1 Site and Locality

The site comprises the public footway on the south side of Pinner Road, fronting an existing Autocentre and a neighbouring set of advertising hoardings located to the north west. The proposed mast would be located towards the back of the pavement adjacent to the junction of Pinner Road with the High Street and approximately 15m to the north west of the Pelican crossing.

There is an existing 16m high T-Mobile (UK) Ltd installation on the south side of Pinner Road, 13.5m to the north west of the application site, and a 10.8m high Orange PCS Ltd telecommunications installation on the north side of Rickmansworth Road, to the west of the railway bridges.

Pinner Road has a downward slope to the west, with the ground levels reducing by 2m between the junctions with Chestnut Avenue and High Street, and continuing to reduce towards the railway bridge.

The site falls within the developed area, as shown on the Hillingdon Unitary Development Plan Proposals Map.

3.2 Proposed Scheme

It is proposed to install a 15m high (including antennas) monopole mobile phone mast incorporating six antennas to provide coverage for Vodafone and O2. An equipment

cabinet, with dimensions of 1.84m x 0.44m x 1.55m high, would be located 1.3m to the east of the mast at the rear of the footway together with an electrical mains pillar 0.37 x 0.17 x 0.85m high. The installation of the cabinet would leave a pavement 1.6m wide in front of it for pedestrian use. The mast would be silver grey in colour and the cabinet and pillar dark green. The mast would consist of a single pole that would thicken in dimension towards the top from a height of 12.4m to a diameter of 475mm for the top 2.6m.

3.3 Relevant Planning History

67084/APP/2011/136 Footway Adjacent To Autocentre Northwood Pinner Road Northwood

Installation of a 13.8m high telecommunications pole, 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.)

Decision: 15-03-2011 Refused

Comment on Relevant Planning History

A previous application from the applicant (67084/APP/2011/136) for a 13.8m high mast located approximately 40 metres to the south east of the current site and the other side (i.e. south east) of the pedestrian crossing was refused on the 15th March 2011 for the following reasons:

1. The proposed development by reason of its siting and design, in conjunction with the existing street furniture and other paraphernalia would result in an incongruous and visually obtrusive form of development adding to the existing visual clutter, which would be detrimental to the visual character of the street scene and surrounding area. The proposal is therefore contrary to Policies Pt 1.10, pt1.11, BE13, BE37, and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

2. The proposed telecommunication apparatus would be close to a zebra crossing on Pinner Road and would result in the reduction of the width of the footway to approximately 1.2m. The proposed apparatus would therefore result in substandard footway width, which is likely to force pedestrians on to the carriageway. The servicing of the equipment will also result in parking in front of/close to it which is likely to interfere with the free flow of traffic and have a detrimental effect on highway safety. Consequently, the proposal is considered to be detrimental to highway and pedestrian safety and the free flow of traffic contrary to Policy AM7 of the UDP Saved Policies September 2007.

An Appeal against the Council's decision to refuse a 15m high street furniture column and associated radio equipment cabinet, located on the south side of Rickmansworth Road to the west of the railway bridge (APP/R5510/A/06/2031826) was dismissed on the 13th March 2007. The Inspectors concluding paragraphs were:

"The overall thrust of PPG8 is to encourage the development of telecommunications networks whilst keeping environmental impact to a minimum. I conclude that the proposal would have an unacceptable and harmful environmental impact on the streetscene and would fail to provide a design that respects the character and appearance of the area. It would also have a detrimental impact on the outlook from the rear of properties in Athena Place. The lack of full consideration of other possible alternatives within the search area to identify alternative sites or designs also weigh against the appeal. The proposal would be contrary to Policies Pt 1.10, Pt 1.11, BE13, BE37 and OE1 of the adopted Hillingdon Unitary development Plan 1998 which seek to ensure that new developments do not have an adverse effect on the character and appearance of the area and that all

telecommunications proposals should minimise environmental impact.

On balance, I consider that the need for the proposal and lack of evidence of harm to health do not outweigh the visual harm to the streetscene, the harm to the living conditions of the residents of Athena Place and the lack of full consideration of alternatives for provision in this area. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed."

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

AM11 Improvement in facilities and promotion of safety and security at bus and rail interchanges; use of planning agreements to secure improvement in public transport services

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

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

167 adjoining owner/occupiers, the Northwood Residents Association and the Northwood Hills Residents Association were consulted. 7 individual responses have been received objecting to the proposal on the following grounds:

(i) The proposed mast would be detrimental to health with its location in a high density residential area;

(ii) There are ample number of masts in the area already, coverage is extremely good, the additional mast is wholly unnecessary;

(iii) The previous application by the applicant for a mast at this site was refused on visual amenity grounds and this mast is still higher, so this same reasons of refusal must apply;

- (iv) The scheme would reduce the pavement to approximately 1.2m and to 0.65m when cabinet doors are opened, resulting in pedestrians walking in the highway, which would prejudice highway and pedestrian safety;
- (v) The mast and equipment would change my view of the skyline from my house and its location within the zig zag lines of the zebra crossing means its an unsuitable location for maintenance purposes;
- (vi) The mast would prejudice future redevelopment of the Autocentre for residential use;
- (vii) The mast should be sited in the woodland between Ivy Walk and Highfield Crescent or the grassy area opposite.

Internal Consultees

HIGHWAYS: The Highway officers comments are covered in Section 7.10.

CONSERVATION:

Background: There has been previous refusal re the above proposal based on the location and resulting highway issues. The structure has been relocated further to the north-west, closer to the hoarding and trees, as previously advised. It is, however, now adjacent to another mast, lamp posts and other street furniture. This would add to the visual clutter and as such would appear intrusive to the streetscape and locality of the area.

Whilst the location of the mast would not have an impact on the character and appearance of the ASLC, it would be located at a highly visible street junction and would be considered detrimental to the appearance of the area.

Recommendation: It is felt that the existing pole is either reused or removed in order to ensure that the character of the area is not affected detrimentally.

CONCLUSION: Unacceptable at present location.

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, the green belt or within a conservation area. The site lies opposite the Old Northwood Area of Special Local Character and consideration of the visual impact upon the area has been provided by the Conservation Team (see section 6 of the report).

7.04 Airport safeguarding

The proposed mast will have no impact on airport safeguarding.

7.05 Impact on the green belt

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

7.06 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. Also relevant is the recent planning history for similar telecommunications apparatus adjacent to this site.

The proposed site is located opposite a road junction and a mixture of uses including a public house, commercial units on the ground floor with residential above and a couple of two storey residential properties. Beyond these properties, on the main Pinner Road frontage, are similar mix of uses on the High Street.

Saved Policy BE37 requires that telecommunications development should not seriously harm the appearance of the townscape or landscape. In the proposed location, the 15m metre high monopole mast and equipment cabinet would be clearly visible to users of both Pinner Road and High Road and other surrounding roads and properties. This would be further accentuated by the fact that the mast is located towards the top of a slope on Pinner Road which would accentuate its height and it would be significantly taller than the 8m high railway bridge and the nearby streetlights. Combined with its height, the proposed design of the mast, being approximately 0.3m in diameter expanding to a shroud diameter of 0.5m for a 4.5m section at the top of the mast, would not reflect that of the surrounding street furniture appearing significantly more bulky within the street scene. At 1.55 metres, the proposed cabinet would be comparable in height to some adults. The sizeable equipment cabinet is considered to significantly add to the overall impact of the installation, drawing attention to the mast and adding to its visual impact. Furthermore, the cabinet would also appear incongruous with nearby structures of a similar type and purpose, being a different colour and greater in bulk, which would further draw attention to the installation and add to the street clutter along this part of Pinner Road.

Whilst a monopole design has been chosen to mimic the design of nearby street lights, it is considered that the proposed mast would stand out and be at odds with the shorter street light poles. At 15m high, the proposed mast would be taller than the nearby 10m high streetlights. In addition, the proposed mast would be significantly bulkier than both the existing mast and nearby street lighting columns, particularly at the top of the pole, where the 6 antennae would be housed.

In addition, the proposed mast would be located only 13.5 metres away from the existing T-Mobile mast, 5.5 metres away from an existing light/beacon column and 7.3m from an existing street light column. The current proposal would result in 5 equipment cabinets, two masts, one street lighting column, one beacon/light column associated with the zebra crossing, two very large illuminated advertisement hoardings and various street signs and posts all within a 53m stretch of highway. It is considered that the close proximity to the existing antenna and its cabinets and the other equipment and paraphernalia would result in an unacceptably cluttered appearance to the street scene within the immediate area. This would have an overbearing impact on this part of Pinner Road. The proposal is thus considered to be contrary to Policies BE13 and BE37 of the Hillingdon Unitary development Plan Saved Policies September 2007.

It is acknowledged that the proposal would house antennae for two service providers and

that PPG8 encourages mast sharing in order to reduce the number of installations and associated impacts. However, this is not considered to outweigh the detrimental environmental impacts which would arise from the proposal in terms of its location, bulk and height.

It is also acknowledged that the applicant has investigated and discounted other sites in this area and discounted numerous sites. In this instance the applicant has provided details of twelve different sites, which have been investigated within the desired search area, together with reasons for discounting them.

The applicant has also provided existing and proposed UMTS 3G coverage diagrams. Officers assessment of this is that this proposal provides somewhat limited benefits with regard to improving 3G phone coverage. Should the Council's refusal go to appeal, an informative is recommended to highlight this matter.

However, given the issues outlined above, in relation to the visual impact of the proposal, 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. The proposal is therefore contrary to Policies Pt 1.11, BE13, BE37, and OE1 of the Hillingdon Unitary Development Plan.

7.08 Impact on neighbours

The nearest residential properties to the proposed development are on the opposite side of Pinner Road and of 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 proposed telecommunication apparatus remains in close proximity to a zebra pedestrian crossing. However this revised scheme addresses the previous reason of refusal on highway grounds by locating the mast a greater distance away from the zebra crossing (15 metres as opposed to 6 metres with the previous scheme) and likewise the cabinet (approximately 12 metres away as opposed 3.2m metre away with the previous scheme) thereby reducing the potential for a cluster of pedestrians waiting to cross spilling onto the highway as a result of the reduction in the width of the pavement. The applicant has also provided further details with this application of the limited duration and low number of maintenance visits in a month and thereby times when the cabinet doors will be open and causing a practical pedestrian obstacle.

The location of the mast immediately upon a junction of two classified road also removes the possibility service vehicles will park in front of/close to telecommunication equipment.

According the proposals are considered not to be detrimental to highway and pedestrian safety and the free flow of traffic and comply with Policy AM7 of the UDP Saved Policies September 2007.

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

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

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.

7.19 Comments on Public Consultations

Points (i), (ii), (iii), (iv), (v), (vii) have been addressed in the report. With regard to point (vi) the redevelopment of adjoining sites will need to be considered on their own planning merits and in the light of the Council's policies and standards.

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.

Recent 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 close to schools or houses on grounds of any 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

Not applicable to this application.

10. CONCLUSION

The proposed installation due to its height, prominent position, design and appearance together with the existence of a large number of other structures within close proximity of the proposed mast 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.

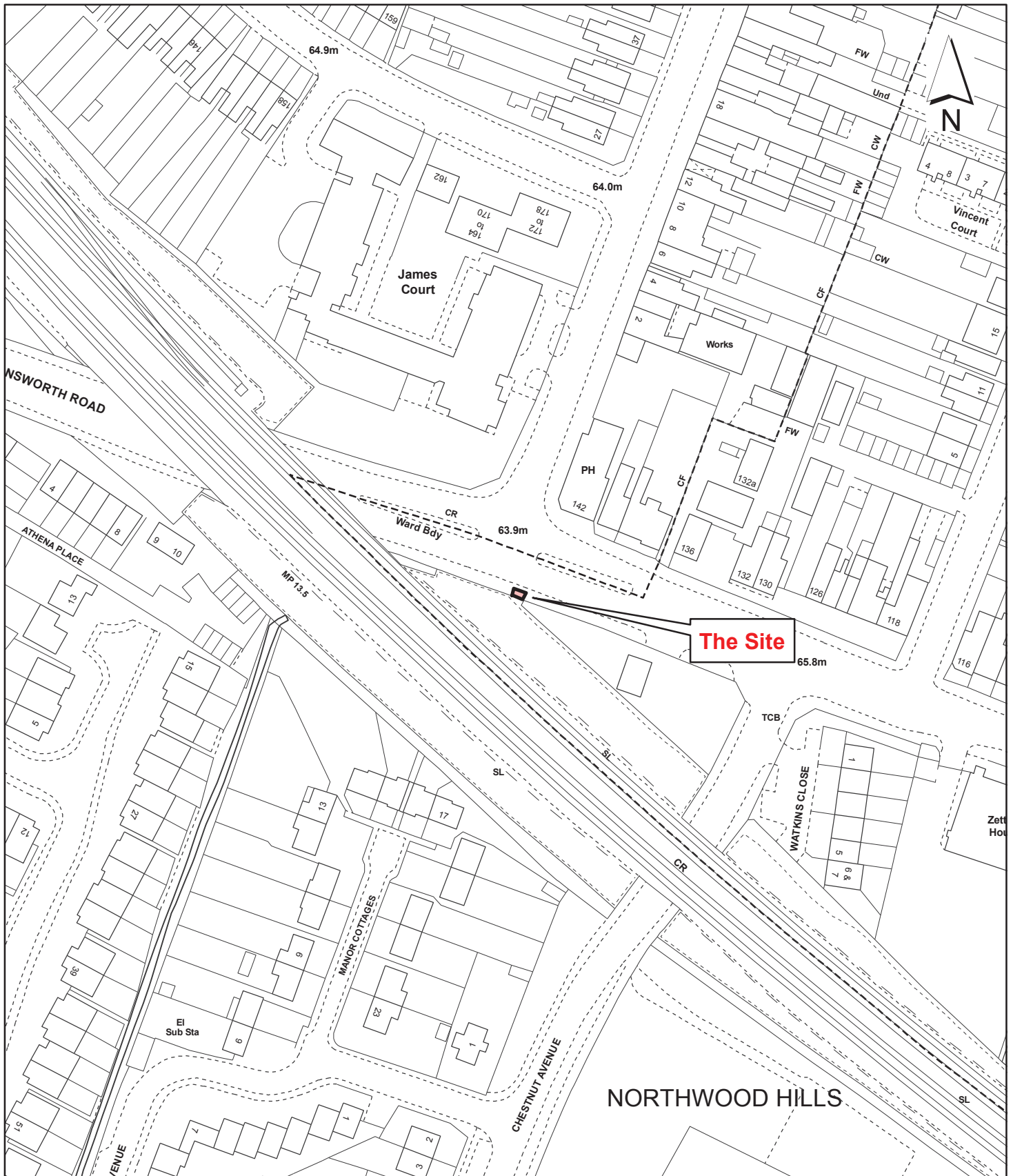
RECOMMENDATION (B) The details of siting and design are refused for the following reason:

11. Reference Documents


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

Contact Officer: Gareth Gwynne

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Footway adjacent to Autocentre Northwood, Pinner Road Northwood	
Planning Application Ref:	Scale
67084/APP/2011/2897	1:1,250
Planning Committee	Date
North	December 2011

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