

Report of the Head of Planning & Enforcement Services

Address LAND AT JUNCTION OF WARREN ROAD SWAKELEYS DRIVE ICKENHAM

Development: Installation of a 15m high telecommunications pole, associated antenna, 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.) Application for prior approval for siting and design.

LBH Ref Nos: 65862/APP/2012/982

Drawing Nos: 100
200
300
400
Site Specific Supplementary Informator
General Background Information for Telecommunications Developments
CORN/09/014V1.3

Date Plans Received: 18/04/2012

Date(s) of Amendment(s):

Date Application Valid: 18/04/2012

1. SUMMARY

This application has been submitted by Vodafone and seeks determination as to whether prior approval is required for the erection of a 15m high monopole mobile phone mast and ancillary equipment cabinet. The installation is required in order to provide future 3G coverage as part of Vodafone's licence obligations. The applicant has searched the desired coverage area and concluded that there are no other more suitable locations available. In support of the application Vodafone have supplied copies of technical details of their search/coverage area plans and justification for their site selection.

It is considered that the proposed installation would be visually unacceptable in this sensitive Green Belt location along a busy main road, close to well used bus stops. As such it is recommended that prior approval of siting and design be required and refused.

2. RECOMMENDATION

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

RECOMMENDATION (B) The details of siting and design are refused.

1 NON2 Non Standard reason for refusal

The proposed development would result in an incongruous and visually obtrusive form of development which would be out of keeping with the visual character of the adjoining street scene, the area in general and the wider Green Belt. Furthermore, other potential solutions have not been fully investigated. The proposal is therefore contrary to Policies pt.1.1, pt.1.10, pt1.11, BE13, OL1 and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

INFORMATIVES

1 I52 **Compulsory Informative (1)**

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

2 I53 **Compulsory Informative (2)**

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

BE13	New development must harmonise with the existing street scene.
BE37	Telecommunications developments - siting and design
OE1	Protection of the character and amenities of surrounding properties and the local area
OL1	Green Belt - acceptable open land uses and restrictions on new development

3. CONSIDERATIONS

3.1 Site and Locality

The proposed site is located on the grass verge at the junction of Warren Road and Woodstock/Swakeleys Drive. The site is located within a predominantly residential area, although there is a large woodland area on the eastern side of Warren Road.

There are lighting columns in the area, although these are approximately only 6 metres in height and nearby telegraph poles are also significantly shorter than the proposed mast. There are also a number of trees in the vicinity. The development will allow Vodafone and O2 to provide new 3G coverage to the surrounding area.

3.2 Proposed Scheme

The proposal is to erect a 15 metre imitation telegraph pole support structure housing 3 antennas. Ancillary radio equipment is to be located within a single cabinet at ground level. The cabinet would be approximately 1.89m x 0.79m x 1.65m high and would be located adjacent to the mast. The mast would be made of steel and would have a wood effect steel finish, with a green cabinet.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.
- 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.
- PT1.8 To preserve or enhance those features of Conservation Areas which contribute to their special architectural and visual qualities.

Part 2 Policies:

- BE13 New development must harmonise with the existing street scene.
- BE37 Telecommunications developments - siting and design
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OL1 Green Belt - acceptable open land uses and restrictions on new development

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A total of 27 neighbouring properties were consulted. 6 letters of objection were received on the following grounds:

- i) The mast would be unsightly.
- ii) No evidence that the installation is required.
- iii) The cabinet would be vandalised as school children congregate on the site before and after school.
- iv) Visually intrusive.

A petition with 21 signatures has been received objecting on the following grounds:

- i) The proposed 15 metre high mast would make an unsightly impact in open green space close to the road.
- ii) Vodafone's alternative sites should be reconsidered, including 'Woodland - The Clump' which was apparently discounted by Vodafone because LBH "failed to respond to...multiple enquiries".
- iii) The proposed site does not conform with the principles of good siting at Para 128 of the Code of Best Practice. Environmental impact could be greatly reduced by placing within an existing group of trees.

A request has also been received from a Ward Councillor for the application to be referred to the

planning committee.

Internal Consultees

HIGHWAYS: No objection on highways safety grounds.

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 a conservation area or site of Special Scientific Interest, where more restrictive criteria are applicable.

In accordance with Part 24 of the Town and Country planning (General Permitted Development) Order 1995 (as amended) the applicant 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.

In this case it is considered that the proposed mast would have a harmful impact on the character and appearance of this Green Belt location. Accordingly, it is recommended that prior approval of siting and design be required and refused.

7.02 Density of the proposed development

Not applicable to this type of development.

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

The site does not lie within a Conservation Area or in an Area of Special Character.

7.04 Airport safeguarding

The application site is not located within close proximity of an aerodrome and there is no requirement to consult the airport safeguarding authorities regarding this proposal.

7.05 Impact on the green belt

It is considered that the proposed mast would be utilitarian in design and out of keeping with the character and appearance of the Green Belt and Nature Conservation Area of Local Importance. Whilst an imitation telegraph pole design has been chosen in an attempt to mimic the design of existing street furniture it is considered that the proposed mast would stand out as at odds with the shorter poles in the vicinity. It would also add to the street clutter in the area.

7.07 Impact on the character & appearance of the area

The proposed installation would be located in a prominent location on a public grass verge by a busy junction within the Green Belt. At 15m high the proposed mast would be significantly taller than the nearby streetlights, surrounding buildings, and much of the surrounding vegetation. The sizeable equipment cabinet would also add to its visual impact, and it would be clearly noticeable to users of Warren Road and Swakeleys Drive.

It is considered that the proposed mast would be utilitarian in design and out of keeping with the character and appearance of the Green Belt and Nature Conservation Area of Local Importance. Whilst an imitation telegraph pole design has been chosen in an attempt to mimic the design of existing street furniture it is considered that the proposed mast would stand out as at odds with the shorter poles in the vicinity. It would also add to the street clutter in the area.

In support of the application the applicant has provided details of 7 different sites, which have been investigated within the search area together with reasons for discounting them.

Amongst the options discounted are two Council owned locations, which the applicant claims they received no response from the Council to their initial queries, however no evidence has been provided of this. As such, it is considered that these options should be further investigated before the proposed prominent streetworks installation is pursued.

7.08 Impact on neighbours

The NPPF states that applications for this type of development should be accompanied by ICNIRP certificate and that if a proposed mobile phone base station meets the ICNIRP guidelines, it should not be necessary to consider further the health aspects of the development and concerns about them. The applicant has confirmed that the proposed equipment would comply with ICNIRP guidelines. There is nothing to indicate that there is a risk to health, nor is there evidence to outweigh advice in the NPPF on health considerations. As such it is considered that health fears do not weigh significantly against the development. As such a reason for refusal on health grounds cannot be substantiated.

7.09 Living conditions for future occupiers

Not applicable to this type of application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

There would be no increase in traffic to/from the site as a result of the application and there are no parking requirements associated with the proposal.

7.11 Urban design, access and security

Issues of design are addressed within the Character and Appearance section of this report.

Issue of access and security are not considered relevant to this application.

7.12 Disabled access

Not applicable to this type of application.

7.13 Provision of affordable & special needs housing

Not applicable to this type of application.

7.14 Trees, Landscaping and Ecology

The proposed replacement mast and associated equipment would be located on a grass verge. While there are trees within the locality it is considered that the proposed mast is sufficiently separated from these that they could be protected were the application approved. There are therefore no landscaping issues.

7.15 Sustainable waste management

Not applicable to this type of application.

7.16 Renewable energy / Sustainability

Not applicable to this type of application.

7.17 Flooding or Drainage Issues

Not applicable to this type of application.

7.18 Noise or Air Quality Issues

Not applicable to this type of application.

7.19 Comments on Public Consultations

Issues (i), (ii) and (iv) are addressed within the body of the report.

In relation to issue (iii) it is not considered that the installation would be more likely to be vandalised than any similar street furniture.

7.20 Planning Obligations

There is no requirement for the applicant to pay any S106 contributions for this type of development.

7.21 Expediency of enforcement action

None.

7.22 Other Issues

None.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

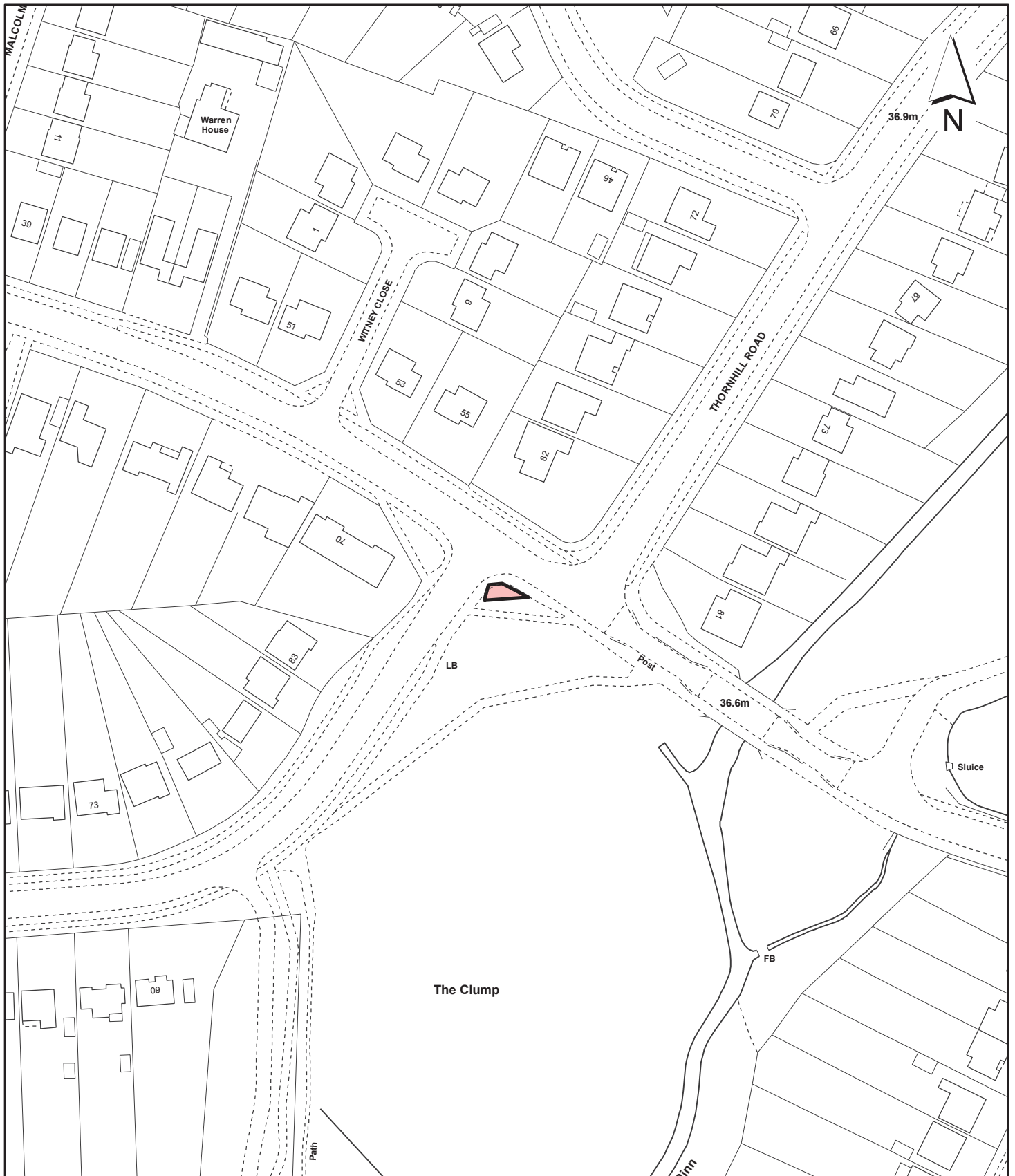
It is considered that the proposed installation would have an unacceptable visual impact upon the street scene and would be of detriment to the character and appearance of the Green Belt. Its height and design in this location would be clearly visible and would draw attention to it. Alternative options have not been fully investigated and discounted. As such the proposal is contrary to policies pt1.1, pt 1.10, pt.1.11, BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and it is recommended that prior approval be refused.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies September 2007
National Planning Policy Framework

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Notes

 Site boundary

For identification purposes only.

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Site Address

**Land at junction of
Warren Road and Swakeleys Drive
Ickenham**

Planning Application Ref:

65862/APP/2012/982

Planning Committee

North

Scale

1:1,250

Date

**May
2012**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
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& Community Services

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