

Report of the Head of Planning, Sport and Green Spaces

Address LAND AT JUNCTION ADJACENT WITH FALLING LANE AND ROYAL LANE
YIEWSLEY

Development: Installation of a 12.5m high telecommunications column (Application under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance)

LBH Ref Nos: 70600/APP/2015/4266

Drawing Nos: 100 Issue D
200 Issue G
General Background Information for Telecommunications Development
Supplementary Information
300 Issue G
Developer's Notice to Highways

Date Plans Received: 19/11/2015 **Date(s) of Amendment(s):**

Date Application Valid: 19/11/2015

1. **SUMMARY**

The applicant seeks prior approval for a telecommunications installation under Schedule 2, Part 16 to the Town and Country Planning (General Permitted Development) Order 2015. The proposed installation would provide 2G, 3G and 4G services for Telefonica and Vodafone.

The proposed scheme involves the installation of a 12.5m high telecommunications column. An equipment cabinet would also be provided. It is considered that the proposed column would be acceptable in terms of its location and height, and along with the associated equipment cabinet, would not result in a significantly detrimental increase in street clutter. The proposed telecommunications installation would have an acceptable impact on the character and appearance of the street scene and the surrounding area. The proposal would not cause harm to pedestrian and highway safety.

The proposed development therefore complies with Policies AM7, BE13 and BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Chapter 5 of the National Planning Policy Framework (March 2012).

It is therefore recommended that prior approval be required in this instance and that permission is approved.

2. **RECOMMENDATION**

APPROVAL subject to the following:

1 COM3 **Time Limit**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, 100 Issue D, 200 Issue G and 300 Issue G and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the London Plan (2015).

3 NONSC Non Standard Condition

Any apparatus or structure provided in accordance with this permission shall be removed from the land, as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.

REASON

To ensure that the development is removed as soon as it is no longer required in order to protect the character and appearance of the area in accordance with Policies BE13 and BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT 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 GRANT 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) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (2015) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
BE13	New development must harmonise with the existing street scene.
BE37	Telecommunications developments - siting and design
NPPF5	NPPF - Supporting high quality communication infrastructure

3 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will

require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises an area of grass verge located on the north-western side of the junction of Falling Lane and Royal Lane. The Nags Head PH is located on the opposite side of the road. 18-41 Frankswood Avenue is located north-west of the grass verge. A footpath runs between the grass verge and the tree-lined boundary with 18-41 Frankswood Avenue.

3.2 Proposed Scheme

The applicant seeks prior approval for a telecommunications installation under Schedule 2, Part 16 to the Town and Country Planning (General Permitted Development) Order 2015. The proposed installation would provide 2G, 3G and 4G services for Telefonica and Vodafone.

The proposed scheme involves the installation of a 12.5m high telecommunications column and an equipment cabinet. It should be noted that the equipment cabinet, whilst being Permitted Development, would not be required without the proposed telecommunications column.

The telecommunications column and equipment cabinet would be located at the back of the grass verge facing onto the rear footpath.

3.3 Relevant Planning History

70600/APP/2015/348 Land At Junction Adjacent With Falling Lane And Royal Lane Yiewsle
Installation of a 15 metre high telecommunications monopole (Application under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order for determination as to whether prior approval is required for siting and appearance)

Decision: 11-03-2015 Refused

Comment on Relevant Planning History

70600/APP/2015/348 - Installation of a 15m high telecommunications monopole; Four equipment cabinets provided under Permitted Development Rights - Refused in March 2015 due to increased street clutter detrimentally impacting on the character and appearance of the immediate street scene and surrounding area, failing to specify why the development is required in this area, and not fully investigating other potential solutions.

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.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

BE13 New development must harmonise with the existing street scene.

BE37 Telecommunications developments - siting and design

NPPF5 NPPF - Supporting high quality communication infrastructure

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent to 32 local owners/occupiers and a site notice was displayed. No responses were received.

Internal Consultees

Highways:

No objection raised on highways matters.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) states that telecommunications developments will be acceptable in principle provided that any apparatus is sited and designed so as to minimise its effect on the appearance of the surrounding areas. The policy also states that permission for large or prominent structures will only be granted if:

(i) there is a need for the development in that location;

(ii) no satisfactory alternative means of telecommunications is available;

(iii) there is no reasonable possibility of sharing existing facilities;

(iv) in the case of radio masts there is no reasonable possibility of erecting antennae on an existing building or other structure; and

(v) the appearance of the townscape or landscape is not seriously harmed.

The proposed installation would provide 2G, 3G and 4G services for Telefonica and Vodafone. The applicant has carried out a study of alternative sites within the area and has demonstrated that no preferable alternative locations are available or acceptable.

The proposed telecommunications column would be 12.5m high which is 2.5m lower than the column previously refused (application ref: 70600/APP/2015/348). The number of Permitted Development equipment cabinets has been reduced from four cabinets to one cabinet.

The reduced height of the proposed telecommunications column and the reduction in the number of proposed equipment cabinets are considered to be acceptable and would not result in a significant increase in street clutter at the junction. As such, the proposed scheme would not cause harm to the character and appearance of the immediate and surrounding area.

It is therefore considered that the proposal would comply with Policy BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) requires developments to harmonise with the existing street scene and other features of the area that are considered desirable to retain or enhance.

The application site is located on a fairly prominent grass verge at the junction of Falling Lane and Royal Lane. A footpath runs between the grass verge and the tree-lined boundary with 18-41 Frankswood Avenue. The proposed mast, along with one equipment cabinet which benefits from Permitted Development Rights, would be located at the back of the grass verge facing onto the footpath.

The design of the proposed telecommunications column would be in keeping with surrounding street light columns and would be at an acceptable height. The proposed column and associated equipment cabinet would not lead to a significant increase in street clutter on this grass verge next to the junction of Falling Lane and Royal Lane. The proposal would therefore not have a detrimental visual impact on the character and appearance of the immediate street scene and surrounding area, thereby complying with Policy BE13 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.08 Impact on neighbours

The proposed telecommunications site backs onto the rear amenity space of 18-41 Frankswood Avenue. There are a number of trees along the site boundary which would provide adequate screening of the proposed development. It is considered that the proposal would not have a detrimental impact on neighbours.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The proposed telecommunications site is located on a grass verge at the junction of Falling

Lane and Royal Lane. Two footpaths are located either side of the grass verge, one alongside the road and the other at the back of the grass verge. The proposed telecommunications mast is located at the back of the grass verge facing the rear footpath. Whilst there would be some encroachment onto the footpath when the cabinet doors are open for maintenance, sufficient space on the footpath would be retained to allow for use of the footpath during maintenance of the cabinet.

The proposed installation would be located 9.70m away from the highway junction of Falling Lane and Royal Lane and so would not impact on visibility sightlines for vehicles driving in and out of this junction. As such, there would be no impact on pedestrian and highway safety from the proposed telecommunications installation.

The Council's Highways Engineer raises no objection to the proposal on highway grounds. It is therefore considered that the proposed scheme complies with Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

The telecommunications column would be 12.5m high and would hold six antennae at the top within a 0.25m diameter shroud. The mast would be constructed from steel and coloured grey, and is considered to be acceptable in design terms.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

No responses were received during the public consultation.

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 Commission 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 applicant seeks prior approval for a telecommunications installation under Schedule 2, Part 16 to the Town and Country Planning (General Permitted Development) Order 2015. The proposed installation would provide 2G, 3G and 4G services for Telefonica and Vodafone.

The proposed scheme involves the installation of a 12.5m high telecommunications column. An equipment cabinet would be provided under Permitted Development Rights. It is considered that the proposed column would be acceptable in terms of its location and height, and along with the associated equipment cabinet, would not result in a significantly detrimental increase in street clutter. The proposed telecommunications installation would have an acceptable impact on the character and appearance of the street scene and the surrounding area. The proposal would not cause harm to pedestrian and highway safety.

The proposed development therefore complies with Policies AM7, BE13 and BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Chapter 5 of the National Planning Policy Framework (March 2012).

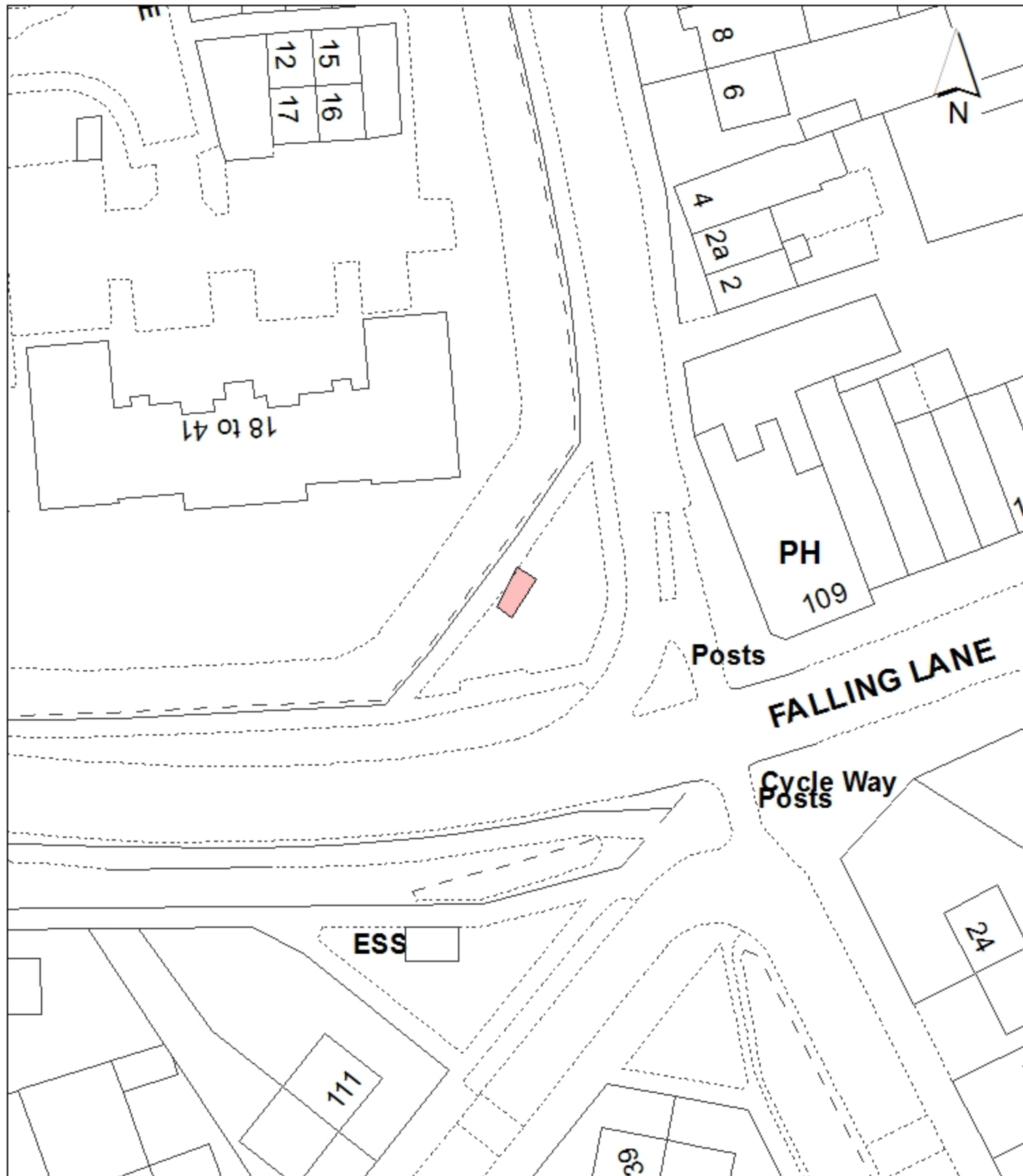
It is therefore recommended that prior approval be required in this instance and that permission is approved.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)
National Planning Policy Framework (March 2012) Chapter 5

Contact Officer: Katherine Mills

Telephone No: 01895 250230



Notes:

 Site boundary

For identification purposes only.

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Site Address:

Land at Junction Adjacent with Falling Lane and Royal Lane

Planning Application Ref:

40600/APP/2015/4266

Scale:

1:500

Planning Committee:

C&S

Date:

January 2016

LONDON BOROUGH OF HILLINGDON

Residents Services
Planning Section

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



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