

## Report of the Head of Planning, Sport and Green Spaces

**Address** FOOTPATH OPPOSITE 35 FALLING LANE YIEWSLEY

**Development:** Installation of 12.5m high telecommunications monopole and associated works (Application for prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015)

**LBH Ref Nos:** 72106/APP/2017/464

**Drawing Nos:** 78782-CTIL-100 Rev. H  
78782-CTIL-201 Rev. H  
78782-CTIL-301 Rev. H  
78782-CTIL-401 Rev. H  
78782-CTIL-802 Rev. H  
78782-CTIL-404 Rev. H  
78782-CTIL-501 Rev. H  
78782-CTIL-502 Rev. H  
78782-CTIL-801 Rev. H  
78782-CTIL-403 Rev. H  
Supplementary Information  
ICNIRP Declaration  
Supporting Technical Information - Coverage Plots  
Developer's Notice  
General Background Information for Telecommunications Development  
Health and Mobile Phone Base Station

**Date Plans Received:** 08/02/2017

**Date(s) of Amendment(s):**

**Date Application Valid:** 08/02/2017

### 1. SUMMARY

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

The proposed telecommunications installation would not result in a detrimental impact on the character and appearance of the street scene or 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 approval be granted.

### 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, numbers 78782-CTIL-201 Rev. H, 78782-CTIL-301 Rev. H, 78782-CTIL-401 Rev. H, 78782-CTIL-403 Rev. H, 78782-CTIL-404 Rev. H, 78782-CTIL-501 Rev. H, 78782-CTIL-502 Rev. H, 78782-CTIL-801 Rev. H and 78782-CTIL-802 Rev. H and shall thereafter be retained/maintained for as long as the development remains in existence.

**REASON**

To ensure the development complies with the provisions Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

**3 NONSC Non Standard Condition**

Any apparatus or structure provided in accordance with this approval 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 APPROVE 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 APPROVE 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 - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

- |      |  |
|------|--|
| AM7  | Consideration of traffic generated by proposed developments.   |
| BE13 | New development must harmonise with the existing street scene.   |
| BE19 | New development must improve or complement the character of the area.  |
| BE37 | Telecommunications developments - siting and design<br>NPPF - Supporting high quality communication infrastructure |

NPPF5

**3** 159 **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 saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

**4** 147 **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).

**5** 115 **Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**6**

The installation is to be carried out in accordance with NJUG, Volume 4 (2007) 'Guidelines for the planning, installation and maintenance of utilities apparatus in proximity to trees.

### 3. CONSIDERATIONS

#### 3.1 Site and Locality

The application site comprises a section of footpath opposite 35 Falling Lane and contains a number of trees. An advertising sign is located some 10m north-east of the site. Yiewsley Recreation Ground is located behind the application site.

#### 3.2 Proposed Scheme

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

The scheme would comprise of a 12.5m high telecommunications monopole with three internally shrouded antennas and one equipment cabinet located between two existing trees on the footpath.

The equipment cabinet would be provided under Permitted Development Rights. It should be noted that the equipment cabinet, whilst being Permitted Development, would not be required without the proposed monopole.

#### 3.3 Relevant Planning History

72106/APP/2016/3296      Footway Adjacent Yiewsley Library Car Park Falling Lane Yiewsley  
Installation of 12.5m high monopole mobile phone mast with ancillary equipment cabinet and associated works (application for prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015)

**Decision:** 03-10-2016      Withdrawn

72106/APP/2016/4444      Footway Adjacent Yiewsley Library Car Park Falling Lane Yiewsley  
Erection of a 12.5m high telecommunications mast and installation of a ground cabinet.

**Decision:** 25-01-2017      Withdrawn

72106/PRC/2016/148      Footway Adjacent Yiewsley Library Car Park Falling Lane Yiewsley  
Installation of 12.5m high monopole mobile phone mast.

**Decision:**

#### Comment on 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.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.

BE19 New development must improve or complement the character of the area.

BE37 Telecommunications developments - siting and design

NPPF5 NPPF - Supporting high quality communication infrastructure

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

**5.1** Advertisement Expiry Date:- **15th March 2017**

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

## **6. Consultations**

### **External Consultees**

Consultation letters were sent to 16 local owners/occupiers and a site notice was displayed. No responses were received at the time of this report.

### **Internal Consultees**

Trees/Landscape Officer:

This site is an exceptionally wide footway on the south side of Falling Lane and lies immediately to the north of Yiewsley Recreation Ground. The houses to the north are served by a separate service road which is separated from Falling Lane by a mature hedgerow. There are a number of nearby trees both within the footway and to the rear, within the park, which are indicated on the north-west elevation drawing. The street lighting on Falling Lane consists of luminaires on 10 metre high columns - slightly shorter than the proposed 12.5 metre high monopole.

There is no objection to the proposed installation in terms of the visual impact. However, the cabinet and pole are close to existing street trees and care will be required with any trenching work or excavation required to facilitate the installation

RECOMMENDATION No objection subject to the installation being carried out in accordance with NJUG, Volume 4 (2007) 'Guidelines for the planning, installation and maintenance of utilities apparatus in proximity to trees'.

## **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 is required in order to provide upgraded 3G coverage and introduce 4G to the area. The applicant has provided existing and proposed coverage plots which demonstrate the need for additional coverage, and confirmed that no preferable alternative locations are available or acceptable.

The height and location of the proposed telecommunications monopole would be acceptable and is not considered to result in a detrimental impact on the character and appearance of the immediate and surrounding area. The existing trees along the footpath will provide some screening to reduce the visual impact of the monopole. Notably, the proposal would not result in clutter of street furniture within the vicinity.

The proposed equipment cabinet would be provided under Permitted Development Rights. It should be noted that the equipment cabinet, whilst being Permitted Development, would not be required without the proposed monopole. It is considered that the equipment cabinet would be acceptable in the proposed location next to the telecommunications monopole.

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 proposed installation comprises a monopole and an equipment cabinet (allowed under Permitted Development Rights) which would be located between two existing trees in the middle of the footpath. The location of the monopole and equipment cabinet in the middle of the footpath is acceptable and the trees would provide some screening of the monopole and equipment cabinet, reducing its overall visual impact. Furthermore, the proposal would not result in clutter of street furniture within the vicinity.

It is considered that the proposal would not result in a detrimental impact on the character

and appearance of the 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 nearest residential properties are located opposite the application site and are accessed from a service road. The service road is separated from Falling Lane by a mature hedgerow and so it is considered that the proposed telecommunications installation would not impact on residential amenity for these properties.

**7.09 Living conditions for future occupiers**

Not applicable to this application.

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

Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The proposed telecommunications monopole and equipment cabinet would be located in the middle of a wide footpath alongside Falling Lane and next to Yiewsley Recreation Ground. The monopole and cabinet would be located in line with two existing trees that run down the middle of the footpath and so would not result in an obstruction on the footpath. The monopole and cabinet would be set back from the roadside and so would not obstruct the public highway.

It is therefore considered that the proposed telecommunications installation will not cause harm to pedestrian and highway safety and so 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 mast would be 12.5m high and would hold three antennae at the top within a 0.5m 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**

The Council's Trees/Landscape Officer has no objection to the proposed telecommunications installation in terms of the visual impact. As the proposed monopole and equipment cabinet would be located between two trees on the footpath care will be required with any trenching work or excavation required to facilitate the installation and the installation of the equipment will need to be carried out in accordance with NJUG, Volume 4 (2007) 'Guidelines for the planning, installation and maintenance of utilities apparatus in proximity to trees'. It is considered that this can be an informative on any consent granted.

**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 at the time of this 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:

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

The proposed telecommunications installation would not result in a detrimental impact on the character and appearance of the street scene or 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).

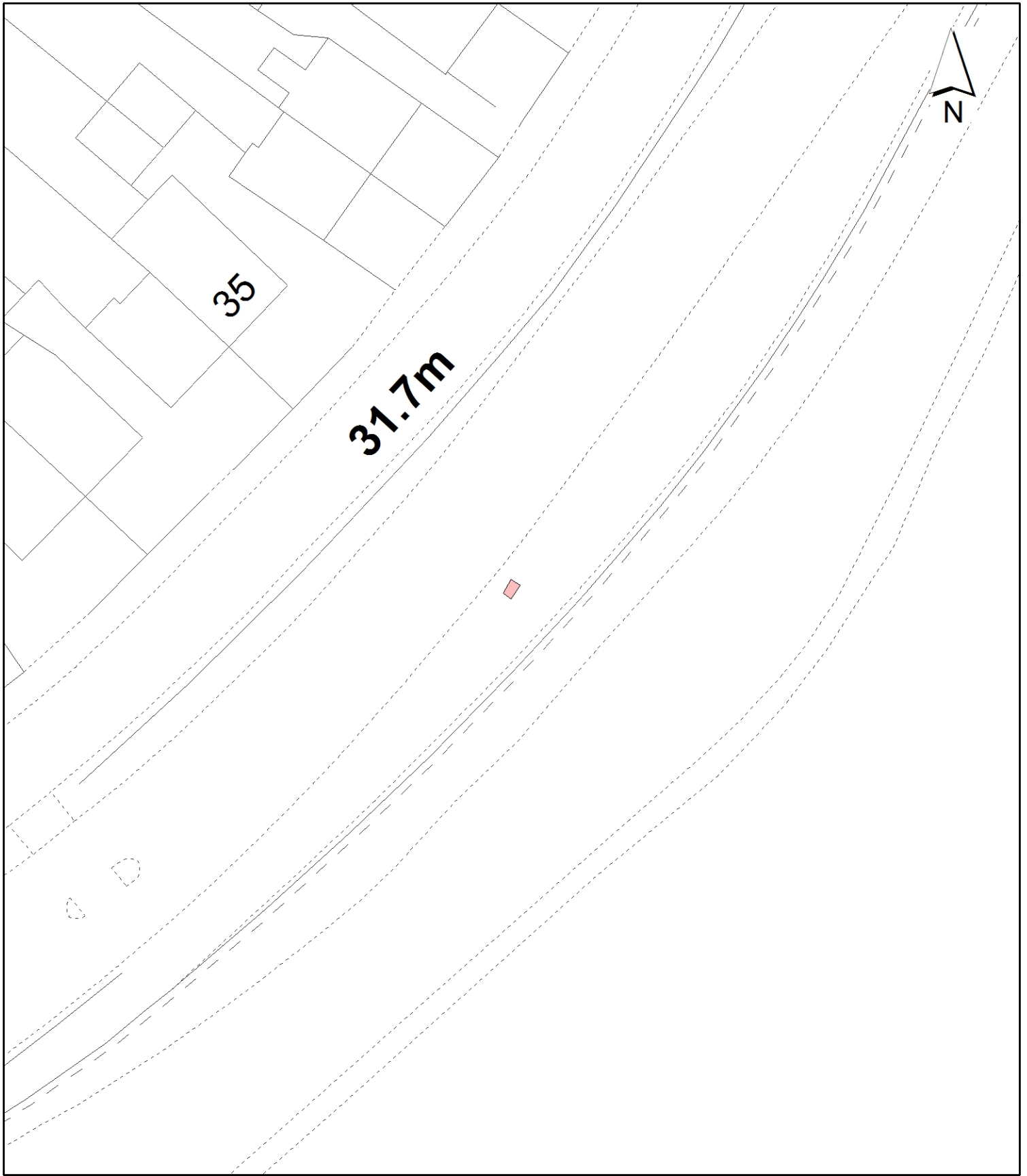
It is therefore recommended that prior approval be required in this instance and that approval be granted.

#### **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

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Site Address: **Footpath Opposite  
 35 Falling Lane**

**LONDON BOROUGH  
 OF HILLINGDON**  
 Residents Services  
 Planning Section  
 Civic Centre, Uxbridge, Middx. UB8 1UW  
 Telephone No.: Uxbridge 250111

Planning Application Ref:  
**72106/APP/2017/464**

Scale:  
**1:350**

Planning Committee:  
**Central & South**

Date:  
**March 2017**

