

Report of the Head of Planning, Transportation and Regeneration

Address LAND OPP. COLERIDGE WAY UXBRIDGE ROAD HAYES

Development: Removal of existing 11.7m high monopole, 3 antennas and 3 equipment cabinets and installation of 20m monopole, 12 antenna apertures and 9 equipment cabinets

LBH Ref Nos: 74909/APP/2019/2104

Drawing Nos: 150 Existing Elevation A Issue A
100 Existing Site Plan Issue A
215 Max Configuration Site Plan Issue A
265 Max Configuration Elevation Issue A
002 Site Location Plan Issue A
Collaborating for Digital Connectivity (Dated 7th March 2019)
Supplementary Information
MBNL.Supp.Info.New Tech.06.12.18
Cover Letter (Dated 20th June 2019)
Letter regarding Highways (Dated 20th June 2019)
Letter dated 7th June 2019
Declaration of Conformity with ICNIRP Public Exposure Guidelines

Date Plans Received: 20/06/2019

Date(s) of Amendment(s):

Date Application Valid: 20/06/2019

1. SUMMARY

This application seeks full planning permission to remove an 11.7m monopole, 3 antennas and 3 equipment cabinets and install a 20m monopole, 12 antenna apertures and 9 equipment cabinets. The proposal is considered to be an obtrusive form of development which would add visual clutter to the street scene. The proposal would not harmonise with the character of the area and would be detrimental to local visual amenities.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed monopole, by virtue of its size and siting, and the proposed cabinets, by virtue of their siting and number, would create an obtrusive form of development which would add visual clutter to the street scene. As such, the proposal would not harmonise with the character of the area and would be detrimental to local visual amenities, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE19 and BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

2 NON2 Non Standard reason for refusal

In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees adjoining the site and further fails to demonstrate protection

for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policies BE19, BE37 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policies DMHB 14 and DMHB 21 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

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) 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.

A6	Development proposals within the public safety zones around Heathrow or likely to affect the operation of Heathrow or Northolt airports
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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.
BE20	Daylight and sunlight considerations.
BE37	Telecommunications developments - siting and design
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 21	Telecommunications
LPP 4.11	(2016) Encouraging a connected economy
NPPF- 10	NPPF-10 2018 - Supporting high quality communications

3 I71 **LBH worked applicant in a positive & proactive (Refusing)**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service. We have however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the boundary of the Hayes Town Centre designation, as part of a highway verge and footpath on the south side of Uxbridge Road, adjoining a communal playspace and residential gardens. It is located 41 metres north-west of the existing 11.7 metre high monopole and associated cabinets and is set approximately 18 metres to the north of residential flats nos. 230-240 Addison Way.

3.2 Proposed Scheme

This application seeks permission to remove an 11.7m monopole, 3 antennas and 3 equipment cabinets and install a 20m monopole, 12 antenna apertures and 9 equipment cabinets. The siting of the monopole/equipment cabinets is changed.

3.3 Relevant Planning History

Comment on Relevant Planning History

None.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

A6	Development proposals within the public safety zones around Heathrow or likely to affect the operation of Heathrow or Northolt airports
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
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.
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DMHB 21	Telecommunications
LPP 4.11	(2016) Encouraging a connected economy
NPPF- 10	NPPF-10 2018 - Supporting high quality communications

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

National Air Traffic Services (NATS):

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Heathrow Airport Ltd:

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, we would like to make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

Internal Consultees

Trees and Landscaping Officer:

This site to the side of Uxbridge Road has a 11.7m high monopole and associated equipment cabinets. There are trees in the vicinity, although not immediately adjacent to the installations.

COMMENT

The proposal is to remove and replace the existing equipment with new installations, including a higher (20m) monopole. There are two large trees on the land to the rear of the footway whose canopies oversail the footway.

The information submitted is unclear as to the precise location of the proposed installations and

whether there will be any conflict with existing trees.

RECOMMENDATION

Unacceptable. The plans should accurately show the location and spread of existing trees in relation to the proposed installation. The submission needs to clarify that tree canopies will be unaffected by the proposal and that any underground cable runs will not affect tree roots.

Highways Officer:

No comment.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE37 of the Hillingdon Local Plan: Part 2 - 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.

Policy DMHB 21 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that telecommunication development will only be permitted where:

- i) it is sited and designed to minimise their visual impact;
- ii) it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area;
- iii) it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings;
- iv) there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest; and
- v) it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.

The purpose of the proposed development is to upgrade existing coverage to 5G. The proposed development would replace the existing 11.7m monopole, 3 antennas and 3 equipment cabinets and install a 20m monopole, 12 antenna apertures and 9 equipment cabinets. The siting of the monopole/equipment cabinets is changed. The submitted information states that the existing mast is not capable of accommodating the 5G equipment and that the proposed mast and associated cabinets would not fit within the existing location due to underground utilities limiting capacity.

Other than the existing site, a total of five alternative sites were considered and were discounted. Rooftop locations along Uxbridge Road were considered unsuitable as the weight and size of the 5G equipment could not be facilitated in terms of space and structural capacity. Church Road was considered but discounted due to its location within a Conservation Area. Gledwood Drive was also considered but discounted as a 20 metre

high mast between two existing rooftops would cause interference issues.

The applicant has confirmed that the proposed installation complies with the ICNIRP (International Commissions for Non Ionising Radiation Protection) guidelines.

Whilst, in principle, the need for the proposed monopole is accepted, the proposal by virtue of its size and siting, and the proposed cabinets, by virtue of their siting and number, would create an obtrusive form of development which would add visual clutter to the street scene. As such, the proposal would not harmonise with the appearance of the character of the area and would be detrimental to local visual amenities, contrary to Policy BE37 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 21 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019). This is discussed in more detail within the "Impact on the character & appearance of the area" section of this report.

7.02 Density of the proposed development

Not applicable to the consideration of this application.

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

Not applicable to the consideration of this application.

7.04 Airport safeguarding

Policy A6 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that the Local Planning Authority will not grant planning permission for development likely to interfere with the safe and efficient operation of Heathrow or Northolt Airports.

The proposed development would be located within 3km of Heathrow Airport. Heathrow Airport Limited and the National Air Traffic Services Safeguarding were consulted and both stated no safeguarding objection to the proposal. It is noted that the British Standard Code of Practice for the safe use of Cranes should be taken account of by the applicant and that crane operators should consult the aerodrome before erecting a crane in close proximity to an aerodrome. Overall, the proposal is considered to accord with Policy A6.

7.05 Impact on the green belt

Not applicable to the consideration of this application.

7.07 Impact on the character & appearance of the area

Policy BE13 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which the Local Planning Authority considers it desirable to retain or enhance.

Policy BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that the local planning authority will seek to ensure that new development within residential areas complements or improves the amenity and character of the area.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states that: A) All development will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context; ii) ensuring the use of high quality building materials and finishes; iv) protecting features of positive value within and adjacent to the site; and v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure. B) Development proposals should not adversely impact on the amenity of adjacent properties and open space.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019) states: A) Development should be well integrated with the surrounding area and accessible. It should: i) improve legibility and promote routes and wayfinding between the development and local amenities; ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area; iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space; iv) provide safe and direct pedestrian and cycle movement through the space; and v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard.

The application site is located on the boundary of the Hayes Town Centre designation. The context of the site is considered to be urban and consists of residential flats and houses as well as commercial properties along the parade opposite the site. It is noted that there are existing vertical features within the immediate area, including road signage, CCTV units, speed camera units, traffic lights, mature trees and street lighting columns.

The proposed 20 metre high monopole would be located on a grass verge and the proposed 9 cabinets would be located on the tarmac footpath adjoining Uxbridge Road, a communal playspace and residential gardens. Notably, the proposed development would be located approximately 18 metres to the north-west of the closest residential properties 230-240 Addison Way.

The proposed development would result in a replacement monopole measuring almost double the height of the existing monopole, sited 41 metres closer to the nearest neighbouring residents. The proposal would add a further 6 cabinets to the street scene, to total 9, and would add a further 9 antennas, to total 12. The cabinets would measure between 1 metre and 2 metres in height and would be clustered hard up against the residential gardens. The existing vertical features within the street scene do not provide a precedent for a monopole of such a height or such a number of additional cabinets. Thus the number, siting and size of the cabinets and the height and of the proposed monopole are considered to be visually obtrusive.

The proposed monopole, by virtue of its size and siting, and the proposed cabinets, by virtue of their siting and number, would create an obtrusive form of development which would add visual clutter to the street scene. As such, the proposal would not harmonise with the character of the area and would be detrimental to local visual amenities, contrary to Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) and Policy DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

7.08 Impact on neighbours

Please see the 'Impact on the character & appearance of the area' section of the report.

7.09 Living conditions for future occupiers

Not applicable to the consideration of this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy AM7 of the Hillingdon Local Plan: Part 2 - 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 proposal would maintain the same width of pedestrian access as the existing

monopole and cabinet arrangement which is proposed to be removed. The proposal would also not compromise the access of the cycle path or the highway. As such, the proposal is considered to accord with Policy AM7.

7.11 Urban design, access and security

Please see the 'Impact on the character & appearance of the area' section of the report.

SECURITY

Not applicable to the consideration of this application.

7.12 Disabled access

Not applicable to the consideration of this application.

7.13 Provision of affordable & special needs housing

Not applicable to the consideration of this application.

7.14 Trees, landscaping and Ecology

Policy BE38 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) advises that new development should retain topographical and landscape features of merit and that new planting and landscaping within development proposals should be provided wherever it is appropriate. This is supported by Policy DMHB 14 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019).

The proposed monopole would be located on a grass verge and the proposed cabinets would be located on an existing tarmac footpath adjoining Uxbridge Road. As stated by the Council's Trees and Landscaping Officer, the information submitted is unclear as to the precise location of the proposed installations and whether there will be any conflict with existing trees. This is particularly the case with the proposed equipment cabinets. Thus the proposal is considered unacceptable as the plans do not accurately show the location and spread of existing trees in relation to the proposed installation. The submission needs to clarify that tree canopies will be unaffected by the proposal and that any underground cable runs will not affect tree roots. In the absence of this information the proposal is contrary to Policies BE19, BE37 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policies DMHB14 and DMHB21 of the emerging Hillingdon Local Plan: Part Two - Development Management Policies with Modifications (March 2019).

7.15 Sustainable waste management

Not applicable to the consideration of this application.

7.16 Renewable energy / Sustainability

Not applicable to the consideration of this application.

7.17 Flooding or Drainage Issues

Not applicable to the consideration of this application.

7.18 Noise or Air Quality Issues

Not applicable to the consideration of this application.

7.19 Comments on Public Consultations

No comments were received from members of the public.

7.20 Planning obligations

Not applicable to the consideration of this application.

7.21 Expediency of enforcement action

Not applicable to the consideration of 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 the consideration of this application.

10. CONCLUSION

In conclusion, the proposed 20m monopole, 12 antenna apertures and 9 equipment cabinets would be an obtrusive form of development which would add visual clutter to the street scene. The proposal would not harmonise with the character of the area and would be detrimental to local visual amenities. Furthermore, insufficient information has been provided regarding the impact on existing trees within close proximity of the proposed siting of the equipment cabinets. As such, the application is recommended for refusal.

11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)

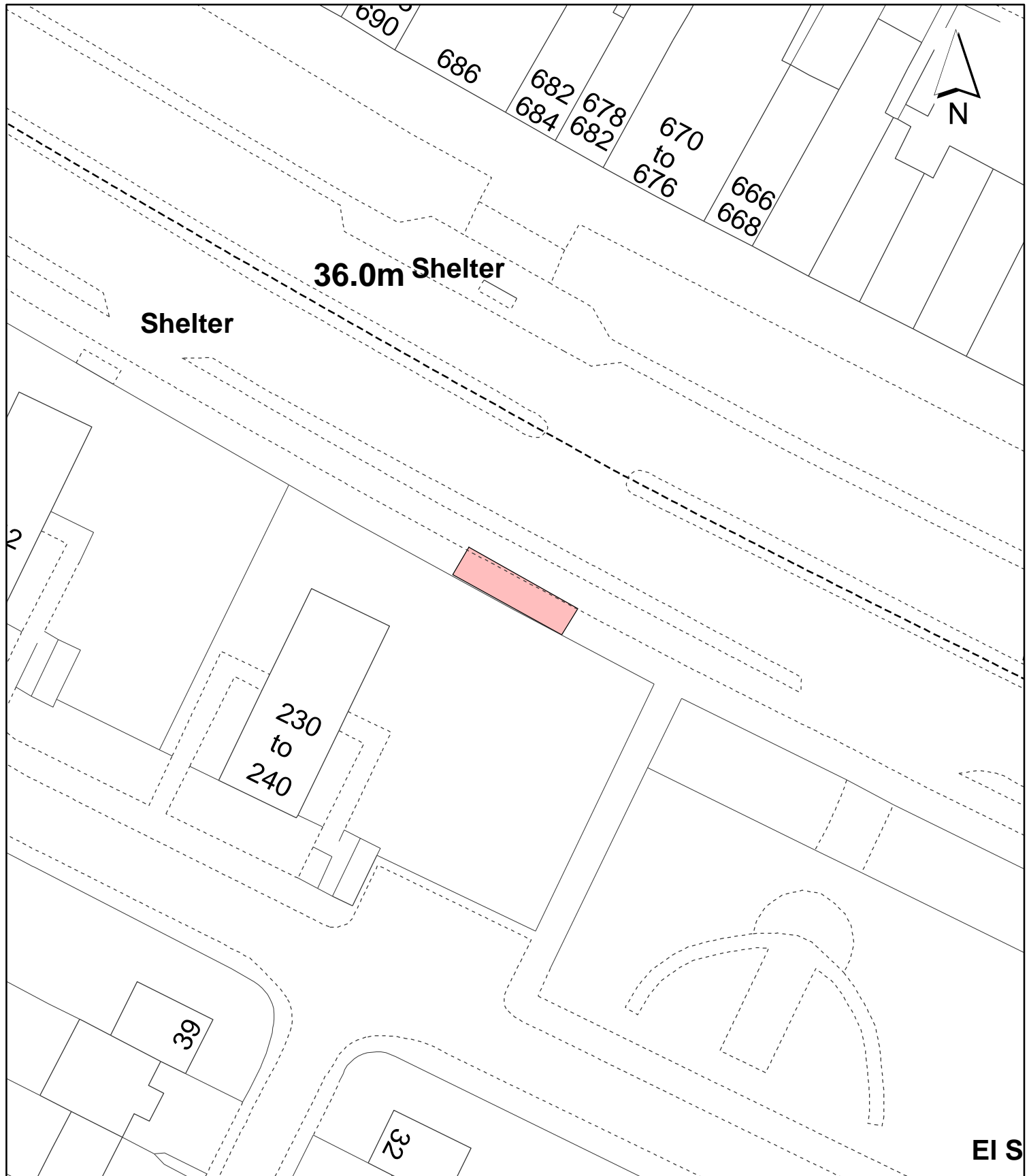
Emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications (March 2019)

The London Plan (March 2016)

National Planning Policy Framework (February 2019)

Contact Officer: Michael Briginshaw

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Notes:

 Site boundary

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Site Address:

**Telecommunications Mast
at Land opp
Coleridge Way**

Planning Application Ref:

74909/APP/2019/2104

Scale:

1:500

Planning Committee:

Central & South

Date:

September 2019

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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