

Report of the Head of Planning, Transportation and Regeneration

Address FOOTPATH AT JUNCTION OF KEITH ROAD AND STATION ROAD HAYES

Development: Removal of an existing 11.7m telecommunication mast and associated equipment and installation and relocation of a replacement 20m monopole with wraparound cabinet at base and 7 new associated cabinets

LBH Ref Nos: 74938/APP/2019/2246

Drawing Nos: 002 Issue A
003 Issue A
005 Issue A
100 Issue A
150 Issue A
215 Issue A
265 Issue A
MBNL.Supp.Info.New Tech.06.12.18
Site Specific Supplementary Information
Declaration of Conformity with ICNIRP Public Exposure Guidelines Signec
Cover Letter 1st July 2019
Letter to The Highways Department Ref: 70280

Date Plans Received: 03/07/2019

Date(s) of Amendment(s): 04/07/2019

Date Application Valid: 18/07/2019

1. SUMMARY

This application seeks full planning permission for the removal of an existing 11.7m telecommunication pole and associated equipment and relocation of a replacement 20m monopole with wraparound cabinet at base and 7 new associated cabinets. The existing site is located east of Station road and the proposed new location is at the junction of Keith Road and Station Road. The replacement mast and cabinets would provide coverage for Hutchinson 3G UK Limited and EE Limited.

An objection was raised by the Community Engagement & Town Centres Team. Hayes Town Centre will be undertaking public realm works to create designated cycleways on both sides of Station road to facilitate greater cyclist demands therefore existing kerb lines and footway width will be changing. The works are scheduled to begin on 30 September 2019 and completed by March 2020. Furthermore, in recent years, there have been significant improvements to the new Hayes and Harlington Station building and the general Hayes Townscape. It is considered that the erection of the 20m monopole would detract from the original EMI railings in this area which were refurbished in 2016.

The proposed mast is located within a mixed use area and could be considered acceptable in principle. However, the increase in height and bulk of the mast, particularly at ground level and the proposed associated cabinets, by reason of the quantity, design, size, scale and siting are considered to have a detrimental impact on the character and appearance of the surrounding area and the emerging townscape of Hayes Town Centre. Whilst the proposal is to upgrade and replace the existing apparatus in a similar location, the proposal will add undue clutter to the streetscene which will have a significant negative impact on visual amenity.

This application is recommended for Refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of the size, design and siting of the proposed monopole and the quantity, size, scale and siting of the equipment cabinets, would create an obtrusive form of development which would add visual clutter to the street scene and the new emerging townscape of Hayes Town Centre. 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).

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.

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
DMHB 21	Telecommunications
LPP 4.11	(2016) Encouraging a connected economy
NPPF- 10	NPPF-10 2018 - Supporting high quality communications

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With regard to surface water sewer running through the proposed site, it is advised that Thames Water be contacted. Should you require further information please refer to the website: <https://developers.thameswater.co.uk/>.

3. CONSIDERATIONS

3.1 Site and Locality

The existing telecommunication equipment is located adjacent to 1 Nestles Avenue which is within an industrial area and the proposed new location is at the junction of Keith Road and Station Road to the west, backing onto residential properties. The topography of Station Road slopes down towards the south-west.

To the north of the site are residential and commercial multi-storey high buildings, the Hayes and Harlington railway station, Grand Union Canal and Hayes Town Centre.

3.2 Proposed Scheme

The proposed scheme is to remove an existing 11.7m telecommunication pole and 4 associated equipment cabinets and to relocate and install a replacement 20m high Phase 7 monopole and 7 new associated equipment cabinets on the corner of Keith and Station Road. The existing equipment is currently located in front of a industrial building with a windowless facade.

The height of the proposed new cabinets ranges from 1.2m to 1.9m.

3.3 Relevant Planning History

Comment on Relevant Planning History

No planning history of the existing telecommunication system was on record however evidence shows that the existing site has been well established for at least 10 years.

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

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:- **23rd August 2019**

6. Consultations

External Consultees

A site notice was displayed and expired on 23.8.19. A total of 34 neighbouring owners/occupiers were consulted. No comments were received.

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.

Internal Consultees

Highways Officer:

There are no highway, traffic or transportation objections to this development.

Community Engagement & Town Centres Team Leader:

Hayes Town Centre is a District Town Centre and Strategic Area for Regeneration within the London Plan. Hayes is experiencing unprecedented housing and commercial growth as a result of a number of prominent sites being redeveloped close to the Crossrail/Elizabeth Line Hayes & Harlington Station.

The main entry points to Hayes Town Centre are from the North Hyde/Station Road junction at the south of the Town Centre and from the Uxbridge Road/Coldharbour Lane junction at the north of the Town Centre and form important gateways into the town centre which setting the precedent for first impressions.

In response to this the Council and funding partners including Transport for London and Network Rail have invested substantial funding including £6m major projects funding and £3m in Crossrail Complementary Measures to transform the appearance of the townscape.

Location of Proposed 20m Monopole and Cabinets

The proposal is to remove an existing 11.7m telecommunications mast and relocate a 20m monopole and seven new cabinets at the Station Road/Keith Road junction as shown below.

The proposal does not take into account the designated cycleway which is being created on both sides of Station road facilitating greater cyclist demand in line with new Elizabeth line services.

Creating a segregated cycleway on both sides of Station Road will mean that existing kerb lines and footway widths will be changing which the applicant has not taken into account. The works from North Hyde Road to Hayes & Harlington Station including the Keith Road/Station Road junction are scheduled to start from 30 September 2019 for completion by March 2020.

The siting of the 20m monopole and seven cabinets has not been taken into account within LBH Stage 1 and Stage 2 Road Safety Audits and we believe that the siting of this equipment at the Keith

Road/Station Road junction could jeopardise pedestrian and cyclist safety in terms of visibility and ease of access, relating to the reduced footway width.

Whilst the location plan provided by the applicant has been amended to show a revised location of Keith Road/Station Road, the site specific supplementary information provided by the applicant pertains to Nestles Avenue/Station Road junction where the existing 11.7m telecommunications mast is located.

The Council's own site investigations have identified a Thames Water surface sewer running through the proposed new location for the 20m monopole and seven cabinets.

The site specific supplementary information provided by the applicant gives no details on how the applicant intends to retain access to the surface sewer. If the intention is to relocate the surface sewer at the expense of the applicant then this will also severely undermine the Council's own scheduled public realm works which will need to be reinstated at the applicants own expense.

Harmful Appearance to the Townscape

The increasing regeneration and housing investment within Hayes Town Centre has led to significant residential housing close to the station area and the proposed location of the 20m monopole.

Whilst this area historically was commercial in nature this is no longer the case and the monopole would be detrimental to the new townscape including the nearby former Nestle site development (1,381 residential units and 3 hectares public space) and former EMI site (Old Vinyl Factory) redevelopment creating 642 new homes.

The Council successfully negotiated to significantly improve the new Hayes & Harlington Station building and uplift the look and feel of Hayes Town centre. This would be undermined by the erection of the 20m monopole which would also detract from the original EMI railings in this area which were refurbished in 2016 as part of a Great Western Railway Customer and Communities Improvement Fund Grant.

Overall Summary

The proposed development would be detrimental to the Hayes Townscape and has not taken into account reduced footway dimensions relating to the Council's own public realm works and should be refused on this basis.

Case Officer's Comments:

According to drawings submitted, the applicant has factored in the reduced footway width along Station Road.

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 Local Planning Authority will only grant permission for large or prominent structures if there is a need for the development in that location, no satisfactory alternative means of telecommunications is available, there is no reasonable possibility of sharing existing facilities, in the case of radio masts there is no reasonable possibility of erecting antennae on an existing building or other structure and the appearance of the

townscape or landscape is not seriously harmed.

The National Planning Policy Framework (2019) stresses the importance of advanced, high quality and reliable communications infrastructures and the role it plays in supporting sustainable economic growth. It goes on to advise that the aim should be to keep the numbers of radio and telecommunications masts and sites to a minimum, consistent with the efficient operation of the network and that existing masts and sites should be used unless there is a demonstrable need for a new site.

Government guidance supports the avoidance of proliferation of sites and the sharing of masts between operators. It is clear from this NPPF guidance that existing buildings and structures should always be considered first. In this case, the proposal is to replace and upgrade the existing telecommunication installation for two carriers, H3G (UK) Ltd and EE (UK) Limited. Given the existence of the existing telecommunications equipment close to this location, there is no objection, in principle, to the use of this site for telecommunications equipment.

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

NATS were consulted and no objection was raised.

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 (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 Two - Saved UDP (November 2012) states new development within residential areas should complement or improve the amenity and character of the area.

Policy DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019) states that telecommunication development will only be permitted where it is sited and designed to minimise their visual impact; it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area; it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings; and it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.

The proposed replacement monopole is 20m high, which is 8.3m taller than the existing. The proposed new location backs onto a small open space bordered by palisade fencing and residential properties. Due to the existing gradient of the road, and the surrounding soft landscaping, when view from Station Road it could be argued that the appearance of the mast may be in keeping with the existing lamp posts located along either side of the public highway. However, the base of the mast is much bulkier than the existing and is akin to the provision of an extra cabinet at this level. Allied to this, the proposed mast is thicker and higher, such that it would be much more prominent than any of the street lighting columns.

The proposed new cabinets will be located in a row along the edge of the adjacent site's fence. The cabinets range in height from 1.2 to 1.9 metres. The size, height, and the number of cabinets proposed requires a considerable larger footprint than the existing and the number of cabinets at a height of 1.8m or above totals 5, with a further 2 being just below, where currently there are no cabinets of this size and scale. Thus, the proposed mast and the proposed associated cabinets, by reason of the quantity, size, scale and siting are considered to have a detrimental impact on the character and appearance of the surrounding area. Whilst the proposal is to upgrade and replace the existing apparatus in a similar location, the proposal will add undue clutter to the streetscene which will have a significant negative impact on visual amenity. As such, the proposal conflicts with 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).

7.08 Impact on neighbours

Policy BE21 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) states that planning permission will not be granted for new buildings or extensions which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.

The closest residential property is approximately 15m north-west. Existing vegetation screening is present between the proposed site and the neighbouring residential dwelling. Whilst the mast may be visible from residential properties, it would not result in a significant loss of residential amenity.

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 (November 2012) considers whether the traffic generated by proposed development is acceptable in terms of the capacity and functions of existing and committed principal roads only, and will wholly discount any potential which local distributor and access roads may have for carrying through traffic.

The Council's Highways Officer was consulted and no objections were raised as the existing and the proposed replacement will be located on the footway. However, the Council's Community Engagement & Town Centres Team Leader has raised an objection to the proposed, raising concerns of pedestrian and cyclist safety in terms of visibility and ease of access due to the Council's public realms works to alterations of the kerb lines and footway width being reduced. Based on the drawings submitted, the applicant has demonstrated on the plans that the public realms work were taken into account. As such, it is considered that the proposed development is in accord with Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

Refer to 'Impact on the character and appearance of the area' section.

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 site is located on the existing footpath and therefore would not impact on any soft landscaping.

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 comments were received during 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 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 proposal seeks permission for the replacement of an existing 11.7m high telecommunication mast with a 20m high mast with associated equipment. The proposed 7 new cabinets are approximately 1.2m to 1.9m in height.

The Council's Community Engagement & Town Centres Team Leader raised an objection to the proposed. The increasing regeneration and housing investment over the recent years has resulted in significant improvement to the new Hayes and Harlington Station building and uplifted the look and feel of Hayes Town Centre. The erection of a 20m monopole and cabinets would consider to be detrimental to new Hayes Townscape.

Although the proposed mast and cabinets would not cause harm to highway safety, the proposed mast and associated cabinets, by reason of the quantity, size, scale and siting would add undue clutter to the street scene. The development is therefore 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).

11. Reference Documents

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

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

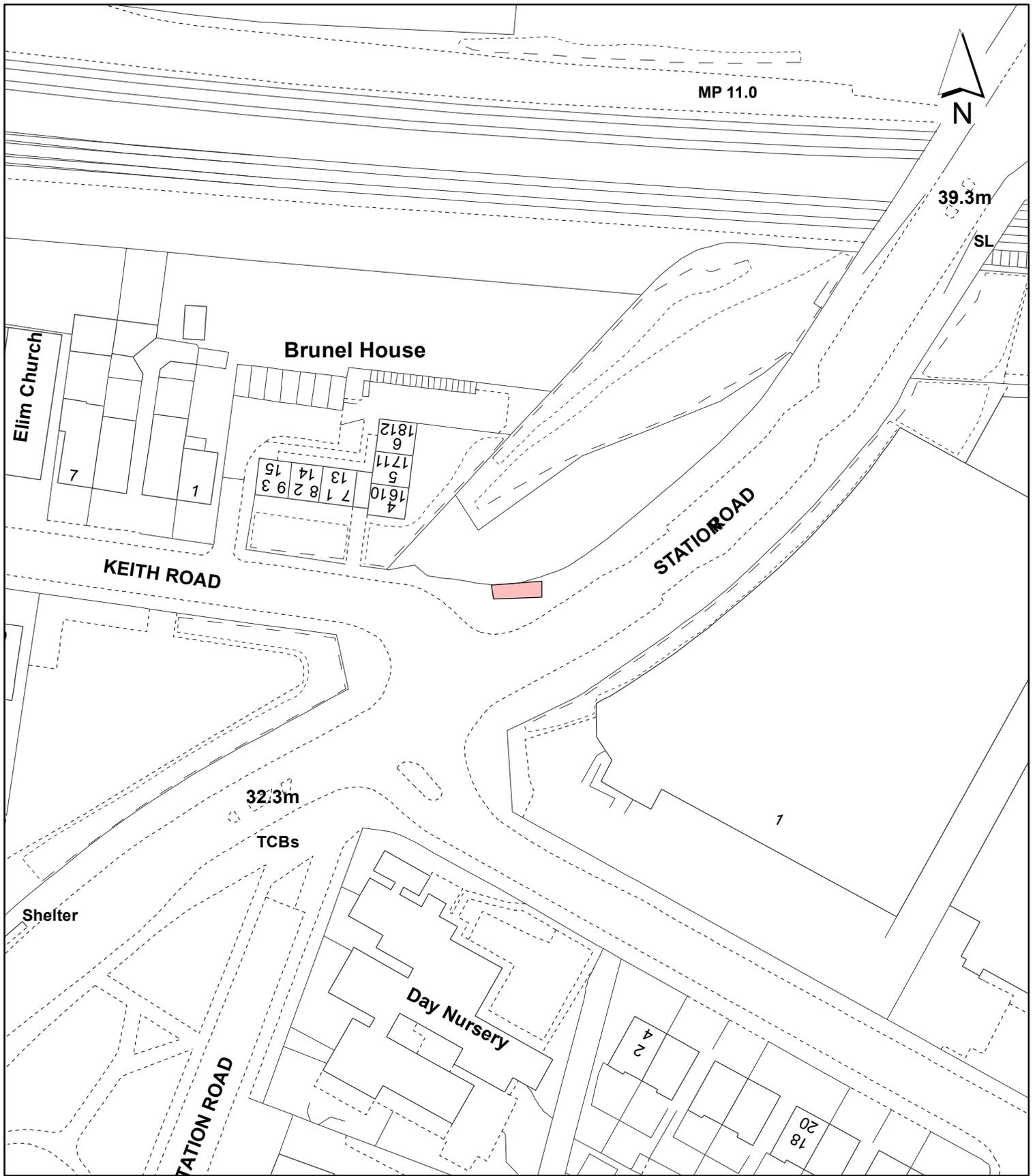
Hillingdon Local Plan: Part Two - Development Management Policies With Modifications (March 2019)

The London Plan (2016)

National Planning Policy Framework (2019)

Contact Officer: Rebecca Lo

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Notes:

 Site boundary

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Site Address:

Footpath at junction of Keith Road and Station Road

Planning Application Ref:
74938/APP/2019/2246

Planning Committee:
Central & South

Scale:
1:850

Date:
October 2019

LONDON BOROUGH OF HILLINGDON
 Residents Services
 Planning Section
 Civic Centre, Uxbridge, Middx. UB8 1UW
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