

Report of the Head of Planning, Transportation and Regeneration

Address LAND FRONTING PARK PARADE BARRA HALL CIRCUS HAYES

Development: The installation of a 20m monopole, 12 antenna apertures, 9 equipment cabinets and development ancillary thereto and the removal of the existing 13.2m monopole, 3 antennas and redundant equipment cabinets

LBH Ref Nos: 54868/APP/2019/3087

Drawing Nos: Supplementary Information
Declaration of Conformity with ICNIRP Public Exposure Guidelines
5G and Future Technology Streetworks
Connected Growth Manual
DCMS MHCLG Collaborating for Digital Connectivity
002 Issue A
100 Issue A
150 Issue A
216 Issue A
215 Issue A
266 Issue A
265 Issue A

Date Plans Received: 20/09/2019 **Date(s) of Amendment(s):**

Date Application Valid: 20/09/2019

1. SUMMARY

The application seeks full planning permission for the installation of a 20m monopole, 12 antenna apertures, 9 equipment cabinets and development ancillary thereto and the removal of the existing 13.2m monopole, 3 antennas, redundant equipment cabinets. Whilst the provision of high quality and reliable telecommunications infrastructure is supported in principle, the relocation of the mast to a more visually prominent position allied to the increase in height and bulk of the mast, together with the associated cabinets, would result in visual clutter to the detriment of the character and appearance of the area. For the reasons outlined within this report, 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 detriment of the character, appearance and visual amenities of the street scene. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13 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

1 152 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).

2 153 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
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
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 21	Telecommunications
LPP 4.11	(2016) Encouraging a connected economy
NPPF- 10	NPPF-10 2018 - Supporting high quality communications

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.

4 171 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 sites fall within the setting of the Hayes Village Conservation Area as defined within the Hillingdon Local Plan - Saved UDP Policies (November 2012), by Barra Hall Circus, and overlooking Barra Hall Park. There are views of the park and conservation areas on approach from Judge Heath Lane and Barra Hall Road, with reciprocal views out of the park and conservation area. Direct views of Barra Hall Circle are seen from all five of its radiating roads.

3.2 Proposed Scheme

The application seeks full planning permission for the installation of a 20m monopole, 12 antenna apertures, 9 equipment cabinets and development ancillary thereto and the removal of the existing 13.2m monopole, 3 antennas, redundant equipment cabinets.

The equipment cabinets would range in height from 1.2m to 2.2m.

3.3 Relevant Planning History

54868/APP/2005/3045 Land Fronting Park Parade Barra Hall Circus Hayes

INSTALLATION OF 15 METRE HIGH MONOPOLE MOBILE PHONE MAST AND EQUIPMENT CABINETS (CONSULTATION UNDER SCHEDULE 2, PART 24 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995)(AS AMENDED)

Decision: 22-12-2005 Refused

Appeal: 31-08-2006 Dismissed

Comment on Relevant Planning History

The relevant planning history is listed above.

4. Planning Policies and Standards

The Revised Proposed Submission Local Plan Part 2 (LPP2) documents (Development Management Policies, Site Allocations and Designations and Policies Map Atlas of Changes) were submitted to the Secretary of State for examination in May 2018.

The public examination hearing sessions took place over one week in August 2018. Following the public hearing sessions, the examining Inspector advised the Council in a Post Hearing Advice Note sent in November 2018 that he considers the LPP2 to be a plan that could be found sound subject to a number of main modifications.

The main modifications proposed by the Inspector were agreed by the Leader of the Council and the Cabinet Member for Planning, Transport and Recycling in March 2019 and are published for public consultation from 27 March to 8 May 2019.

Regarding the weight which should be attributed to the emerging LPP2, paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to (a) above, the preparation of the LPP2 is now at a very advanced stage. The public hearing element of the examination process has been concluded and the examining Inspector has indicated that there are no fundamental issues with the LPP2 that would make it incapable of being found sound subject to the main modifications referred to above.

With regard to (b) above, those policies which are not subject to any proposed main modifications are considered to have had any objections resolved and can be afforded considerable weight. Policies that are subject to main modifications proposed by the Inspector will be given less than considerable weight. The weight to be attributed to those individual policies shall be considered on a case by case basis considering the particular main modification required by the Inspector and the material considerations of the particular planning application, which shall be reflected in the report, as required.

With regard to (c) it is noted that the Inspector has indicated that subject to main modifications the LPP2 is fundamentally sound and therefore consistent with the relevant policies in the NPPF.

Notwithstanding the above, the starting point for determining planning applications remains the adopted policies in the Local Plan: Part 1 Strategic Policies and the Local Plan: Part 2 Saved UDP Policies 2012.

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:

A6 Development proposals within the public safety zones around Heathrow or likely to affect the operation of Heathrow or Northolt airports

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

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 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:- 30th October 2019

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

13 neighbouring properties were consulted by letter dated 13.10.19 and a site notice was displayed to the front of the site which expired on 30.10.19.

Hayes Conservation Area Advisory Panel:

This site is on the boundary of the Hayes Village Conservation Area. If the existing monopole and associated cabinets have to be replaced then our preference would be for a site closer to the existing one and in front of shops rather than houses.

Heathrow Aerodrome Safeguarding: No objection subject to crane informative.

NERL Safeguarding: No Objection

Internal Consultees

Highways Officer:

With regard to highway impacts, when considering the nature and location of the works, I do not deem this application detrimental to the safety and convenience of the highway network. Mindful of the above, I do not have any objections.

Conservation Officer:

The sites of these proposals fall within the setting of the Hayes Village Conservation Area, by Barra Hall Circus, and overlooking Barra Hall Park. There are views of the park and conservation areas on approach from Judge Heath Lane and Barra Hall Road, with reciprocal views out of the park and conservation area. Direct views of Barra Hall Circle, of course, seen from all five of its radiating roads.

The proposal is for the removal of the existing mast and majority of the associated paraphernalia from Barra Hall Circle, and its relocation, in an updated form, to a position just off the Circle on Judge Heath Lane.

The removal of the mast and equipment from its current prominent position would be a welcome improvement to the views of and around the circus and also those from and to the park.

The new location would be less prominent but would still affect many views in and out of the conservation area, particularly along Judge Heath Lane, the taller mast is likely to add to this. If any reorganising can be done to reduce the sense of clutter at street level it would be appreciated.

Landscape Officer:

This site is a grass verge in the north-west corner of Barra Hall Circus, opposite a shopping parade, which is currently occupied by a 13.2 metre high monopole with three ancillary equipment cabinets ranged along the back edge of the pavement. There is a mature street tree within the verge set back from the monopole and another tree located to the east. The site lies immediately outside Hayes

Conservation Area.

COMMENT: No trees will be directly affected by the proposal, however, if the application is approved, the two closest trees should be protected from indirect / accidental damage during the removal and installation work.

RECOMMENDATION: No objection subject to pre-commencement condition COM8.

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.

Whilst consideration is given to the fact that this is an alternative position to replace existing telecommunications apparatus it is considered to materially alter the visual amenity of the area due to its more prominent visual position, increased height and the large footprint and size of the cabinets all of which would impact the character and appearance of the existing street scene.

It is therefore considered that the proposed would be detrimental to the appearance of the surrounding area in general and would fail to comply with Policy BE37 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.02 Density of the proposed development

Not relevant to this application.

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

Not relevant to this application.

7.04 Airport safeguarding

Heathrow Safeguarding have raised No objection subject to crane informative.

7.05 Impact on the green belt

Not relevant to this application.

7.07 Impact on the character & appearance of the area

Paragraph 193 of the National Planning Policy Framework (2019) notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 196 of the National Planning Policy Framework (2019) notes that where a development proposal will lead to less than substantial harm to the significance of a

designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy BE4 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) requires new developments within Conservation Areas to preserve or enhance those features which contribute to their special architectural and visual qualities.

Policy BE13 of the Hillingdon Local Plan: Part 2 - 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. Saved Policy BE37 of the Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012) advises of the desirability of operators to share existing facilities.

Policy DMHB 4 of the emerging Local Plan: Part Two (2019) notes new development within Conservation Areas will be expected to preserve or enhance the character and appearance of the area.

Policy DMHB 21 of the emerging Local Plan: Part Two (2019) allows telecommunication development only where:

- it is sited and designed to minimise their visual impact;
- it does not have a detrimental effect of the visual amenity, character and appearance of 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;
- there is no adverse impact on areas of ecological interest, areas of landscape importance, Conservation Areas; and
- it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.

The sites of these proposals fall within the setting of the Hayes Village Conservation Area, by Barra Hall Circus, and overlooking Barra Hall Park. There are views of the park and conservation areas on approach from Judge Heath Lane and Barra Hall Road, with reciprocal views out of the park and conservation area. Direct views of Barra Hall Circle, of course, seen from all five of its radiating roads.

The proposal is for the removal of the existing mast and majority of the associated paraphernalia from Barra Hall Circle, and its relocation, in an updated form, to a position just off the Circle on Judge Heath Lane. Whilst it is noted that the proposed new location would be further away from the Conservation Area as confirmed by the Conservation Officer, concerns are raised in terms of the prominence of the mast and ancillary cabinets in the streetscene. The proposed cabinets would be sited adjacent to the pedestrian guard rails on Judge Heath Lane and would appear more prominent within the streetscene than the existing position which has a footway between the cabinets, monopole and highway. The height number and siting of the equipment cabins would create an obtrusive form of development which would add visual clutter to the street scene.

In dismissing an appeal relating to a 15m mast and ancillary equipment sited in front of 1 Park Parade, the Inspector commented as follows:

"The proposed streetworks monopole would be sited in a grassed area between a footway and car parking for a local parade of shops. The grassed area forms part of the

landscaping around a major five armed roundabout. There are two floors of flats above the shopping parade, with terraced housing located between the other arms of the roundabout, except for a large area of open space (part of the Town Hall Park) between Botwell Lane and

Freemans Lane. There is an existing 13.7m high T-Mobile monopole set within this grassed area towards the other end of the shopping parade. Although the proposed 15m high monopole would be sited near to a tree of similar height, I consider that the attention of those using the roundabout would be drawn to it because of its proximity to the existing monopole and because it would be higher than the existing mast. It would be seen projecting above the roof of the shops/flats behind it and would appear as a utilitarian feature in the streetscape. This would harm the appearance of the area. It would conflict with Hillingdon Unitary Development Plan 1998 (UDP) Policy BE13, which presumes against development that would fail to harmonise with the existing street scene. Unless there are exceptional circumstances in this case, I find that the proposal would be contrary to Policy OE1 concerning the siting and appearance of structures likely to become detrimental to the character or amenities of the area."

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

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 properties are numbers 15-19 Park Parade which are approximately 22 meters away from the proposed installation. There is a road separating the residents and the equipment cabinets and the new monopole and therefore whilst the proposed development would be highly visible, its impact on neighbouring amenity would be limited.

7.09 Living conditions for future occupiers

Not relevant 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 has advised that application is not detrimental to the safety and convenience of the highway network. It is therefore considered that the proposed pole and cabinet complies with Policy AM7 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.11 Urban design, access and security

The issues are addressed in the sections above.

7.12 Disabled access

Not relevant to this application.

7.13 Provision of affordable & special needs housing

Not relevant to this application.

7.14 Trees, landscaping and Ecology

Policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. The Council's Landscape officer has advised that no trees will be directly affected by the proposal, however, if the application is approved, the two closest trees should be protected from indirect/accidental damage during the removal and installation work. In the event of an approvable scheme a tree protection condition could be imposed.

7.15 Sustainable waste management

Not relevant to this application.

7.16 Renewable energy / Sustainability

Not relevant to this application.

7.17 Flooding or Drainage Issues

Not relevant to this application.

7.18 Noise or Air Quality Issues

Not relevant to this application.

7.19 Comments on Public Consultations

The comments are addressed in the sections above.

7.20 Planning obligations

Not relevant to this application.

7.21 Expediency of enforcement action

Not relevant to this application.

7.22 Other Issues

No other issues raised.

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

10. CONCLUSION

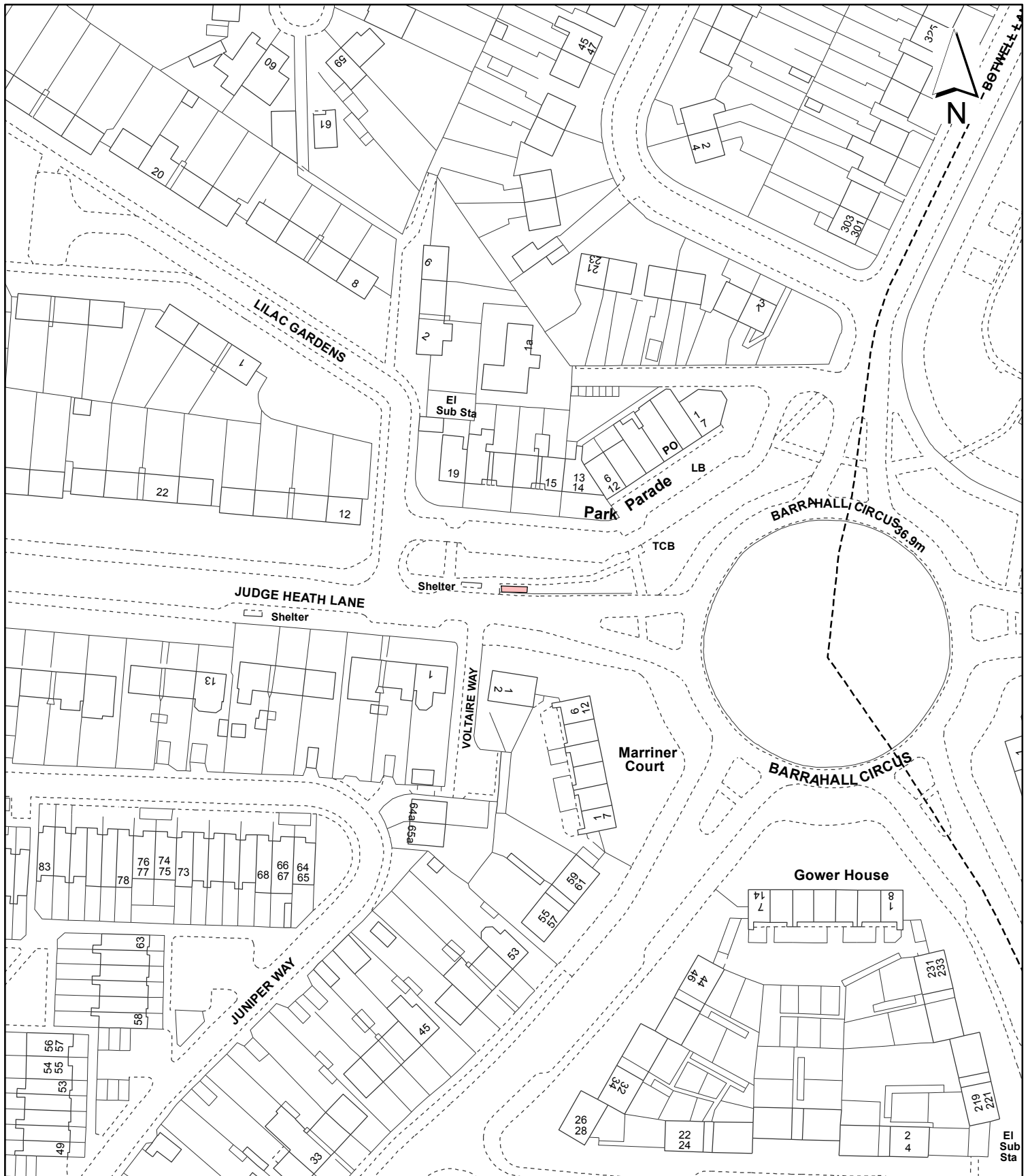
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11. Reference Documents

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: Nicola Taplin

Telephone No: 01895 250230



Notes:

 Site boundary

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Site Address:

**Land fronting Park Parade
 Barra Hall Circus**

Planning Application Ref:

54868/APP/2019/3087

Planning Committee:

Central & South

Scale:

1:1,250

Date:

January 2020

**LONDON BOROUGH
 OF HILLINGDON
 Residents Services
 Planning Section**

Civic Centre, Uxbridge, Middx. UB8 1UW
 Telephone No.: Uxbridge 01895 250111



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