

Report of the Head of Planning, Transportation and Regeneration

Address LONG LANE/WEALD ROAD LONG LANE HILLINGDON

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

LBH Ref Nos: 60754/APP/2019/3678

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 B
100 Issue B
150 Issue B
215 Issue B
265 Issue B

Date Plans Received: 12/11/2019 **Date(s) of Amendment(s):**

Date Application Valid: 12/11/2019

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 12m monopole, 3 antennas and redundant equipment cabinets. Whilst the provision of high quality and reliable telecommunications infrastructure is supported in principle, the increase in height and bulk of the equipment, together with the associated cabinets, would result in visual clutter to the detriment of the character and appearance of the area and would pose a threat the adjacent trees. 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).

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 on 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 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Policy DMHB 14 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
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 I59 **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 I71 **LBH worked applicant in a positive & proactive (Refusing)**

In dealing with the application the Council has implemented the requirement in the Nationa

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 site is located on the western side of Long Lane opposite the junction with Weald Road which lies within the Developed Area as identified within the Hillingdon Local Plan - Saved UDP Policies (November 2012).

The surrounding area is largely residential in character.

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 12m monopole, 3 antennas and redundant equipment cabinets.

3.3 Relevant Planning History

60754/APP/2005/1574 Adj. To Footway On Grass Verge Near Junction Of Weald Road & Lo
INSTALLATION OF A 12 METRE HIGH IMITATION TELEGRAPH POLE 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: 12-07-2005 Refused **Appeal:** 27-01-2006 Allowed

60754/APP/2014/4072 Adj. To Footway On Grass Verge Near Junction Of Weald Road & Lo
Removal of existing 12m high replica telegraph pole mast and installation of a replacement 11.7
high streetworks tower, associated ground based equipment cabinets and ancillary developmen
(Consultation Under Schedule 2, Part 24 of the Town and Country Planning (General Permitted
Development) Order 1995) (as amended.)

Decision: 31-12-2014 Approved

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:- **13th December 2019**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

10 neighbouring properties were consulted by letter dated 20.11.19 and a site notice was displayed at the site which expired on 20.12.19.

2 letters of objection have been received from occupants of neighbouring properties raising concerns about the visual impact of the intensified telecom apparatus in this residential area.

Internal Consultees

Landscape Officer: This site is occupied by a length of highway verge on the west side of Long Lane. The verge features a collection of large/mature oak trees which are a valuable landscape feature with high amenity value in this area. If the trees were on private land they would merit protection by TPO, however, this is not necessary as the trees are owned/managed by the Council.

COMMENT: No tree report has been submitted, however, the trees have extensive root protection areas (RPA's) which will be encroached upon by the monopole and associated cabinets and connections.

RECOMMENDATION: The applicant has failed to demonstrate that the trees will be unaffected by the telecoms installations and has not made provision for their long term protection. This application is contrary to saved policies BE38 and BE39 and should be refused.

Highways Officer: There are no objections to this application on highway grounds

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 the 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 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

The proposal is considered acceptable in terms of airport safeguarding subject to the imposition of a crane informative.

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 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 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 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 proposed development would result in a replacement monopole measuring 8m higher than the existing monopole. The proposal would add a further 5 cabinets to the street scene. The cabinets would measure between 1.2 metres and 2.2 metres in height and would be clustered hard up against the footway and would result in the loss of soft landscaping within the streetscene. 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

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 83 and 85 Long Lane which are approximately 25 meters away from the proposed installation. There are roads separating the residents and the equipment cabinets and the new monopole. Whilst the proposed development would be highly visible, its impact on neighbouring amenity would be limited.

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 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 applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable 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 raised an objection to the proposal. This site is occupied by a length of highway verge on the west side of Long Lane. The verge features a collection of large/mature oak trees which are a valuable landscape feature with high amenity value in this area. If the trees were on private land they would merit protection by TPO, however, this is not necessary as the trees are owned/managed by the Council. No tree report has been submitted, however, the trees have extensive root protection areas (RPA's) which will be encroached upon by the monopole and associated cabinets and connections. The applicant has failed to demonstrate that the trees will be unaffected by the telecoms installations and has not made provision for their long term protection. The proposal is therefore contrary to saved policies BE38 and BE39 of the Hillingdon Local Plan - Saved UDP Policies (November 2012).

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

The comments are addressed in the sections above.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable 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 to this application.

10. CONCLUSION

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 12m monopole, 3 antennas and redundant equipment cabinets. Whilst the provision of high quality and reliable telecommunications infrastructure is supported in principle, the increase in height and bulk of the equipment, together with the associated cabinets, would result in visual clutter to the detriment of the character and

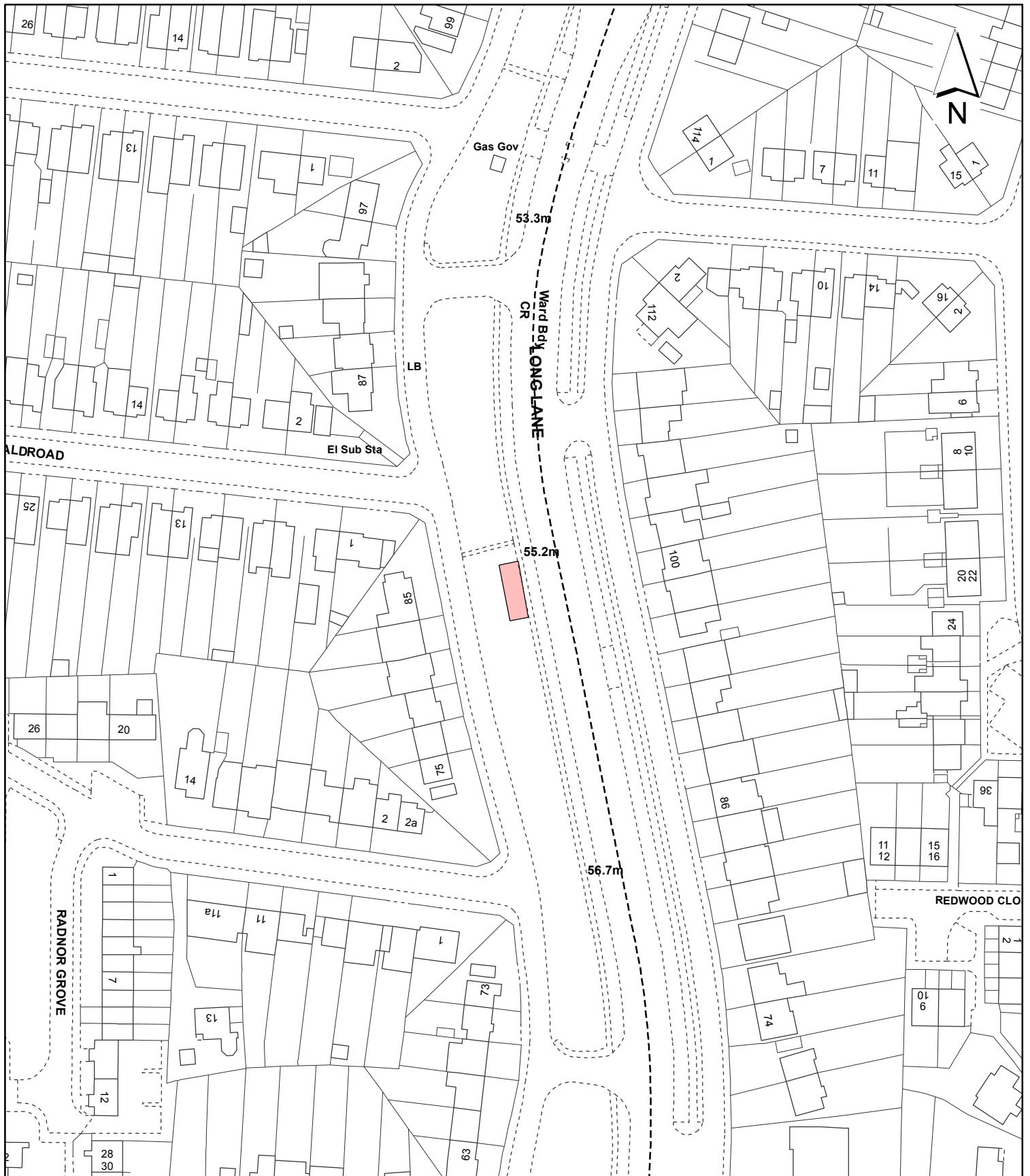
appearance of the area and would pose a threat the adjacent trees. For the reasons outlined within this report, this application is recommended for refusal.

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)

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Notes:

 Site boundary

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Site Address:

**Long Lane/ Weald Road
 Long Lane**

Planning Application Ref:
60754/APP/2019/3678

Planning Committee:
Central & South

Scale:
1:1,250

Date:
January 2020

**LONDON BOROUGH
 OF HILLINGDON**
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