

Report of the Head of Planning, Transportation and Regeneration

Address H.P.H.3. HYDE PARK HAYES MILLINGTON ROAD HAYES

Development: Removal of 2 existing telecoms masts and installation of 2 replacement 10m high masts and ancillary cabinets on roof of building

LBH Ref Nos: 67702/APP/2019/3665

Drawing Nos: 002 Issue B
265 Issue B
215 Issue B
150 Issue B
100 Issue B
Supplementary Information
ICNIRP Certificate

Date Plans Received: 08/11/2019 **Date(s) of Amendment(s):**

Date Application Valid: 04/12/2019

1. SUMMARY

The application seeks full planning permission for the removal of 2 existing telecoms masts and installation of 2 replacement 10m high masts and ancillary cabinets. The proposal is considered acceptable in visual terms and would not detract from residential amenity or highway safety. The application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 215 Issue B and 265 Issue B and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and the London Plan (2016).

3 NONSC Non Standard Condition

Any apparatus or structure provided in accordance with this approval shall be removed from the land, as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing

with the Local Planning Authority.

REASON

To ensure that the development is removed as soon as it is no longer required in order to protect the character and appearance of the area in accordance with Policies DMHB 11 and DMB21 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to GRANT 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 GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan: Part Two - Development Management Policies (2020) set out below 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.

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.

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The building forms part of the commercial estate known as Hyde Park, Hayes Business Park and includes commercial and industrial buildings to the south and east of the site. On the opposite side of North Hyde Road, immediately to the north of the application site and adjacent to the roundabout is a distribution/storage building and there are traditional residential areas to the west and further to the east along the northern side of North Hyde Road.

The site forms part of the Millington Road Industrial and Business Area (IBA) and also

forms part of an Air Quality Management Area. The area also forms part of the Hayes/ West Drayton Corridor.

3.2 Proposed Scheme

The application seeks full planning permission for the removal of 2 existing telecoms masts and installation of 2 replacement 10m high masts and ancillary cabinets.

3.3 Relevant Planning History

Comment on Relevant Planning History

The relevant planning history is listed above.

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:

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:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

5 neighbouring properties were consulted by letter dated 6.12.19 and a site notice was displayed to the front of the site which expired on 10.1.20.

By the close of the consultation period, no responses had been received.

Internal Consultees

None.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

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 at this location, there is no objection, in principle, to the use of this site for telecommunications equipment.

Policy DMHB 21: Telecommunications states:

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 proposal makes use of an existing telecom site on a building within an IBA. The principle is considered acceptable.

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

Given the height of the building, a crane informative would be added to ensure safeguarding.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) 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 Hillingdon Local Plan: Part Two - Development Management Policies (2020) 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 justification for the proposal's height is that the antennas need to clear the building edge and be of a height in order to function and project the necessary signal across the target area. The design of the upgrade to accommodate 5G equipment is influenced by the existing and established base station in situ, which is not structurally suitable to accommodate for the new antennas that cater for all technologies and for both operators. While the new antennas will be bigger and so more visible from the surrounding area, it is considered that when viewed in perspective on top of a tall building the extent of the upgrade proposal will not have an unacceptable impact on the character or visual amenity of the area

This upgrade proposal includes new equipment rooftop cabinets which are relatively small and are located close to the existing equipment, thus avoiding any visual clutter on the roofline and maintaining the appearance of the host building. The new antennas are larger in size than the existing due to the multiple technologies they support, however they will be grouped together on an existing stub mast and will be as compact as technically practicable. It is considered that the proposal would not result in sufficient visual harm to justify a refusal of planning permission.

7.08 Impact on neighbours

The closest residential properties are those on Dawley Road and Bourne Avenue which are separated by roads and a large roundabout. Whilst the proposed development would be 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

No highway issues are raised.

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

Not applicable to this application.

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 have been received.

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

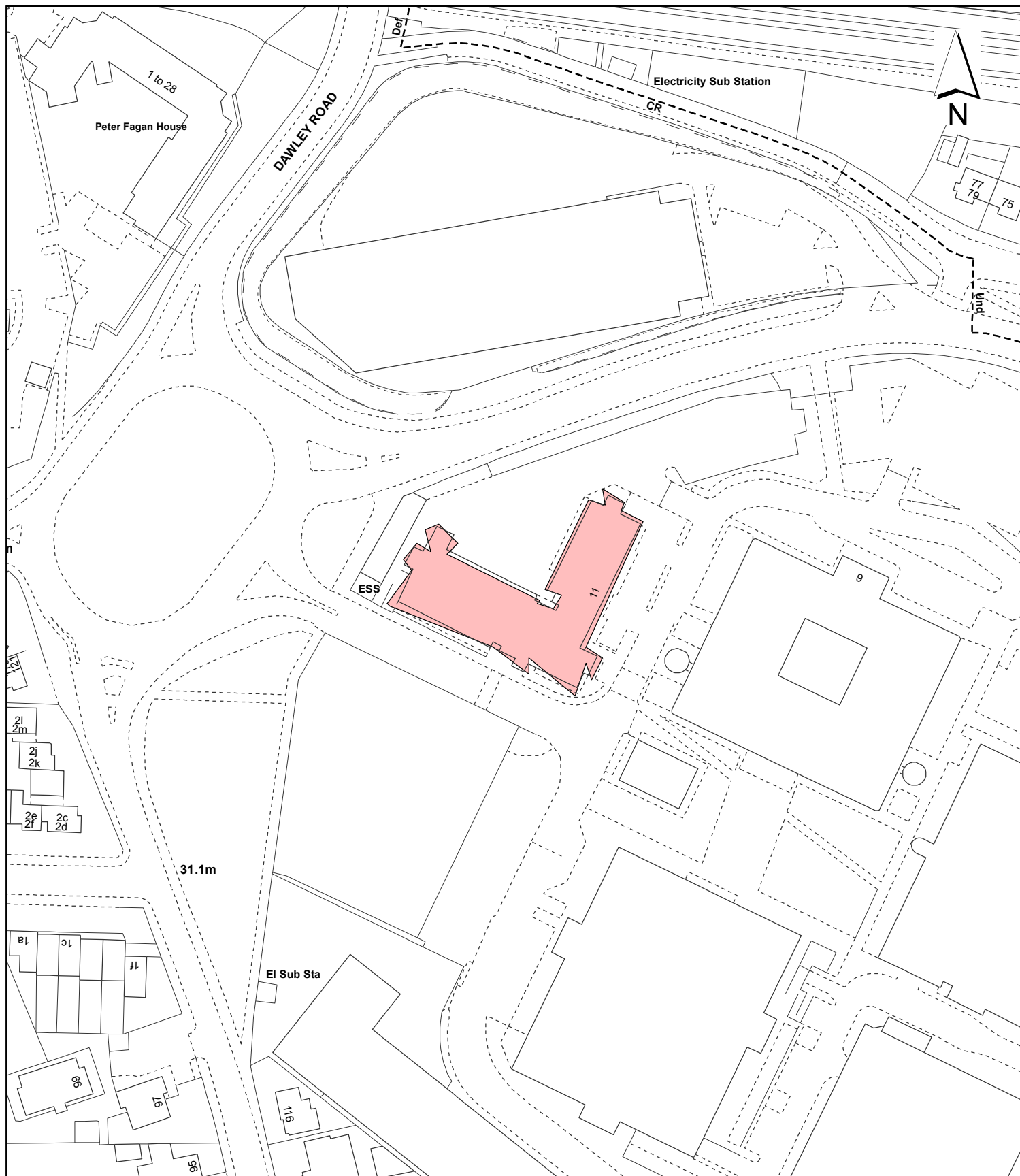
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11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (2020)
The London Plan (2016)
National Planning Policy Framework (2019)

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Notes:

 Site boundary

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Site Address:

**H.P.H 3. Hyde Park
Hayes**

Planning Application Ref:

67702/APP/2019/3665

Planning Committee:

Central and South

Scale:

1:1,250

Date:

February 2020

**LONDON BOROUGH
OF HILLINGDON**

**Residents Services
Planning Section**

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