Report of the Head of Planning, Transportation and Regeneration

Address LAND OPPOSITE THE GREEN PORTLAND ROAD HAYES

Development: Replacement of existing 14.7m high monopole with a new 20m high monopole with diplexer cabinet supporting 12 antennas, the installation of six new equipment cabinets, the removal of four redundant equipment cabinets and development ancillary thereto

LBH Ref Nos: 54903/APP/2019/1755

Drawing Nos: 002 Issue B Received 05-11-2019 100 Issue B Received 05-11-2019 150 Issue B Received 05-11-2019 215 Issue B Received 05-11-2019 216 Issue B Received 05-11-2019 265 Issue B Received 05-11-2019 266 Issue B Received 05-11-2019 Supplementary Information 5G and Future Technology- Delivering the UK's Telecoms Future Collaborating for Digital Connectivity Lettel Pre-Consultation Letter dated 30/04/2019 ICNIRP Certificate Letter to Highways Highways Notice

Date Plans Received: 23/05/2019

Date(s) of Amendment(s): 23/05/2019

Date Application Valid: 23/05/2019

1. SUMMARY

Planning permission is sought for the removal of an existing 14.7m high monopole and four redundant equipment cabinets located on the public footway on the south-western side of Portland Road, facing onto The Green, and for the installation of a replacement 20m high monopole with diplexer cabinet supporting 12 antennas and six new equipment cabinets, with ancillary development, on the public footway on the south-western side of Portland Road opposite 49-55 Portland Road.

The proposed telecommunications development would not result in any safeguarding issues and would not have a detrimental impact on the visual amenity of the nearby Green Belt. The proposed scheme would not result in a detrimental impact on the character and appearance of the street scene and surrounding area. The proposal would not cause harm to pedestrian or highway safety. and therefore complies with Policies DMHB 11, DMHB 12, DMHB 21, DMEI 6, DMT 2 and DMAV 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy 7.5 of the London Plan (2016), Policy D8 of the emerging London Plan (December 2019) and Chapter 10 of the National Planning Policy Framework.

The application is therefore 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 Received 05-11-2019, b 216 Issue B Received 05-11-2019, 265 Issue B Received 05-11-2019 and 266 Issue B Received 05-11-2019 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 (January 2020) and the London Plan (2016).

3 NONSC Non Standard Condition

Any apparatus or structure provided in accordance with this permission shall not become operational until all existing apparatus or structures, as shown on Drawing Nos. 215 Issue B Received 05-11-2019 and 265 Issue B Received 05-11-2019 are removed from the land and the 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, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

4 NONSC Non Standard Condition

Any apparatus or structure provided in accordance with this permission 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, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 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 (January 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.

Green Edge Locations
Development
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its
of Airports
Supporting high quality communications
Protecting Green Belt land
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3 I15 **Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit (www.hillingdon.gov.uk/noise Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3

3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

3. CONSIDERATIONS

3.1 Site and Locality

The application site for the new telecommunications development comprises part of the public footway on the south-western side of Portland Road opposite 49-55 Portland Road. An area of Green Belt is located approximately 20m to the south-west.

3.2 **Proposed Scheme**

Planning permission is sought for the removal of an existing 14.7m high monopole and four redundant equipment cabinets located on the public footway on the south-western side of Portland Road, facing onto The Green, and for the installation of a replacement 20m high monopole with diplexer cabinet supporting 12 antennas and six new equipment cabinets, with ancillary development, on the public footway on the south-western side of Portland Road opposite 49-55 Portland Road (136m south of the current site).

The existing equipment cabinets range in size from 0.62m wide to 1.30m wide and range in height from 0.92m high to 1.67m high. An existing equipment cabinet (1.80m wide and 1.24m high) would be retained in its current location. The whole telecommunications site has a combined width of 11.95m.

The proposed equipment cabinets range in size from 0.60m wide to 2m wide and range in height from 1.15m high to 1.91m high. The whole telecommunications site has a combined width of 11.81m.

3.3 Relevant Planning History

54903/APP/2000/564 Land Opposite The Green Portland Road Hayes

INSTALLATION OF 12 METRE HIGH MONOPOLE MAST WITH ANTENNAS AND EQUIPMEN CABIN (CONSULTATION UNDER SCHEDULE 2, PART 24 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995)(AS AMENDED)

Decision: 18-05-2000 PRN

54903/APP/2015/1194 Land Opposite The Green Portland Road Hayes

Replacement of existing 14.3m high telecommunications monopole with a 14.7m high telecommunications monopole with associated equipment cabinet and installation of additional Mast Head Amplifier's (MHA's) (application under Part 24 of Schedule 2 to the Town and Counti Planning (General Permitted Development) Order for determination as to whether prior approva required for siting and appearance)

Decision: 22-05-2015 Approved

Comment on Relevant Planning History

A Prior Approval application (ref: 54903/APP/2015/1194) under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order was granted in May 2015 for 14.7m high telecommunications monopole with associated equipment cabinet and installation of additional Mast Head Amplifier's (MHA's). The monopole and equipment cabinets approved under Prior Approval ref: 54903/APP/2015/1194 are to be removed as part of this application and replaced with a telecommunications monopole and equipment cabinets on a section of Portland Road located 136m south of the current site.

4. Planning Policies and Standards

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012) The Local Plan: Part 2 - Development Management Policies (2020) The Local Plan: Part 2 - Site Allocations and Designations (2020) West London Waste Plan (2015) The London Plan - Consolidated With Alterations (2016)

1.3 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies:

1.4 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).

Draft London Plan (Intend to Publish Version, December 2019):

1.5 The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October.

1.6 The Mayor has considered the Inspectors' recommendations and, on the 19th December 2019, issued to the Secretary of State his intention to publish the London Plan

along with a statement of reasons for any of the Inspectors' recommendations that the Mayor does not wish to accept.

1.7 Limited weight should be attached to draft London Plan policies that have not been accepted by the Mayor or that have only been accepted in part/with significant amendments. Greater weight may be attached to policies that were subject to the Inspector's recommendations and have since been accepted by the Mayor through the 'Intend to Publish' version of the Plan. The weight will then increase as unresolved issues are overcome through the completion of the outstanding statutory process. Greater weight may also be attached to policies, which have been found acceptable by the Panel (either expressly or by no comment being made).

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

- DMEI 6 Development in Green Edge Locations
- DMHB 11 Design of New Development
- DMHB 12 Streets and Public Realm
- DMHB 21 Telecommunications
- DMT 2 Highways Impacts
- DMAV 1 Safe Operation of Airports
- NPPF- 10 NPPF-10 2018 Supporting high quality communications
- NPPF- 13 NPPF-13 2018 Protecting Green Belt land

LPP 7.5 (2016) Public realm

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- 11th December 2019
- 5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultation letters were sent out to 16 local owners/occupiers and a site notice was displayed. Two responses were received:

i) object to more equipment on the site, taking up space on the pavement

- ii) path is uneven where it has been dug up/subsided
- iii) constant noise from existing cabinets
- iv) area is dark at night as no street lights
- v) lack of notice when works are carried out at the site
- vi) parking is already congested
- vii) health concerns over existing site's proximity to playground

RECONSULTATION

A 21 day reconsultation was carried out until 28th November 2019. Consultation letters were sent out to 20 local owners/occupiers and site notices were displayed at the existing telecommunications site and at the proposed telecommunications site. One response was received:

i) Further development is not appropriate in this residential area with lots of children and near a play park

ii) pavement constricted with cabinets

iii) no street lights and uneven pavement

iv) vehicles parking alongside the pavement make the pavement narrower

v) no alternative footpath on other side of existing site due to the park

vi) disruption from previous works to existing telecommunications site - restricted parking/traffic disruption and residents not being notified of works to the existing site

Heathrow Aerodrome Safeguarding:

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

However, we would like to make the following observation:

Cranes

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

National Air Traffic Services (NATS):

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

Internal Consultees

Highways: No objections

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) 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 proposal seeks to replace the existing 14.7m high monopole with a 20m high monopole with diplexer cabinet, supporting 12 antennas, located 136m south of the current telecommunications site, along with six equipment cabinets. The existing monopole and equipment cabinets would be removed.

The new monopole and equipment cabinets would be located on the pavement in front of a landscaped area and opposite residential properties. The overall position of the telecommunications development and height of the monopole is considered to be acceptable and would not have a detrimental impact on the character and appearance of the surrounding area.

The proposal therefore complies with Policy DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Chapter 10 of the National Planning Policy Framework (2018).

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

Policy DMAV 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) state that the Local Planning Authority will not grant planning permission for development likely to interfere with the safe and efficient operation of Heathrow or Northolt Airports.

Heathrow Aerodrome Safeguarding and National Air Traffic Services (NATS) were consulted on the application and have raised no safeguarding objections to the proposed telecommunications development. The proposal therefore complies with Policy DMAV 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Chapter 10 of the National Planning Policy Framework (July 2018).

7.05 Impact on the green belt

The existing 14.7m high telecommunications monopole and equipment cabinets would be removed from the existing site, located opposite The Green. A replacement 20m high telecommunications monopole and equipment cabinets would be installed 136m south of the current site.

An area of Green Belt is located approximately 15m to the south of the new site. Policy DMEI 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to protect the visual amenity and character of the Green Belt.

Given the distance of the Green Belt away from the application site, and that this area of Green Belt comprises a large number of trees, it is considered that the proposed monopole and equipment cabinets would not result in a detrimental impact on the visual amenity of the nearby Green Belt. The proposed scheme therefore complies with Policy DMEI 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.07 Impact on the character & appearance of the area

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) requires all development to be designed to the highest standards and incorporate principles of good design. Policy DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to protect and improve the public realm.

Policy 7.5 of the London Plan (2016) and Policy D8 of the emerging London Plan (December 2019) seek to ensure that the public realm is safe and accessible and prevent barriers to movement for pedestrians. The use, design and location of street furniture should complement the use and function of the space.

The existing telecommunications monopole and equipment cabinets would be removed from the existing site, located opposite The Green. A replacement telecommunications monopole and equipment cabinets would be installed 136m south of the current site.

The replacement site is located on the pavement in front of a landscaped area and situated

15m opposite residential properties. It is considered that the proposed monopole and equipment cabinets would be similar to the existing streetworks telecommunications installation (to be removed), albeit in another site on Portland Road, and would not have a detrimental impact on the character and appearance of the immediate street scene and surrounding area.

The proposal complies with Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy 7.5 of the London Plan (2016) and Policy D8 of the emerging London Plan (December 2019).

7.08 Impact on neighbours

The replacement site would be located approximately 15m opposite 49-55 Portland Road. The position of the monopole and equipment cabinets opposite the residential properties is acceptable and would not cause harm to residential amenity.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) seeks to ensure that developments do not contribute to the deterioration of local amenity or safety of all road users and residents.

The Council's Highways Engineer has no objection to the proposed telecommunications installation. The proposed monopole and equipment cabinets would be set at the back of the existing footpath and sufficient space would be maintained to allow for users of the public footway to pass safely. As such, the proposal would not impact on pedestrian safety.

The proposed telecommunications equipment would not encroach onto the public highway.

The proposal therefore complies with Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

7.11 Urban design, access and security

The proposed telecommunications monopole would be 20m high and would hold 12 antennas at the top. The monopole would be constructed from steel and coloured grey to match, which is considered to be acceptable in design terms.

The existing monopole and equipment cabinets would be removed from the existing site.

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

Two responses were received during the public consultation. Concerns regarding the state of the pavement, lack of street lights, parking issues, proximity to the park and works carried out without notice were raised in regards to the existing telecommunications site; the existing mast and equipment cabinets that form the current telecommunications site would be removed as part of the proposed scheme. Issues relating to the number of equipment cabinets, the impact on highways and on potential health concerns have been discussed elsewhere in this report.

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

Planning permission is sought for the removal of an existing 14.7m high monopole and four redundant equipment cabinets located on the public footway on the south-western side of Portland Road, facing onto The Green, and for the installation of a replacement 20m high monopole with diplexer cabinet supporting 12 antennas and six new equipment cabinets, with ancillary development, on the public footway on the south-western side of Portland Road opposite 49-55 Portland Road.

The proposed telecommunications development would not result in any safeguarding issues and would not have a detrimental impact on the visual amenity of the nearby Green Belt. The proposed scheme would not result in a detrimental impact on the character and appearance of the street scene and surrounding area. The proposal would not cause harm to pedestrian or highway safety. and therefore complies with Policies DMHB 11, DMHB 12, DMHB 21, DMEI 6, DMT 2 and DMAV 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policy 7.5 of the London Plan (2016), Policy D8 of the emerging London Plan (December 2019) and Chapter 10 of the National Planning Policy Framework.

The application is therefore recommended for approval.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012) Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

National Planning Policy Framework (July 2018) London Plan (2016) Emerging London Plan (December 2019)

Contact Officer: Katherine Mills

Telephone No: 01895 250230

