

**Item No.**            **Report of the Head of Planning, Transportation and Regeneration**

**Address**            LAND ADJ TO THE CAT AND FIDDLE PH 162 ROWAN ROAD WEST  
DRAYTON

**Development:**    Proposed 18m Phase 8 Monopole C/W wraparound cabinet at base, 3  
equipment cabinets and associated ancillary works (Application under Part  
16 of Schedule 2 to the Town and Country Planning (General Permitted  
Development) Order 2015 (as amended) for determination as to whether  
prior approval is required for siting and appearance)

**LBH Ref Nos:**     75761/APP/2020/2362

**Drawing Nos:**    Letter to Site Provider  
Developers Notice  
002 - Site Location Plan Issue A  
100 - Existing Site Plan Issue A  
150 - Existing Elevation A Issue A  
210 - Proposed H3G Site Plan Issue A  
260 - Proposed H3G Elevation Issue A  
303 - Proposed H3G Antenna Schedule & Line Configuration Issue A  
305 - Equipment Schedule & Support Structure Details Issue A  
Declaration of Conformity with ICNIRP Public Exposure Guidelines  
Covering letter  
Site Specific Supplementary Information

**Date Plans Recieved:**    29/07/2020                      **Date(s) of Amendment(s):**

**Date Application Valid:**    29/07/2020

## 1. SUMMARY

This application seeks prior approval for a telecommunications installation under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal is for the installation of 18m monopole C/W wraparound cabinet at base, 3 cabinets and associated ancillary works. The new mast is to provide new 5G coverage and to improve existing coverage and capacity for Hutchison 3G UK Limited (H3G).

The proposal is considered to be an obtrusive form of development which would add visual clutter to the street scene. The proposal would not harmonise with the character of the area and would be detrimental to local visual amenities. As such, it fails to comply with Policies DMHB 11 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2019).

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 siting in this open prominent position, size, scale and design of the proposed monopole and the 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 DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (February 2019).

**2 NON2 Non Standard reason for refusal**

The applicant has failed to recognise that the application site is located within 3km of the perimeter of an aerodrome and has failed to notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator of the proposal prior to the submission of this application as specified in Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**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 Local Plan Part 1 (2012) and Part 2 (2020) 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.

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 21	Telecommunications
LPP 4.11	(2016) Encouraging a connected economy
NPPF- 10	NPPF-10 2018 - Supporting high quality communications

**3 I71 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 Local Plan Part 1, Local Plan Part 2, 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.

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The applicant is advised that the background elevation of the existing and proposed is inaccurate and does not reflect what is presently on site.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

The application site is located on the north side of Rowan Road close to its junction with Laurel Lane. The monopole and equipment is to be located on the grass verge adjacent to the pedestrian footpath. The surrounding area is predominately residential in nature with a row of local shops along Laurel Lane on the east and the Cat and Fiddle public house directly across the highway on Rowan Road. The area primarily consists of 2-3 storey high terraces, semi-detached and flats. Directly to the north of the site is St Martin's Primary School.

The site is located within the Colne Valley Archaeological Priority Area and is adjacent to the West Drayton Archaeological Priority Area.

#### **3.2 Proposed Scheme**

This application seeks to install a new 18m monopole C/W wraparound cabinet at base, 3 cabinets and associated ancillary works.

The proposed cabinet dimensions:

- 640mm (W) x 480mm (D) x 1200mm (H)
- 600mm (W) x 520mm (D) x 1585mm (H)
- 1900mm (W) x 600mm (D) x 1752mm (H)
- 1800mm (W) x 750mm (D) x 1600mm (H) with 18m Phase 8 monopole on root foundation (Volume of housing equipment = 5.02 cubic metres)

Material:

Monopole - Phase 8 pole, Galvanised with wraparound cabinet  
Equipment Housing - Steel, Grey

It is noted that there is a discrepancy between the existing and proposed elevation to what is presently on site. An informative has been added to advise of the discrepancy.

#### **3.3 Relevant Planning History**

##### **Comment on Relevant Planning History**

No planning history relevant to the application.

### **4. Planning Policies and Standards**

Policy DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) states that 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.

Chapter 10 of the National Planning Policy Framework (2019) stresses the importance of advanced, high quality and reliable communications infrastructure 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.

The aim of this application is to provide 5G network and improve coverage and capacity for one operator, Hutchison 3G UK Limited (H3G) in the area. A cell search has indicated that a total of 10 sites has been examined including the site selected.

It is noted that the other sites were discounted due to the following reasons:

- Closer to residential housing and further from the nominal location than the options that have been put forward.
- Discounted from a coverage perspective due to being situated further from the nominal location than the options that have been put forward.
- Discounted from a planning perspective as proposed option more robust.
- Co-location discounted from a coverage perspective due to being situated in excess of 520-570m from the nominal location.

Although 10 sites have been investigated, half of the sites examined appear to be discounted due to the distance away from the nominal location.

A signed Declaration of Conformity has been provided as part of this submission.

### **Local Plan Designation and London Plan**

The following Local Plan 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 14 Trees and Landscaping

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:- **27th August 2020**

**5.2** Site Notice Expiry Date:- Not applicable

### **6. Consultations**

#### **External Consultees**

A site notice was displayed adjacent to the application site and expired on 27th August 2020. A total of 284 neighbouring owners/occupiers were consulted. 1 comment and 2 objections have been received.

Summary of comments:

- Eyesore in West Drayton, how many more do we have to have?
- To my understanding this will be a 5g mast they would erect. I am in opposition to 5g and the

health dangers it presents and therefore am completely against having a mast erected so close to not only my home but two primary schools.

#### 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/>)

#### NATS:

No comments received at the time this report was written.

#### Internal Consultees

#### HIGHWAYS OFFICER:

This is an application for a monopole and cabinets on an area of highways grass verge. The location does not impact on public footpath or pedestrian desire lines. The minimal servicing or maintenance can be undertaken via non restricted parking close to the proposed location. There are no highway objections to this proposal.

## 7. MAIN PLANNING ISSUES

### 7.01 The principle of the development

Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states:

#### Permitted development

A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of -

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

#### Development not permitted: ground-based apparatus

A.1 - (1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if:

- (a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of:

(i) 25 metres above ground level on unprotected land; or

(ii) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced;

(i) exceed the greater of the height of the existing mast or a height of;

(aa) 25 metres above ground level on unprotected land; or

(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

Case Officer's Comments:

The proposed monopole is 18m and is not located within article 2(3) land or land which is on highway. As such, it is in accordance with Condition A.1 - (1)(c)(i) of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Development not permitted: radio equipment housing

(9) Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if:

(a) the development is not ancillary to the use of any other electronic communications apparatus;

(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or

(c) on any article 2(3) land, or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

Case Officer's Comments:

The total accumulative radio equipment housing would be 5.02 cubic metres, therefore the proposal is in accord with Condition A.1 - (9)(b) of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

#### **7.02 Density of the proposed development**

Not applicable to this application.

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

The site is located within the Colne Valley Archaeological Priority Area and is adjacent to the West Drayton Archaeological Priority Area. No further details, details of foundation depth or sections have been provided, as such, in the absence of further information, it is not possible to fully assess the impacts on the Archaeological priority area.

#### **7.04 Airport safeguarding**

Policy DMAV 1 of The Local Plan: Part 2 - Development Management Policies (2020) states that proposals that may be hazard to aircraft safety will not be permitted.

The application site is 1.9km from Heathrow Airport and is within the Heathrow and NATS height restriction area. Heathrow Aerodrome Safeguarding have been consulted and no objections received subject to an informative. No comments have been received from NATS at the time this report was written.

#### **7.05 Impact on the green belt**

Not applicable to the consideration of this application. The site is not located within the Green Belt.

#### **7.07 Impact on the character & appearance of the area**

Policy DMHB 11 of the The Local Plan: Part 2 - Development Management Policies (2020) states that all development, will be required to be designed to the highest quality standards and, incorporate principles of good design including: harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures; local topography, views both from and to the site; impact on neighbouring open spaces and their environment; and ensuring the use of high quality building materials and finishes.

Policy DMHB 12 of the The Local Plan: Part 2 - Development Management Policies (2020) states that development should be well integrated with the surrounding area and accessible. It should: i) improve legibility and promote routes and wayfinding between the development and local amenities; ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area; iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space; iv) provide safe and direct pedestrian and cycle movement through the space; v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard; vi) where appropriate, include the installation of public art; and vii) deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.

Policy DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) states that 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 proposed new mast is 18 metres high with 3 cabinets located on a corner grass verge. The cabinets range in height from 1.2 to 1.75 metres and has an overall footprint of 5.02 cubic metres.

The site is set back from the highway and backs onto St Martins Primary School. The site remains fairly exposed and is therefore highly visible when viewed from the immediate street scene and the surrounding area. The proposed 18m high telecommunications mast would appear as a prominent feature on Rowan Road and would have a detrimental impact on the openness, character and appearance of the street scene. In addition, due to the open nature and high visibility of the site, the proposed telecommunications installation would appear as an incongruous addition to the neighbourhood.

There is currently no street furniture of this size and height. When compared to the adjacent telegraph pole, roof level (7m) and the streetscene, the 18m high monopole will appear unduly dominant and intrusive. The overall height would be significantly over and above the surrounding area that consists generally of 2-3 storeys high residential dwellings. Furthermore, the cabinets would add unduly clutter to the open space.

Whilst the mast is to provide 5G services and to improve capacity and coverage of the area, the proposal will add undue clutter to the streetscene which will have a significant negative impact on the visual amenity of adjacent residents and to the area in general. It would harm the character and appearance of the street scene and as such, the proposal is contrary to Policy BE1 of The Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020).

#### **7.08 Impact on neighbours**

Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020) seeks to ensure that developments do not adversely impact on the amenity of adjacent properties, and seeks to protect outlook for residents, defined as the visual amenity enjoyed by occupants when looking out of their windows.

The proposed equipment is located to the rear of St Martin's Primary School and across from a local pub. The closest neighbouring dwelling is 19.3m and 22.8m away from the site. The flats above 2A Laurel Lane would have a directly line of sight to the monopole and equipment cabinets. Due to its proximity, size and overall height of the equipment, the proposal would be highly visible and fairly exposed, therefore would appear unduly dominant and intrusive to the surrounding area. As such, the proposal would severely impact the outlook of the existing residents and therefore fails to accord with Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020).

#### **7.09 Living conditions for future occupiers**

Not applicable to this application.

#### **7.10 Traffic impact, Car/cycle parking, pedestrian safety**

The Council's Highway's Officer has commented on this application and no objections has been raised. The site is located on the side of an existing pedestrian footpath therefore will not impact on the pedestrian or highways safety.

#### **7.11 Urban design, access and security**

Refer to Section 7.07 of this report.

#### **7.12 Disabled access**

Not applicable to this application.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to the consideration of 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**

Refer to Section 6.1 of 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 Commission 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.

OTHER:

Under section A.3, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it states the following:

"(3) where the proposed development consists of the installation, alteration or replacement of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, before making the application required by subparagraph (4).

4) Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development."

At the time of the submission, the application has failed to recognise that the site is located within 3km of the perimeter of an aerodrome and has fail to notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator prior to the submission of this application as specified in Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such, a second refusal reason has been recommended.

## **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 prior approval for the installation of a ground-base apparatus consisting of a new 18m Phase 8 monopole C/W wraparound cabinet at base, 3 cabinets and associated ancillary works under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

The siting of the proposal would result in an unacceptable impact on visual amenity particularly to the adjacent residential dwellings, and the character and appearance of the area. It will add visual clutter to the area in general. Therefore, it is contrary to Policy BE1 of The Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020).

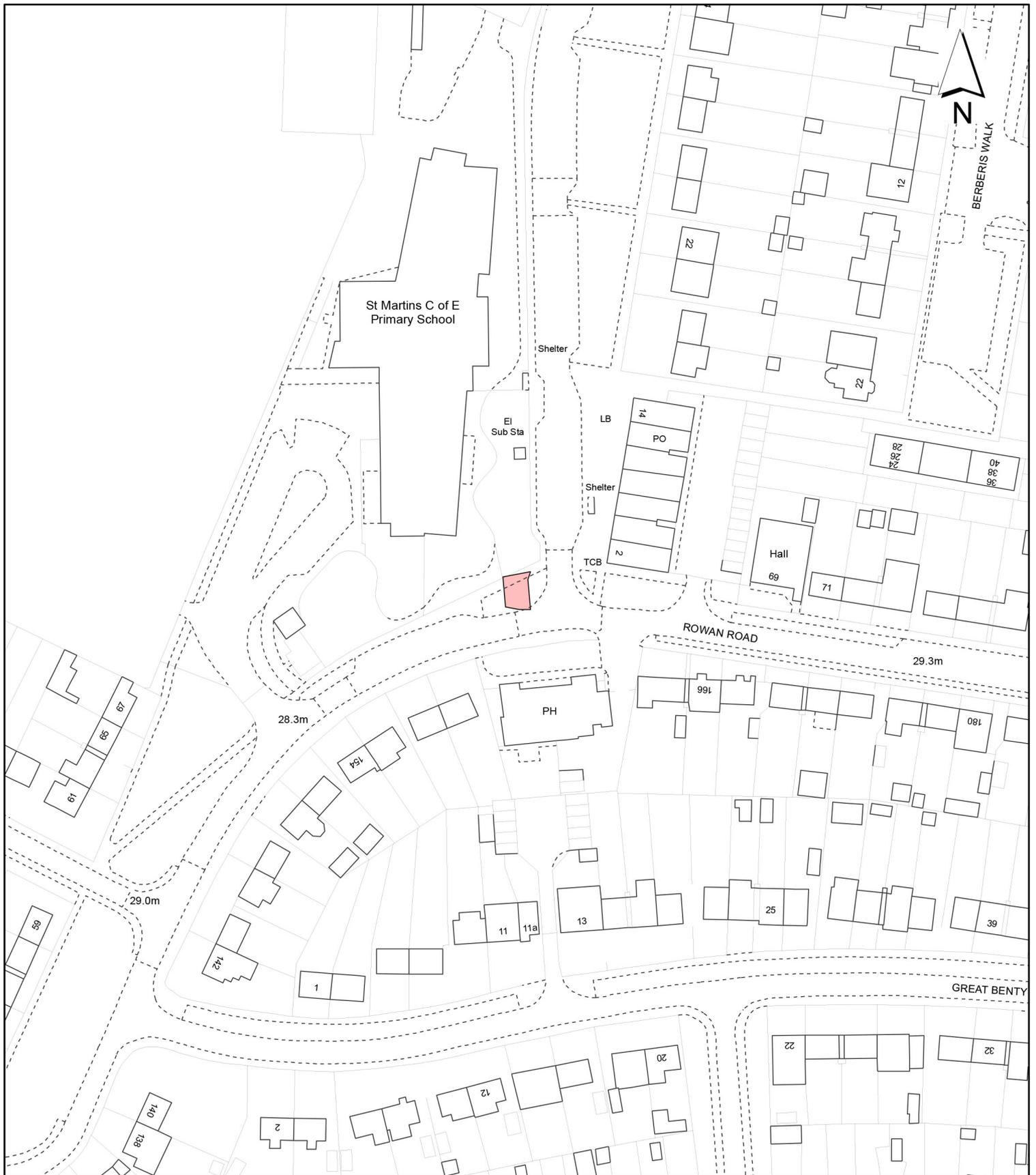
It is recommended that prior approval be required and that permission be refused.

## 11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)  
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)  
The London Plan (2016)  
National Planning Policy Framework  
The Town and Country Planning (General Permitted Development) (England) Order 2015  
(as amended)

**Contact Officer:** Rebecca Lo

**Telephone No:** 01895 250230



**Notes:**

 Site boundary

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Site Address:

**Land Adj to the Cat and Fiddle PH,  
 162 Rowan Road  
 West Drayton**

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

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

Planning Application Ref:

**75761/APP/2020/2362**

Scale:

**1:1,250**

Planning Committee:

**Central & South**

Date:

**Sept 2020**



**HILLINGDON**  
 LONDON