

Report of the Corporate Director of Planning & Community Services

Address HIGHWAY VERGE NEAR JCT OF BREAKSPEAR ROAD & FINE BUSH LANE BREAKSPEAR ROAD RUISLIP

Development: INSTALLATION OF A 11.5M HIGH IMITATION TELEGRAPH POLE MOBILE PHONE MAST AND ANCILLARY EQUIPMENT CABINET (CONSULTATION UNDER SCHEDULE 2, PART 24 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995 (AS AMENDED))

LBH Ref Nos: 65930/APP/2009/915

Drawing Nos: A/GA/01 Rev. E
Developer's Notice
Declaration of Conformity with ICNIRP Public Exposure Guidelines
Design, Access and Supporting Statement
Network and 3G Information
Health and Safety Statement
3 A4 Coverage Plots
Supplementary Information
E-mail dated 13/05/09

Date Plans Received: 30/04/2009

Date(s) of Amendment(s):

Date Application Valid: 30/04/2009

1. SUMMARY

This application has been submitted by Orange and seeks to determine whether prior approval is required for the siting and design of an 11.5m high 'telegraph pole' style telecommunications mast and ancillary equipment cabinets. The installation would replace the existing Orange site located at the Hillingdon Borough Football Club on the opposite side of Breakspear Road, which is within the Green Belt and due to be decommissioned as the site provider is no longer willing to accommodate the installation. The applicant has searched the desired coverage area and concluded that there are no other more suitable locations available. In support of their application, Orange has supplied technical details of their search/coverage area plans and justification for their site selection.

The proposed installation would be located on a grass verge on the south eastern side of Breakspear Road, almost opposite its junction with Fine Bush Lane. There are mature trees and shrubs at the back of the verge which would assist with the screening of the mast from the Green Belt and from the residential properties fronting Stowe Crescent to the south east. The applicant has carried out a thorough search of the area and undertaken extensive pre-application discussions with Council officers prior to selecting the site. It is considered that there are not any more appropriate alternative sites which would have less visual impact on the character and appearance of the surrounding area, including the adjoining Green Belt. As such, approval is recommended.

2. RECOMMENDATION

That subject to no further objections being received, which raise any significant

planning issues not already addressed in the report, delegated powers be given to the Director of Planning and Community Services to determine the application as follows, following expiry of the public consultation period on 2nd June 2009:

(A) That prior approval of siting and design is required.

(B) The details of siting and design are approved.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises the grass verge at the back of the public footpath on the south east side of Breakspear Road, some 70m to the south west of its junction with Howletts Lane, almost opposite its junction with Fine Bush Lane. There are mature trees and shrubs at the back of the grass verge, beyond which are the rear gardens of houses fronting Stowe Crescent. At the junction of Breakspear Road and Howletts Lane is The Woodman PH. On the opposite side of the road is open land, bounded by hedgerows which forms part of the Green Belt. To the north of Fine Bush Lane, are open playing fields associated with the Hillingdon Borough Football Club and to the south are open agricultural fields. The site forms part of the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007).

3.2 Proposed Scheme

The application seeks to determine whether prior approval is required for the siting and design of an 11.5m high imitation telegraph pole design mobile phone mast incorporating one antenna. Two equipment cabinets would be sited close to the base of the mast, with dimensions of approximately 1.5m wide by 0.7m deep by 1.5m high and 0.3m wide by 0.2m deep by 0.8m high. The mast would be painted brown to match other telegraph poles in the vicinity and the equipment cabinets would be painted dark green.

The mast is required to provide replacement coverage of the Ruislip Common residential area, once an existing mast on the Hillingdon Borough Football Club site on the opposite side of Breakspear Road is de-commissioned.

3.3 Relevant Planning History

Comment on Relevant Planning History

There is no relevant planning history.

4. Planning Policies and Standards

The application has been assessed principally against policy BE37 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and Planning Policy Guidance Note 8: Telecommunications. Both seek to find solutions which minimise the impact of telecommunications development on the appearance of the surrounding area.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- PT1.10 To seek to ensure that development does not adversely affect the amenity and the character of the area.
- PT1.11 To facilitate the development of telecommunications networks in a manner than minimises the environmental and amenity impact of structures and equipment.

Part 2 Policies:

- BE37 Telecommunications developments - siting and design
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OL5 Development proposals adjacent to the Green Belt
- BE13 New development must harmonise with the existing street scene.
- BE19 New development must improve or complement the character of the area.
- PPG8 Planning Policy Guidance (PPG) 8: Telecommunications

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **2nd June 2009**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

112 neighbouring properties have been consulted. Five individual responses have been received (2 from the same objector), raising the following concerns:

(i) Object to any mobile phone masts until such time there has been a full safety investigation. There is a strong argument that masts are a considerable health risk and an expert has claimed they can cause cancer. Until such time as they get a 100% clean bill of health, they should not be considered, particularly on the edge of a residential area. In other countries, notably the US, Australia and New Zealand, a precautionary principle has been adopted which effectively bans the erection of masts from school buildings and residential areas.

(ii) Already have a mobile phone mast a few further yards along Breakspear Road from Fine Bush Lane and since this mast has been erected, have had five deaths from cancer in Stowe Close. Two this year. These deaths have been in close proximity to the mast and seem too many to be coincidental.

A petition has also been received, with 51 signatories, objecting for the following reason:-

'We, the residents of Wyteleaf Close, will be mostly affected by this application. There are no scientific proof that installation of these type of poles near residential areas will not do any harm to us, especially to our children. It is impossible to say what harm it will do to us and to the next generation. Therefore we strongly object to this proposal and hope you will not allow this go ahead.

Officer Comments: - The issue of health has been dealt with in the main report.

Ruislip Residents' Association: No response received.

South Ruislip Residents' Association: No response received.

Internal Consultees

Highway Engineer: Application is acceptable.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The proposed installation does not exceed the limits set out in Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). It would not be located in an environmentally sensitive area where more restrictive criteria are applicable. Accordingly, the proposal constitutes permitted development.

In accordance with Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Orange is required to apply to the Local Planning Authority for a determination as to whether prior approval of the details of siting and design is required and, if so, for the Local Planning Authority to either approve or refuse those details.

7.02 Density of the proposed development

N/A to this development.

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

N/A to this development.

7.04 Airport safeguarding

The application site is not located within proximity of an aerodrome and there is no requirement to consult the airport safeguarding authorities regarding this application.

7.05 Impact on the green belt

The open fields on the opposite side of the road and the generally open land beyond form part of the Green Belt. Policy OL5 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) advises that development proposals adjacent to or conspicuous from the Green Belt should not harm the visual amenities of the Green Belt by reason of their siting, materials, design, traffic or activity generated. Whilst the mast would be visible from the adjoining Green Belt, the imitation telegraph pole mast would be similar to other telegraph poles on the road and be viewed against the back drop of mature trees of a similar height to the proposal and hedgerow at the back of the grass verge. In this context and given the slim line design of the mast, it would not appear unduly conspicuous from the Green Belt and longer distance views from the Green Belt would be limited.

Furthermore, the proposed mast is required to replace a large 15m high lattice mast on the Hillingdon Borough Football Club site opposite which is within the Green Belt and does not benefit from any tree screening.

7.06 Environmental Impact

N/A to this development.

7.07 Impact on the character & appearance of the area

The application site is on the urban fringe, with an established residential area to the south east and open fields to the north west. Breakspear Road in this vicinity has a rural

character with hedgerows on both sides of the road, with the hedgerow and mature trees on the south east side of the road effectively screening the two storey houses. The nearest school building is Whiteheath Infant School on Ladygate Lane, approximately 420m to the south.

The applicant has provided details of 12 different sites, which have been investigated within the desired search area together with reasons for discounting them. All multi-storey premises and existing installations within the search area have been investigated where a rooftop installation could be accommodated and all options have been exhausted. Notably, an existing T-Mobile mast on the opposite side of Breakspear Road, some 85m to the south west of the application site would require substantial redevelopment, including a height increase in order to accommodate the Orange antennas and equipment. This site does not benefit from any tree screening and would result in greater visual intrusion in a more prominent location. Furthermore, it has been confirmed that this site would not be made redundant as a result of the T-mobile and '3' merger. Therefore, it has been concluded that the only means of providing replacement coverage is a new street work installation.

It is acknowledged that this is a difficult area in which to find an appropriate site due to its either suburban or open rural character. The applicant has demonstrated that there is a clear need for an installation in this location and discounted numerous sites. It is considered that the imitation 'telegraph pole' design would be the most appropriate in this location, given other telegraph poles on the road and the ability of such a design to blend with the backdrop of mature trees. The site benefits from tree screening provided by approximately 11 to 12m high trees and a 4 to 5m high hedgerow. The equipment cabinets would be painted dark green and would have the appearance of standard utility company cabinets. On balance, given the constraints of the area, it is considered that the proposal is visually acceptable in this location.

7.08 Impact on neighbours

The site is relatively close to surrounding residential properties, the nearest being approximately 20m away on Stowe Crescent (Nos. 16 and 18). However, this is likely to be the case wherever the proposed installation were to be erected if it was to avoid the Green Belt. In this case, No.16, sited to the east of the site would not directly overlook the proposed mast as its front and rear elevations face south and north respectively. This property also has a 4m to 5m high conifer hedge on its rear boundary which would assist with the screening of the mast from the property's side and rear garden. It is also noted that a 7m to 8m high flag pole has been erected on the front elevation of the detached garages between this and the neighbouring property, No.14 Stowe Crescent which is nearer to the property than the proposal. The rear elevation of No.18, to the south east of the proposal would directly overlook the site, but the mast, as viewed from this property, would be sited behind a 12m high hedgerow tree which would provide a significant degree of screening from the rear windows of this property and its rear garden. On balance, given the significant screening that would be afforded by hedgerows and mature trees, the impact of the mast on residential amenity would not be sufficient to justify refusal.

7.09 Living conditions for future occupiers

N/A to this development.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposal would be sited in the green verge and therefore would not obstruct the adjoining highway footpath. Furthermore, telecommunications installations are visited

infrequently for maintenance purposes and as such, it is not considered that there would be any significant impact upon the free flow of traffic or highway safety. No objections have been raised by the Council's Highway Engineer.

7.11 Urban design, access and security

The proposed installation would take on the appearance of an imitation telegraph pole. Whilst taller and thicker than a standard pole, this is considered to be the most appropriate design in this location, given existing poles on the road, particularly to the north east, the surrounding trees and the proximity of a lamp post column which if its design was mimicked by the proposal, would disrupt the relatively uniform spacing of lamp post columns on Breakspear Road. The nearby T-Mobile monopole design mast is much more exposed and utilitarian in its design. It is considered that the siting of the proposed installation, 85m to the north east is sufficiently distant, bearing in mind its less intrusive telegraph pole design and its more discrete location so that the cumulative impact would not appear cluttered. Overall, it is considered that the proposal would not have a detrimental impact upon the character and appearance of the area, sufficient to justify refusal, particularly given the clear need for a replacement installation in this area and the applicant's thorough site search.

7.12 Disabled access

N/A to development.

7.13 Provision of affordable & special needs housing

N/A to development.

7.14 Trees, Landscaping and Ecology

The proposed development would not be detrimental to nearby trees or landscaping.

7.15 Sustainable waste management

N/A to development.

7.16 Renewable energy / Sustainability

N/A to development.

7.17 Flooding or Drainage Issues

N/A to development.

7.18 Noise or Air Quality Issues

N/A to development.

7.19 Comments on Public Consultations

See Section 6.1

7.20 Planning Obligations

There is no requirement for the applicant to provide a S106 contribution given the relatively modest and type of development.

7.21 Expediency of enforcement action

N/A to development.

7.22 Other Issues

Health:

In terms of potential health concerns, the applicant has confirmed that the proposed installation would comply 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.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

In conclusion, the proposed installation is considered to be visually acceptable in this location and officers have been unable to suggest any more suitable alternative sites. It is considered that the proposal is consistent with advice in policy BE37 of the adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007) and Planning Policy Guidance Note 8 and therefore approval is recommended.

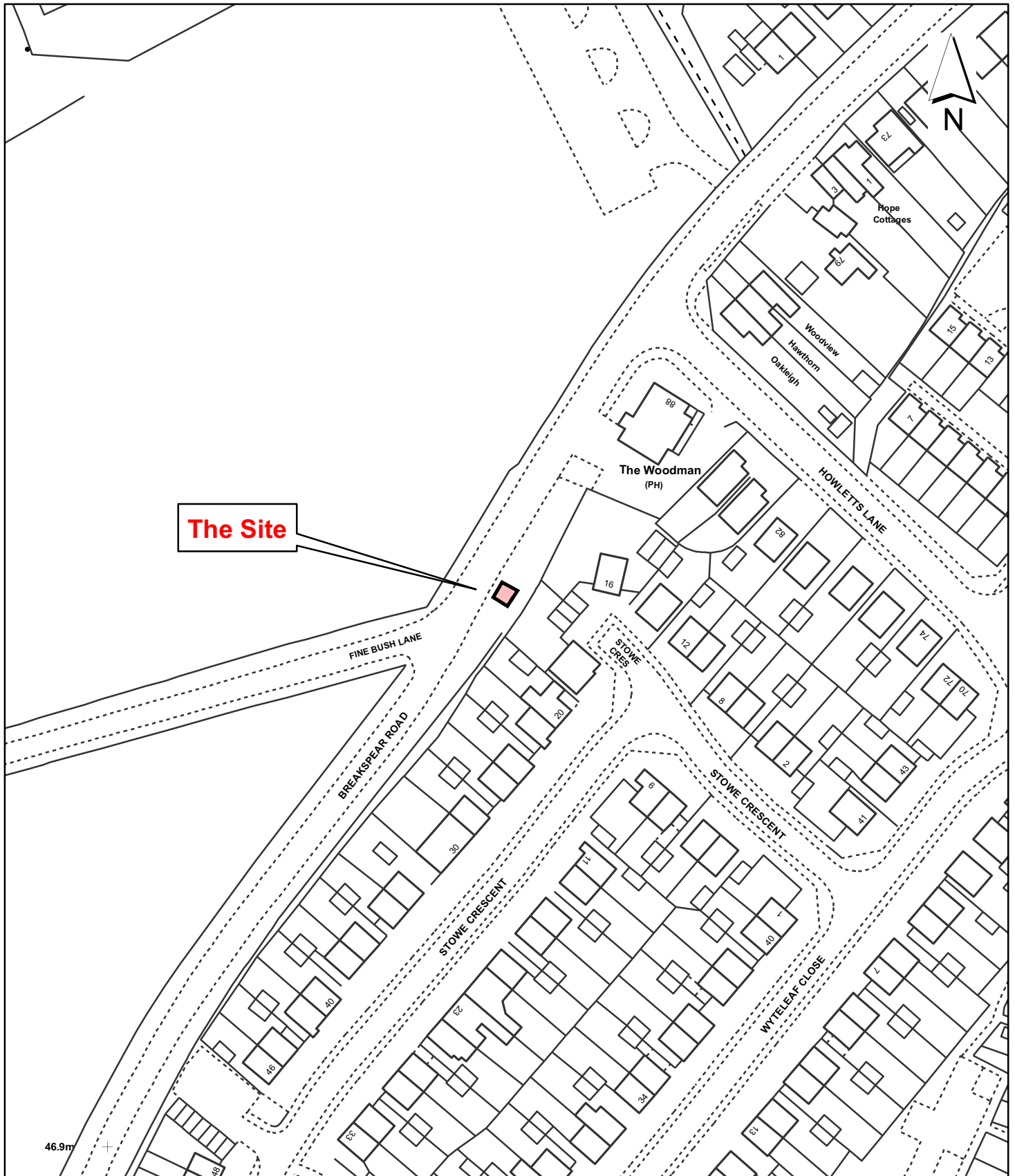
11. Reference Documents

Adopted Hillingdon Unitary Development Plan (Saved Policies, September 2007)


PPG8: Telecommunications

Contact Officer: Richard Phillips

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Notes

 Site boundary

For identification purposes only.

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Site Address	
Highway verge near junction of Breakspear Road and Fine Bush Lane, Breakspear Road, Ruislip	
Planning Application Ref:	Scale
65930/APP/2009/915	1:1,250
Planning Committee	Date
North	May 2009

LONDON BOROUGH OF HILLINGDON

Planning & Community Services

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