

Report of the Head of Planning & Enforcement Services

Address GRASS VERGE OPPOSITE RECREATION GROUND MOORHALL ROAD
HAREFIELD

Development: Installation of a 11.8m high mobile telecommunications pole 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: 67032/APP/2010/2380

Drawing Nos: 200 Rev. C
300 Rev. D
400 Rev. C
Photographs/Photomontage as Existing and Proposed
Design and Access Statement
Site Specific Supplementary Information
General background Information on Radio Network Development for Planning Applications
100 Rev. A
Health and Mobile Phone Base Stations
Cornerstone: Supporting Technical Information for o2 and Vodafone
500 Rev. D

Date Plans Received: 12/10/2010

Date(s) of Amendment(s):

Date Application Valid: 12/10/2010

1. SUMMARY

This application has been submitted jointly by Vodafone and O2 and seeks to determine whether prior approval is required for the siting and design of an 11.8m high slim line street works 'monopole' mobile phone mast, incorporating six antennas and one ancillary equipment cabinet, measuring 1.84m x 0.44m x 1.55m high. The installation is required in order to provide future 3G coverage as part of Vodafone's and O2's licence obligations.

The applicants have searched the desired coverage area and concluded that there are no other more suitable locations available. In support of the application, the applicants have supplied copies of technical details of their search/coverage area plans and justification for their site selection.

However, it is considered that the proposed installation would be visually unacceptable in this sensitive location along a busy main road, adjacent to Green Belt land and a Nature Conservation Site of Metropolitan or Borough Grade I Importance. The proposal would result in an unacceptable cumulative impact by introducing a new installation in close proximity to an existing mobile phone mast and associated equipment cabinets at this section of Moorhall Road.

Other sites should be more thoroughly investigated. As such it is recommended that the prior approval of siting and design is required and the details of siting and design be refused.

2. **RECOMMENDATION**

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

RECOMMENDATION (B) The details of siting and design are refused for the following reason:

1 NON2 **Non Standard reason for refusal**

The proposed development would result in an incongruous and visually obtrusive form of development which would result in unwanted street clutter and would be out of keeping with the visual character of the existing street scene, which it would fail to either preserve or enhance. Furthermore, other potential solutions have not been fully investigated. The proposal is therefore contrary to Policies pt.1.8, pt1.11, BE13 and BE37 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

INFORMATIVES

1 I52 **Compulsory Informative (1)**

The decision to REFUSE details of siting and design 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 details of siting and design has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

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| AM7 | Consideration of traffic generated by proposed developments. |
| BE19 | New development must improve or complement the character of the area. |
| BE37 | Telecommunications developments - siting and design |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| BE4 | New development within or on the fringes of conservation areas |
| OE1 | Protection of the character and amenities of surrounding properties and the local area |
| OL1 | Green Belt - acceptable open land uses and restrictions on new development |
| OL5 | Development proposals adjacent to the Green Belt |

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The site comprises the grass verge adjacent to the public footway on Moorhall Road in South Harefield. A car park, screened from the road by mature trees (between approximately 10m to 15m high), serves the neighbouring Nature Conservation Area (Denham Quarry) to the south of the site. There is a recreation ground and children's playground on the opposite side of Moorhall Road and the garden of the nearest

residential property is just under 30m away to the north east. The site lies immediately adjacent to Green Belt land and a Nature Conservation Site of Metropolitan or Borough Grade I Importance, as designated in the 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 11.8m high slim line street works monopole mobile phone mast, incorporating six antennas and one ancillary equipment cabinet measuring 1.84m (long)x 0.44m (deep) x 1.55m (high). The mast and the equipment cabinet would be coloured green.

The installation is proposed as a shared facility by Vodafone and O2, in order to provide future 3G coverage as part of its licence obligations. The applicants has searched this area and concluded that there are no other more suitable locations available. In support of the application, the applicants have supplied technical details of their search/coverage area plans and a supporting statement.

3.3 Relevant Planning History

Comment on Relevant Planning History

On 22/06/05 the Council refused permission for the installation of an 11.7m high monopole mobile phone mast and equipment cabinets 16 metres to the south west of the application site(Ref: 60622/APP/2005/1267). On 18/11/05 an appeal (Ref: APP/R5510/A/05/1186777) against the Council's decision to refuse was dismissed. The Inspector expressed the view that the mast would not appear out of character with the area or surrounding street furniture. However, he dismissed the appeal due to the impact of the proposed 3 equipment cabinets.

On 10 July 2006 details of the siting and appearance of an 11.7 metre high monopole mobile phone mast and ancillary equipment cabinets (ref:60622/APP/2006/1453) were approved.

Pre application advice was provided on 6/7/2010, in connection with the current proposal, in which the applicant was advised that the scheme would be conspicuous from the adjoining Green Belt and street scene and that other locations should be considered, preferably with more mature trees for screening, particularly if a similar highway verge site is chosen. The applicant was also advised to investigate the use of alternative sites, as this site is too close to the existing telecommunications mast and therefore does not achieve adequate spacing in terms of street furniture.

An application ref: 67032/APP/2010/1845 was submitted on 24/8/2010, seeking to determine whether prior approval was required for the siting and design of a 12.5m high slim line street works monopole mobile phone mast, incorporating six antennas and one ancillary equipment cabinet. The installation constituted permitted development. However, it was determined that prior approval of the details of siting and design was required and was refused for the following reason:

The proposed development would result in an incongruous and visually obtrusive form of development which would result in unwanted street clutter and would be out of keeping with the visual character of the existing street scene, which it would fail to either preserve or enhance. Furthermore, other potential solutions have not been fully investigated. The proposal is therefore contrary to Policies pt.1.8, pt1.11, BE13 and BE37 of the Hillingdon

Unitary Development Plan Saved Policies September 2007.

The applicant submitted the above mentioned application in the same location that was considered at pre-application stage.

The current proposal has been submitted, firstly in an attempt to overcome issues raised in the previous refusal and secondly, in order to ensure that the necessary consultation has been carried out with Denham Areodrome. This consultation was not carried out on the previous application. (For sites located within 3km of an areodrome, notification to the areodrome operator is required before an application to the Local Planning Authority for a determination as to whether prior approval is required to the siting and appearance of the development is submitted).

4. Planning Policies and Standards

The application has been assessed principally against Saved Policy BE37 of the Unitary Development Plan 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:

- PT1.8 To preserve or enhance those features of Conservation Areas which contribute to their special architectural and visual qualities.
- 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:

- AM7 Consideration of traffic generated by proposed developments.
- BE19 New development must improve or complement the character of the area.
- BE37 Telecommunications developments - siting and design
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- BE4 New development within or on the fringes of conservation areas
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL5 Development proposals adjacent to the Green Belt

5. Advertisement and Site Notice

- 5.1 Advertisement Expiry Date:- **3rd November 2010**
- 5.2 Site Notice Expiry Date:- Not applicable

17th November 2010

6. Consultations

External Consultees

The application has been advertised as a development likely to affect the character of the Widewater Lock Conservation Area. Consultation letters were sent to 54 local owner/occupiers and the Harefield Tenants and Residents' Association and a site notice was posted. To date 2 letters of objection has been received, which raise the following concerns:

1. There is no conclusive evidence that such equipment is safe for residents living nearby.
2. We have young children and are therefore determined to protect them from exposure to any risk.
3. The proposal will be an eyesore, not in keeping with its setting.

Internal Consultees

CONSERVATION OFFICER:

COMMENTS: The site is located adjacent to the north eastern entrance to the Wide Water Lock Conservation Area. It lies on the southern side of the road on the existing rough grass verge and is bounded to the rear by a simple post and rail fence. Opposite is a large grassed open area from where the site of the antenna is clearly visible. The site also lies close to that of an existing antenna and associated cabinets, which were subject to an Appeal in 2005 and agreed by the Council in 2006.

CONSIDERATION: The existing antenna is of a similar height, finish and proportion to the street lamps. It sits close to and partially within the canopy of a large adjacent tree and the cabinets are located on an up kept grassed area, as a result, whilst visible, the overall impact is fairly neutral.

The proposed antenna, which has been subject to previous discussion, would be substantially bulkier than the existing and would not benefit from the screening provided by any nearby trees. Even if painted a dark colour, because of its size it would be intrusive within the street scene. The close proximity to the existing antenna and its cabinets would also result in an unacceptably cluttered appearance to the street scene within the immediate area.

CONCLUSION: Not acceptable, other locations should be considered for this structure, preferably where there are more mature trees for screening. Options for reducing its bulk and improving its appearance, e.g. by using coloured finishes and cloaking, some have previously been disguised as telegraph poles and trees, should be considered.

TREE AND LANDSCAPE OFFICER:

BACKGROUND: The site is the grass verge to the south of Moorhall Road. To the south of this is a backcloth of woodland, which is a Site of Importance for Nature Conservation (SINC), situated within an area of designated Green Belt. There are no Tree Preservation Orders on, or close to the site. Close to the proposed site there are other installations, including a 11.7 metre high T Mobile mast and control cabinet and a 10.0 metre high street lighting column.

The proposal is a minor amendment to the previous application. The current proposal is for a mast with a height of 11.8 metres, some 700mm lower than the previous specification. The photomontages indicate that the dark green colour proposed will be quite recessive against the backcloth of trees, while in leaf. However, when seen against the sky and leafless vegetation, the visual impact is likely to be more pronounced. The mast appears to be bulkier than the nearby lamp

columns, with a greater diameter.

LANDSCAPE CONSIDERATIONS: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

- In this case there is no space or opportunity for supplementary landscaping to screen the installation.
- The visual impact of the installation is, arguably, exacerbated by the cumulative effect of the vertical installations in the area, which is starting to clutter the otherwise rural feel to this area.
- The existing/adjacent installations are finished in a dove grey, which is a sensitive/recessive colour when viewed against the sky but is too light (and bright) against the dark backcloth of mature woodland. A better alternative might be the use of Invisible Green, a very recessive colour against a dark background (BS ref. 4800/colour:10B29).

RECOMMENDATIONS: No objection subject to confirmation of the colour of the mast and control box.

HIGHWAY ENGINEER:

Moorhall Road is located on the north east side of Hillingdon Council within the Periphery of the Buckinghamshire County Council, and is a Local and Borough secondary distributor Road. The proposed location of the mast is adjacent to the north eastern entrance to Wide water Place, on the southern side of the road on existing open grassed area. Moorhall Road is a rural road with 9.5m wide carriageway and 2.0m wide footway on both sides.

The proposal is to erect a 11.8m high mast with its base structure on the existing rough grassed area at the rear edge of footway complete with its Harrier radio equipment cabinet approximately 1.2m away from the proposed mast on footway. Submitted plan shows an equipment cabinet and a small electrical feeder pillar adjacent to the equipment being installed in the grassed verge, with 700mm equipment opening door width, approximately 1.0m away from the mast.

The equipment housing proposed to be accommodated on the grassed verge will leave sufficient space for pedestrians who can comfortably and safely pass each other without stepping on to the carriageway.

Maintenance of radio component will effectively require part lane closure being forced on the carriageway traffic, taking into consideration the existing refuge island and chevron road marking in the near vicinity of cabinet. There is no safe parking area adjacent to the site for the operators vehicle to park when routine maintenance and other works are being carried out on the equipment, considering frequency of maintenance requirement, and site location, this is not considered to be detrimental on road safety, and a refusal on this ground is therefore unlikely to be upheld at a future appeal. Consequently no objection is raised on the highways aspect of the proposals.

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 is not located in an environmentally sensitive area, such as a conservation 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) Vodafone 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

Not applicable to this application.

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

The site does not fall within a Conservation Area or Area of Special Character. There are no listed buildings in the vicinity of the proposed telecommunications equipment. It is not considered that the proposed apparatus would have a direct impact on the character of the Widewater Lock Conservation Area, which is located to the west of the site, in compliance with Saved Policy BE4 of the Hillingdon Unitary Development Plan.

7.04 Airport safeguarding

The application site is located within close proximity of an aerodrome and the requirement to consult the airport safeguarding authorities regarding this proposal have been satisfied. No objections have been received in this regard.

7.05 Impact on the green belt

The site is the grass verge to the south of Moorhall Road. To the south of this is a backcloth of woodland, which is a Site of Importance for Nature Conservation (SINC), situated within an area of designated Green Belt. Pleasant views of the wooded area south of Moorhall Road are relatively uninterrupted. The proposed column would be in prominent view, representing an alien feature in an otherwise rural backdrop. However, the installation would benefit from some limited tree screening to the rear, which would help to screen views of the monopole and equipment cabinet of longer views from the adjoining Green Belt. It is considered that there is insufficient justification for the proposal to be rejected in terms of its impact on the visual amenities of the Green Belt and refusal of the details of siting and design of the proposed apparatus is not sustainable on these grounds.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

The application has been assessed principally against Saved Policy BE37 of the Unitary Development Plan 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. Also relevant is the recent planning history for similar telecommunications apparatus adjacent to this site.

There is a recreation ground on the opposite side of the road, which adjoins a small business park to the west that falls within the Widewater Lock Conservation Area. A nature conservation area, well used for various recreational activities, exists to the south of the site. The nearest residential property lies approximately 30m to the north east, beyond which are more residential properties in Dellside.

Saved Policy BE37 requires that telecommunications development should not seriously harm the appearance of the townscape or landscape. In the proposed location, the 11.8 metre high monopole mast and equipment cabinet would be clearly visible to users of Moorhall Road and the recreation ground opposite. At 1.55 metres, the cabinet would be comparable in height to some adults. The sizeable equipment cabinet is considered to significantly add to the overall impact of the installation, drawing attention to the mast and adding to its visual impact.

Whilst a monopole design has been chosen to mimic the design of nearby streetlights, it is considered that the proposed mast would stand out and be at odds with the evenly spaced shorter street light poles. At 11.8m high, the proposed mast would be taller than the nearby 10m high streetlights and much of the surrounding vegetation. In addition, the the proposed mast would be significantly bulkier than both the existing mast and nearby street lighting columns, particularly at the top of the pole, where the 6 antennae would be housed. This view is reiterated by the Conservation Officer, who considers that the proposed mast would be substantially taller and bulkier than the existing telecommunications installation and would not benefit from the screening provided by any nearby trees. Even if painted a dark colour, because of its size, it would be intrusive within the street scene.

In addition, the proposed mast would be located only 15.5 metres away from the existing 11.7m T-Mobile mast and 5.5 metres away from an existing street light column. The current proposal would result in 4 equipment cabinets, two masts and one street lighting column all within a short stretch of highway verge. The Conservation Officer considers that the close proximity to the existing antenna and its cabinets would result in an unacceptably cluttered appearance to the street scene within the immediate area. It is considered that this would have an overbearing impact on this part of Moorhall Road. This is contrary to Saved Policies BE13 and BE37 of the Hillingdon Unitary development Plan.

It is acknowledged that the applicant has demonstrated that there is a clear need for an installation in this area and discounted numerous sites. In this instance the applicant has provided details of ten different sites, which have been investigated within the desired search area, together with reasons for discounting them. Amongst the options discounted is a rooftop installation on the office buildings opposite.

However, it is considered that there may be more appropriate sites, which would be further away from residential properties and recreational areas. There is a vast amount of privately owned land in the area. Although much of this land is designated as Green Belt, it is considered that a discreet location within this land would be preferable to a prominent street works location, which is close to residential properties and existing telecommunications apparatus. It is therefore considered that the applicants have not exhausted all reasonable options for alternative locations of the proposed mast. As such, it is considered that these options should be further investigated before the proposed prominent street works installation is pursued.

In conclusion, it is considered that the proposed development by reason of its siting and design would result in an incongruous and visually obtrusive form of development, which would be out of keeping with the visual character of the adjoining street scene. Other potential solutions have not been fully investigated. The proposal is therefore contrary to Policies pt1.11, BE13, BE37, and OE1 of the Hillingdon Unitary Development Plan.

7.08 Impact on neighbours

The nearest residential property to the proposed development is just over 30m away and the installation would not be directly overlooked. It is not considered that the proposed installation would impact on residential amenity sufficient to justify refusal.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

Telecommunications installations are visited infrequently for maintenance purposes only. As such, it is not considered that the proposed installation would have a significant detrimental impact on 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

See Section 7.07

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

This section of highway verge, as with many others, contains only grass, highway structures and occasional trees. The Tree and Landscape Officer considers that there is no space or opportunity for supplementary landscaping to screen the installation and notes that the visual impact of the installation is exacerbated by the cumulative effect of the vertical installations in the vicinity, which is starting to clutter the otherwise rural feel to this area. Nevertheless, the Tree and Landscape Officer raises no objections on landscape grounds, subject to confirmation of the colour of the mast and control box.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this type of application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The impact of the proposal on the visual amenities of the area and potential health risks have been dealt with elsewhere in this report.

7.20 Planning Obligations

There is no requirement for the applicant to pay any S106 contributions for this type of development.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

HEALTH ISSUES

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.

Recent court cases concerning telecommunications development, including the Harrogate Case which went to the Court of Appeal on 12.11.04, have clarified the primacy of Government health advice in this field. The Court of Appeal ruled that a proposed telecommunications mast was acceptable despite a planning inspector having dismissed a planning appeal because he was not convinced that the appellants had provided enough reassurance that there would be no material harm to young children at local schools. This significant legal judgement backs Government policy and clearly limits the ability of local planning authorities to resist telecommunications installations close to schools or houses on grounds of any adverse health impacts.

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'.

10. CONCLUSION

It is considered that the proposed telecommunications apparatus will have a negligible impact on the residential amenity of nearby properties. However, given the rural setting, with its back drop of trees and vegetation, it is considered that the location of the proposed mast and equipment cabinet on the grass verge would be visibly prominent when viewed from Moorhall Road and the recreation ground opposite. It would also add to the street clutter in the area, given the presence of existing telecommunications apparatus nearby. The proposed installation would therefore have an unacceptable impact upon the street scene.

Given the significant harm to the amenity of the area, it is not considered that the need for telecommunications development in this locality should over ride the other environmental considerations outlined above and that alternative solutions may be appropriate.

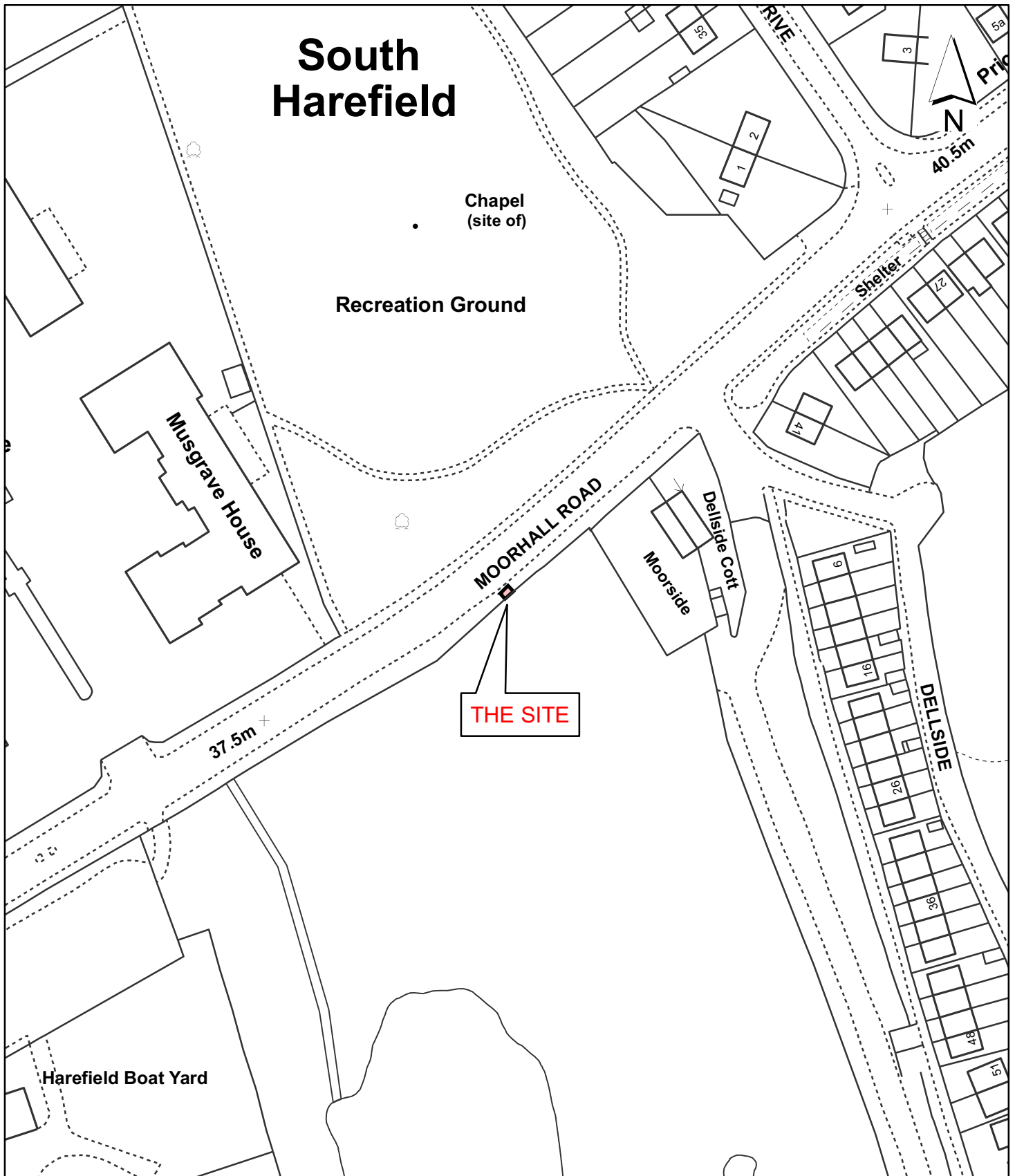
It is therefore recommended that prior approval is required, and that the details of siting and appearance are refused.

11. Reference Documents

Hillingdon Unitary Development Plan Saved Policies (September 2007).
PPG8: Telecommunications

Contact Officer: Karl Dafe

Telephone No: 01895 250230



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| <p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown Copyright. All rights reserved. London Borough of Hillingdon 100019283 2009</p> | <p>Site Address</p> <p>Grass verge opposite recreation ground Moorhall Road Harefield</p> | | <p>LONDON BOROUGH OF HILLINGDON</p> <p>Planning, Environment & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p> |
| | <p>Planning Application Ref:</p> <p>67032/APP/2010/2380</p> | <p>Scale</p> <p>1:1,250</p> | |
| | <p>Planning Committee</p> <p>North</p> | <p>Date</p> <p>November 2010</p> | |
| | |  <p>HILLINGDON LONDON</p> | |