

Report of the Head of Planning & Enforcement Services

Address LAND OPPOSITE 144 JOEL STREET NORTHWOOD

Development: Replacement of existing 15m high mobile phone mast with a 17.5m high mast with 3 no. antennas, replacement of one equipment cabinet and installation of one new equipment cabinet

LBH Ref Nos: 58424/APP/2011/494

Drawing Nos: Design and Access Statement
Site Specific Supplementary Information
Cornerstone: Supporting Technical Information for o2 & Vodafone
100 ISSUE A
200 ISSUE A
201 ISSUE A
300 ISSUE A
301 ISSUE A
Mono Consultants Limited Letter dated 24/02/2011

Date Plans Received: 25/02/2011 **Date(s) of Amendment(s):**
Date Application Valid: 25/02/2011

1. SUMMARY

This application has been submitted on behalf of O2 and Vodafone for a proposed replacement 17.5m high monopole design mobile phone mast and an ancillary equipment cabinet, which would accommodate antennas for both operators.

Vodafone and O2 have formed a strategic partnership to share mobile assets within the UK and across Europe. Therefore the organisations are seeking to work together to build new sites jointly and to consolidate the number of base stations required through sharing, which is in accordance with Government policy.

The proposed installation is required in order to provide improved signal quality and 2G and 3G coverage to the surrounding area. The applicant has searched the desired coverage area and concluded that there are no other more suitable locations available. In support of the application Vodafone have supplied technical details of their search/coverage area plans and justification for their site selection.

Whilst, the proposed installation would be clearly visible within the street scene and the adjoining Green Belt, it is not considered that the additional 2.5 meters in height over the existing monopole that it would replace or the presence of a proposed additional cabinet set against the hedge to the rear of the footway would justify a reason for refusal on visual amenity grounds. The proposal is considered to comply with relevant UDP policy and guidance within PPG8: Telecommunications. Accordingly, it is recommended that the application is approved.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Non Standard Condition

The replacement mast and equipment cabinet should be painted to match the finish on the existing mast and cabinets at the site, with anti-graffiti paint applied to the cabinet

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE19 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to APPROVE 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 APPROVE 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.

OL5	Development proposals adjacent to the Green Belt
BE37	Telecommunications developments - siting and design
BE13	New development must harmonise with the existing street scene.

3. CONSIDERATIONS

3.1 Site and Locality

The site comprises an existing 15 metre high monopole phone mast with two existing equipment cabinets situated either side of the monopole at the rear of the footway on the east side of Joel Street. Residential properties front the site on the east side of Joel Street and allotments exist to the east (to the rear) of the site. A hedge in excess of 2.3 metres provides a boundary between the footpath and the adjacent allotment gardens. The site falls within the 'developed area' as identified in the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007), and lies immediately adjacent to Green Belt land to the east.

3.2 Proposed Scheme

The applications seeks to replace the existing 15 metre monopole with a 17.5m complete with 3 antennas for 02 at 14.13m high and 3 antennas for Vodaphone at 15.53 high contained within a shroud rising to 17.5 metres with an additional associated equipment cabinet and ancillary development thereto located alongside the 2 existing equipment cabinets.

The ancillary cabinet would be 1.85m high, 1.45m wide and 0.8m deep. The existing monopole is approximately 300mm in diameter.

The proposed monopole would be 400mm in diameter at the base, with a shroud thickening between 9.5m from the ground to 17.5m from the ground to a 500mm approximate diameter.

The application follows the landlord of Vodaphone's existing installation at Grant and Stone Ltd Builders Merchants, Joel Street serving a notice to remove their equipment from the site. The applicant states the proposed upgrade is to enable both operators to continue to meet the predicted increases of usage in the local area.

3.3 Relevant Planning History

Comment on Relevant Planning History

58424/APP/2003/1230 Installation of a 12.5m high telecommunications mast with equipment cabinet (Consultation under schedule 2, Part 24 of the Town and Country Planning (General Permitted Development (Amendment) (England) Order 2001) - Prior approval required APPROVED 03/07/2003

58424/APP/2005/1894 Replacement of an existing 12.5m high telecommunications mast with 15m high monopole mobile phone mast equipment cabinet. APPROVED on Appeal 07/04/2006

The 2005 application (58424/APP/2005/1894) was refused by Hillingdon on grounds 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 and surrounding area and detrimental to the residential amenities of surrounding properties. The proposal is therefore contrary to Policies Pt1.11, BE13, BE37 OL5 and 0E1 of the Hillingdon Development Plan. It would also be directly visible from the adjoining Green Belt and would injure the visual amenities of the Green Belt.

The Decision was overturned on Appeal under Part 24 of Schedule 2 of the Town and Country (general Permitted Development) Order 1995. The inspector noted some

residents expressed strong opinion about the appearance of the existing mast. Having acknowledged these concerns the Inspector concluded that there is a need for the equipment, accepted the applicants' case that there is no alternative site available and did not deem the increased height and thickness of the replacement mast would result in material harm to the area.

The Inspector also noted that the additional equipment cabinet would be set against the backdrop of the hedge and would not in his view appear intrusive.

It is considered notwithstanding the further increase in the height of the proposed mast and the proposed addition of a third equipment cabinet set against the hedge the Inspector's reasoning is material and relevant to this current application.

4. Planning Policies and Standards

The application has been assessed against 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. Policy OL5 of the Unitary Development Plan, which seeks to protect the Green Belt from inappropriate development is also relevant given the site's proximity to the Green Belt.

UDP / LDF Designation and London Plan

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

Part 1 Policies:

PT1.37 To facilitate the development and transport interchange facilities and rail and road improvements at Hayes Hub, which promote competitiveness, economic regeneration and environmental quality of the Hayes/West Drayton Corridor.

Part 2 Policies:

OL5 Development proposals adjacent to the Green Belt

BE37 Telecommunications developments - siting and design

BE13 New development must harmonise with the existing street scene.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 31st March 2011

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A site notice was displayed. Consultation letters were sent to the owner/occupiers of 83 local properties including the Poors Field Allotment Officer. In addition the Northwood Hills Residents' Association were consulted.

To date 3 letters were received in response to the consultation, all objecting and raising the following concerns:

- (i) The proximity of the site to a school,
- (ii) The potential health risks to people including children and old people,
- (iii) The existing mast is an eyesore and a blot on the landscape and this will only make matters worse,
- (iv) No other structures or trees of this height in the area, thus only emphasising the height of the mast,
- (v) Why the need for another mast, there are others in the area?,
- (vi) The new cabinets would attract vandalism, as do the existing cabinets on the site,
- (vii) The height and colour of the mast is obtrusive, no attempt to camouflage it,
- (viii) No evidence in the application of other alternative locations investigated and why they are deemed unsuitable,
- (ix) A car hitting the mast could cause a fatality,
- (x) No consideration given of the collective emissions from all the antennae on the site, and
- (xi) Errors within the application making reference to coverage in Peterborough and to Pinner Street as oppose to Joel Street.

Internal Consultees

HIGHWAY ENGINEER: There is no objection on the highways aspect of this application.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Planning Policy Guidance Note 8: Telecommunications and Policy BE37 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) are supportive of telecommunications development providing the visual impact is minimised. In particular they seek to minimise the visual impact of telecommunications antennas by locating them at less sensitive locations, including existing telecommunications sites before considering alternative and often more visually obtrusive options.

The application follows the requirement for Vodafone to vacate an existing site of a mast at Grant and Stone Ltd, Joel Street. The applicant states other options were identified and investigated, however concluded as there is an existing installation on the site it appeared the most optimum solution for the area and it would negate the need for an additional installation elsewhere in the vicinity.

Government guidance supports the avoidance of proliferation of sites and the sharing of masts between operators. Given the existence of the existing telecommunications equipment on this location and in light of the Inspector's previous appeal decision on the site it is not considered that a 2.5m increase in the height of the mast could justify a refusal on grounds of its detrimental impact to the adjoining Green Belt on visual grounds.

The applicant has searched the local area and concluded that there are no other more suitable locations available. In support of the application O2 have supplied copies of technical details of their search/coverage area plans and justification for their site selection.

The proposal is consistent with advice in Policy BE37 of the Unitary Development Plan and Planning Policy Guidance Note 8 and visual impacts are considered to be minor.

Accordingly, there is no objection to the principle of the proposed development, providing site specific issues can be satisfactorily addressed.

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 proposed installation is not located in an a conservation area or an Area of Special Local Charatacter, where more restrictive criteria are applicable.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Policy OL5 seeks to protect the Green Belt from development that would be adjacent to or conspicuous from the Green Belt in order to preserve its openness and visual amenity. Whilst a telecommunications installation would not usually be considered an acceptable form of development within or immediately adjacent to the Green Belt, the presence of an existing installation within the Green Belt at the nearby Builders Yard on Joel Street, which is to be removed need to be considered.

Whilst the mast would be visible from surrounding views, it would be seen in the context of the existing equipment. The replacement mast would be of a broadly similar size and design to the existing mast, albeit wider in diameter towards the top it is not considered that a 2.5m increase in height would have a significant impact on the character or appearance of the area or the openness and visual amenity of the surrounding Green Belt. As such, it is not considered that refusal could be justified on Green Belt grounds.

7.06 Environmental Impact

The applicant has provided details that the installation is designed to be fully compliant with the public exposure guidelines established by the International Commission on Non-Ionising Radiation Protection (ICNIRIP) scheme.

7.07 Impact on the character & appearance of the area

At 17.5m high the proposed mast would be taller than the immediately surrounding buildings, trees and nearby street lights. The mast would be 2.5 metre higher and slightly more bulkier in diameter than the existing mast and therefore more visually intrusive and visible from further distances away from the site. The applicant states they have investigated other alternative sites within the surrounding area and concluded that this site is optimum by avoiding, in accordance with government guidance on masts, the unnecessary avoidance of the proliferation of mast sites within an area.

Officers previous searches for more appropriate alternative locations which were considered to be less prominent than this site, were previously dismissed by the applicant and the Planning Inspector within the 2005 appeal decision.

Whilst the proposed pole is 2.5m higher and thicker than the existing pole and clearly will be visible within the street scene, given the lack of more appropriate alternative sites within the surrounding area, and in light of the Inspector's previous appeal decision, it is not considered the additional height, variation in design and presence of an additional equipment cabinet set against the hedge would provide sufficient reason to justify a refusal on grounds of the additional visual intrusion upon the character of the street scene or adjoining Green Belt.

7.08 Impact on neighbours

The nearest residential properties are located 23 metes away on the opposite side of Joel Street. The existing mast is already visible from the front windows of the properties opposite. There are 3 schools within 500m of the site. In the context of the existing mast

on the site, and in light of the Inspector's previous decision on a 15m mast on the site, it is not considered that the proposed replacement mast 2.5 higher than the existing cabinet would have a significant additional impact on the residential amenity of nearby properties.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The proposed additional cabinet would be located at the back of the footway in line with the two existing cabinets and given the width of the footway at this point is not considered will impact upon pedestrian or highway safety.

A concern has been raised concerning the risk to surrounding residents of a vehicle hitting the mast, given the proximity of surrounding houses. However, it is not considered that a 2.5m increase in height to an existing 15m high mast would not increase the risk of a fatality to an individual within a neighbouring property when these are located 23m from the mast.

7.11 Urban design, access and security

The telecommunications installation is proposed by O2 UK Ltd in order to provide the local area with future 2G and 3G coverage, including video coverage, by means of three O2 antennas on the mast and three Vodafone antenna on the mast.

The design approach adopted is to permit two operators to have coverage to the surrounding area, thereby minimising overall impact to the area. This approach accords with PPG8. The slight thickening of the pole compared to the existing pole, with the shroud detail proposed towards the top of the monopole and the increase in height to increase coverage is not considered to adequately alter the visual appearance of the proposed mast in a detrimental manner to justify a refusal on design grounds.

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

The scheme involving the replacement of one monopole with another and the provision of an additional cabinet is not considered to have any lasting adverse impact upon any trees, landscaping or existing hedging.

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

Points i-v, vii, ix and x have been dealt with in the body of the report.

As regards Point vi, should the application be approved, a condition is proposed in respect

of application of anti-graffiti paint.

In terms of Point viii, consideration of other sites by the applicant is contained within the Design and Access Statement and the Site Specific Supplementary Information.

As regards Point xi, the errors in the application are noted. The applicant has been notified by the Council. However it is not consider the errors materially alter the consideration of the scheme.

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.

RESPONSE TO NEIGHBOURS CONCERNS:

Points i-v, vii, ix, x - dealt with elsewhere in the body of the report.

Point vi - Should the application be approved, a condition is proposed in respect of application of anti-graffiti paint.

Point viii - Consideration of other sites by the applicant is contained within the Design and Access Statement and the Site Specific Supplementary Information.

Point xi - The errors in the application are noted. The applicant has been notified by the Council. However it is not consider the errors materially alter the consideration of the scheme.

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

10. CONCLUSION

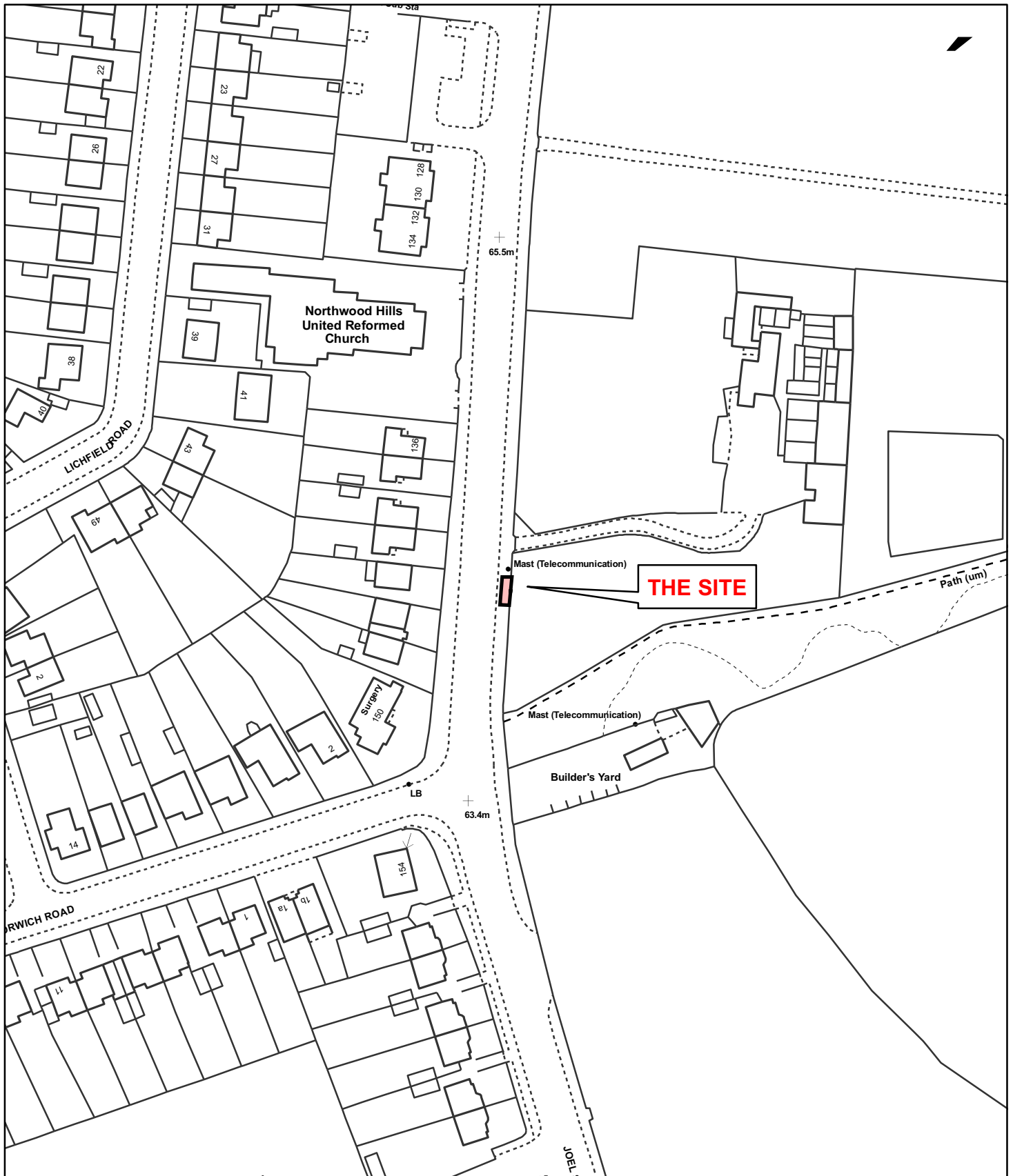
Whilst, the proposed replacement monopole would be clearly more visible within the street scene and the surrounding vicinity, officers do not consider the additional 2.5m in height and other variations in the design of the monopole or the proposed addition of an equipment cabinet provide sufficient material justification to refuse the application upon visual amenity grounds. Following a search by the applicant of other sites and the proposal by avoiding the requirement to locate new telecommunications masts on new sites in the area complies with government guidance. The proposal is therefore considered to comply with Policies Pt11, OI5, BE13 and BE37 of the Unitary Development Plan Saved Policies September 2007 and government guidance within PPG8: Telecommunications. Accordingly, it is recommended that the application is approved, subject to the relevant conditions.

11. Reference Documents


Hillingdon Unitary Development plan Saved Policies September 2007
PPG8: Telecommunications

Contact Officer: Gareth Gwynne

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Notes

 Site boundary
For identification purposes only.

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London Borough of Hillingdon
100019283 2011

Site Address	
Land opposite 144 Joel Street Northwood	
Planning Application Ref:	Scale
58424/APP/2011/494	1:1,250
Planning Committee	Date
North	April 2011

**LONDON BOROUGH
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