

Report of the Head of Planning & Enforcement Services

Address LAND O/S SORTING OFFICE, JUNCTION OF EAST WAY AND PARK WAY
RUISLIP

Development: Replacement of existing 12.5 metre high monopole mobile phone mast with a 12.5 metre high monopole mobile phone mast, replacement equipment cabinet and ancillary works (Consultation under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) (as amended.)

LBH Ref Nos: 59076/APP/2011/1406

Drawing Nos: 200 Rev. A
300 Rev. A
301 Rev. C
100
400 Rev. B
500 Rev. B
Site Specific Supplementary Information
Supporting Technical Information for O2 & Vodafone, dated 27/05/11
Declaration of Conformity with ICNIRP Public Exposure Guidelines

Date Plans Received: 01/06/2011

Date(s) of Amendment(s):

Date Application Valid: 01/06/2011

1. SUMMARY

It is proposed to replace the existing 12.5m high monopole mobile phone mast with a monopole phone mast of the same height (including antennas), albeit with a thicker profile, incorporating three antennas. The mast would be moved by some 1.5m but still retain a back of footpath location. An existing equipment cabinet would also be replaced with a larger equipment cabinet.

The proposed replacement telecommunications mast would have a thicker profile, which would result in the mast having a more conspicuous and intrusive impact upon the street scene as compared to the mast it replaces. This impact would be compounded by the larger replacement equipment cabinet. Furthermore, the search for suitable replacement sites has not been comprehensive. As such, the proposal complies with Policies BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

2. RECOMMENDATION

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

RECOMMENDATION (B) The details of siting and design are refused.

1 NON2 Non Standard reason for refusal

The proposed replacement telecommunications mast installation, by virtue of the increase in girth of the mast, would result in a significantly bulkier appearance, resulting in an incongruous and visually obtrusive form of development which would be out of keeping with the visual character of the surrounding street scene. Furthermore, other potential

solutions have not been fully investigated. The proposal is therefore contrary to Policies Pt.1.8, Pt1.11, BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

3. CONSIDERATIONS

3.1 Site and Locality

The site comprises an existing 12.5m high monopole mobile phone mast and two ancillary equipment cabinets at the rear of the footway adjacent to the Royal Mail sorting office at the junction of East Way and Park Way in Ruislip Manor. Residential properties are located to the north and east of the site behind the sorting office. Commercial properties, some with flats above, are located to the west and south west of the site along Park Way. The Elm Park Club is located within a grassed amenity area to the south of the site on the opposite side of Park Way. The site falls within Ruislip Manor Town Centre, as designated in the adopted Hillingdon Unitary Development Saved Policies (September 2007).

3.2 Proposed Scheme

This application seeks to determine whether prior approval is required to replace the existing 12.5m high monopole mobile phone mast with a 12.5m high (including antennas) monopole mobile phone mast incorporating three antennas to be shared with O2 and Vodaphone. The mast would be re-sited some 1.5m to the south east but still be sited at the back of the footpath. An existing equipment cabinet would also be replaced with a larger 1.9m by 0.80m by 1.65m high equipment cabinet. The mast would be coloured grey and the cabinets would be coloured green. (Consultation under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) (as amended).

3.3 Relevant Planning History

Comment on Relevant Planning History

The planning history can be summarised as follows:

59076/APP/2003/2909 - Installation of 12.5m high street furniture column with 3 antennas and two equipment cabinets (Consultation under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 2001) - Prior approval not required 02/02/04.

59076/APP/2005/2429 - Replacement of existing 12.5m high telecommunications mast with new 12.5m high monopole mobile phone mast and additional equipment cabinet (Consultation under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - Withdrawn 19/09/05.

59076/APP/2005/2584 - Replacement of existing 12.5m high telecommunication mast with new 12.5m high monopole mobile phone mast and additional equipment cabinet (Consultation under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) - Refused 16/11/05 due to concerns over its visual impact. This proposal was subsequently dismissed at appeal (ref: APP/R5510/A/06/2008179/NWF) on 25/05/06. The appeal Inspector concluded that the proposal would have an unacceptable visual impact on the surrounding area and that an insufficient site search had been carried out by the appellants.

59076/APP/2010/2931 - Replacement of existing 12.5m high monopole mobile phone mast

with a 15m high monopole mobile phone mast, replacement equipment cabinet and ancillary works (Consultation under Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995) (as amended) - Refused 08/02/2011 for the following reason:

'The proposed replacement telecommunications mast installation, by virtue of the increase in height and the significantly bulkier appearance, would result in an incongruous and visually obtrusive form of development which would be out of keeping with the visual character of the surrounding street scene. Furthermore, other potential solutions have not been fully investigated. The proposal is therefore contrary to Policies Pt.1.8, Pt1.11, BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies September 2007.'

4. Planning Policies and Standards

PPG8: Telecommunications

UDP / LDF Designation and London Plan

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

Part 1 Policies:

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:

BE13 New development must harmonise with the existing street scene.

BE37 Telecommunications developments - siting and design

OE1 Protection of the character and amenities of surrounding properties and the local area

AM7 Consideration of traffic generated by proposed developments.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **12th July 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

Consultations were sent to 100 adjoining premises including schools close to the site. A total of 1 response has been received, making the following comment:

i) It would be useful to learn the reasons why this work has to be undertaken

Ruislip Residents' Association: No response received.

Internal Consultees

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, 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) the applicant 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 type of development.

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

The site is not located with an archaeological priority area, or within a conservation area or area of special local character. Furthermore, it would not affect the setting of any listed building.

7.04 Airport safeguarding

The proposed replacement mast will not impact upon airport safeguarding.

7.05 Impact on the green belt

The proposed mast is not located within nor will it be visible from the Green Belt.

7.06 Environmental Impact

No environmental impact resulting from the proposals.

7.07 Impact on the character & appearance of the area

The existing mast is already highly visible when viewed by motorists and pedestrians along Park Way and East Way, and from surrounding properties. The mast appears as a prominent and incongruous structure within the streetscene. At 12.5m high the mast is already considerably taller than the adjacent 8.6m high Royal Mail Sorting Office. The proposed replacement mast, although of the same height, would be significantly bulkier in design than the nearby street lights and it is considered that the proposed 'top heavy' design would be significantly more visually obtrusive. This would draw attention to it within the streetscene. The bulky replacement cabinet would add to the overall visual impact of the proposal.

Members will note, from the planning history section, that a similar application, albeit with additional cabinets was refused in 2005 and dismissed at appeal in May 2006. The Inspector considered that the installation would be visible from a number of locations including residential areas at the junction of East Way and Westholme Gardens and that the proposed pole and antennas would be more conspicuous than the existing installation.

In this particular case, the proposal would be bulkier and would have a 'top heavy' design and in street scene terms would be similarly more conspicuous than the existing installation. Thus for similar reasons as the previous proposal, the mast and associated equipment cabine is considered unacceptable.

The applicant has considered alternative sites, but it is considered that this has not been sufficiently comprehensive, especially given the appeal history.

7.08 Impact on neighbours

PPG8 indicates that the planning system is not the place for determining health issues. It goes on to state that if a proposed mobile phone base station meets the ICNIRP guidelines, it should not be necessary to consider further the health aspects of the development and concerns about them. The applicant has confirmed that the proposed equipment would comply with ICNIRP guidelines. There is nothing to indicate that there is a risk to health, nor is there evidence to outweigh advice in PPG8 on health considerations. As such it is considered that the health fears of residents do not weigh significantly against the development. As such a reason for refusal on health grounds cannot be substantiated.

7.09 Living conditions for future occupiers

Not applicable to this type of development.

7.10 Traffic impact, car/cycle parking, pedestrian safety

The replacement mast and cabinet would not obstruct the public footpath. As such, no objections are raised to this development on highway and pedestrian safety grounds, and the scheme accords with policy AM7 of the saved UDP.

7.11 Urban design, access and security

Not applicable to this type of development.

7.12 Disabled access

Not applicable to this type of development.

7.13 Provision of affordable & special needs housing

Not applicable to this type of development.

7.14 Trees, Landscaping and Ecology

The proposed replacement mast and associated equipment would be located on a public pavement. There are therefore no landscaping issues.

7.15 Sustainable waste management

Not applicable to this type of development.

7.16 Renewable energy / Sustainability

Not applicable to this type of development.

7.17 Flooding or Drainage Issues

Not applicable to this type of development.

7.18 Noise or Air Quality Issues

Not applicable to this type of development.

7.19 Comments on Public Consultations

As regards the comment received, the application does explain the background to the application and that O2 and Vodafone intend to share the mast.

7.20 Planning Obligations

Not applicable to this type of application.

7.21 Expediency of enforcement action

Not applicable to this type of application.

7.22 Other Issues

There are no other relevant planning issues raised by 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

10. CONCLUSION

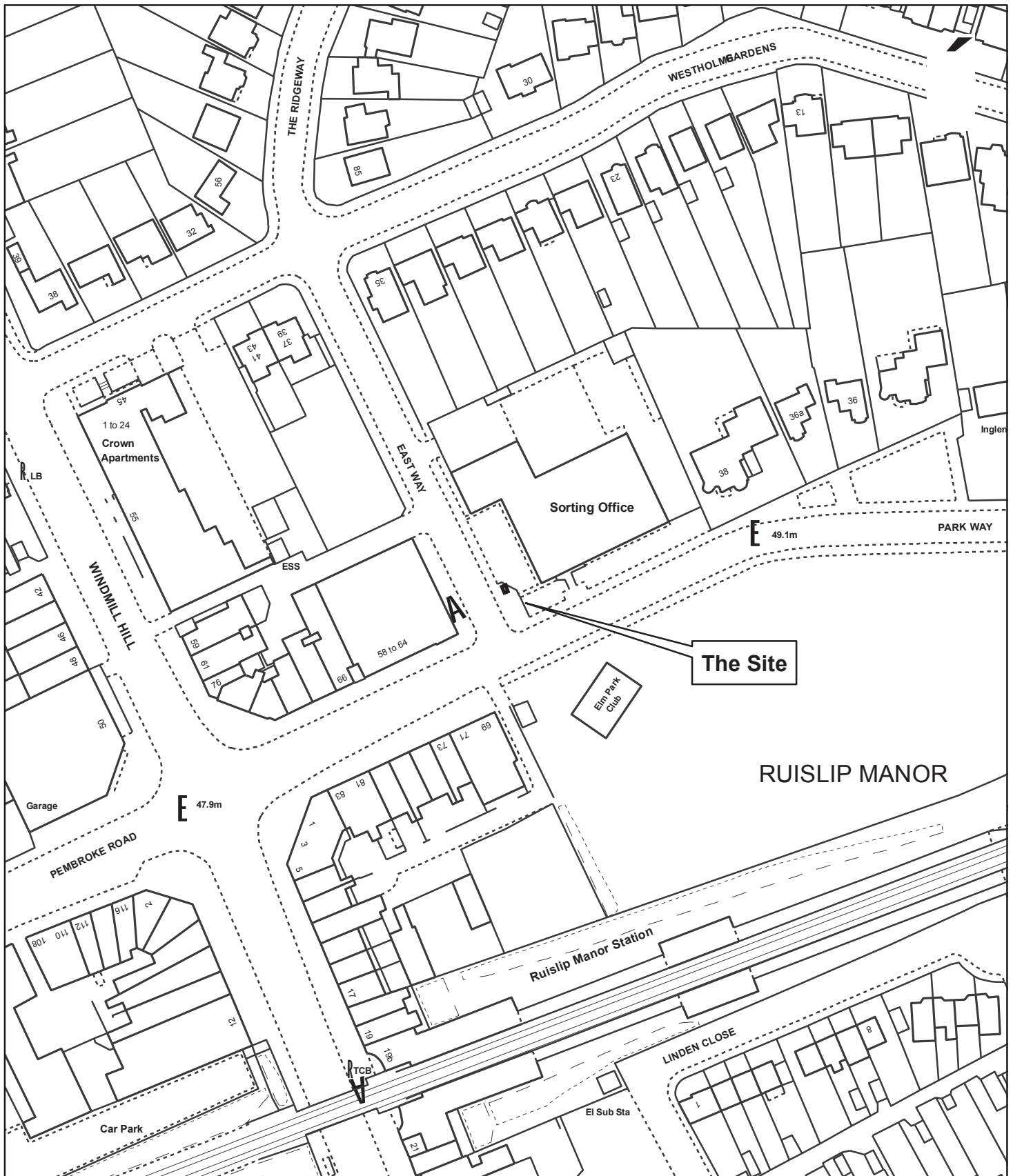
The proposed telecommunications mast would be significantly bulkier than the mast it would replace. It would detract from the street scene, as it would appear as a conspicuous, incongruous element. The mast would not harmonise with the existing street scene and as such is contrary to Policy BE13, BE37 and OE1 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

11. Reference Documents


Hillingdon Unitary Development Plan Saved Policies (September 2007).
PPG 8.

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Notes

 Site boundary
For identification purposes only.

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Site Address	
Land outside Sorting Office junction East Way and Park Way, Ruislip	
Planning Application Ref:	Scale
59076/APP/2011/1406	1:1,250
Planning Committee	Date
North	July 2011

**LONDON BOROUGH
OF HILLINGDON**

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