
HGN007. Long Lane/Weald Road, Long Lane, Hillingdon

Planning Appeal – Telecommunications Site – Application for prior approval for the installation of 20m monopole, 12 antenna apertures, 9 equipment cabinets and development ancillary thereto.

TITLE
Statement of Case

DATE
1 September 2020

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REVISION
1.1

REFERENCE
FL11579

Statement of Case

LB Hillingdon, Appn Ref:
60754/APP/2020/1467

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1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared in support of an appeal against the refusal of Prior Approval by LB Hillingdon of planning application ref.60754/APP/2020/1467. The proposed application was for:

Application for prior notification of proposed development for the installation of 20m monopole, 12 antenna apertures, 9 equipment cabinets and development ancillary thereto.

- 1.2 The application was submitted by MBNL, a joint venture between EE (UK) Limited and H3G (UK) Ltd.

- 1.3 The prior approval was refused by London Borough of Hillingdon under delegated powers on 26th June 2020 for the following reason:

1. *The proposed telecommunications installation, by virtue of the size, design and siting of the proposed monopole and the quantity, 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) and Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: part Two – Development Management Policies (2020).*

Processing of Application for Prior Approval

- 1.4 Prior to the submission of the application the agent, Beacon Comms, formally contacted the planning authority in August 2019 in relation to the proposed development of telecommunications apparatus at the appeal site. The applicants also contacted the three local ward Councillors and the local MP and St Bernadette Catholic Primary School. No responses were received from these consultees. RAF Northolt was also contacted who confirmed they had no objections.

- 1.5 The application for prior approval was submitted 7th May 2020 and validated the same day.

- 1.6 Information submitted with the application provides full details of the proposals as follows:

- Pre con letter (App 1)
- Cover letter (App2)
- Application form (App 3)
- Article 13 Notice (App 4)
- Existing and Proposed Plans (App 5A-5F)
- Supplementary Information in support of the application (App 6)
- Mobile UK “Councils and Connectivity” (App 7)
- ICNIRP Public Exposure Guidelines Certificate (App 8)
- Connected Growth – A Manual for Places; Dept for Digital, Culture, Media & Sport (App 9)
- Mobile UK “5G and Health” (App 10)
- MBNL Statement on 5G and Future Technology (App 11)
- Joint statement from the Dept for Digital, Culture, Media and Sport and Ministry for Housing and Local Government “Collaborating for Digital Connectivity” (App 12)

- Arboricultural Impact Assessment (Appendix 13)
- 1.7 The application was refused Prior Approval under delegated powers on 26th June 2020. Copies of the Delegated Decision Report and Decision Notice are provided as Appendices 14 and 15.
- 1.8 In addition to the above, reflecting the reason for refusal, photomontages have been prepared demonstrating the extent to which the proposed development would be visible from the surrounding area. This is provided at Appendix 16. Also provided with the appeal are the following Government statements and Appeal decisions:
- Statement from Parliamentary Sec of State for Digital & Broadband (DDCMS) “5G – The Next Mobile Generation” (Nov 2019) (App 17)
 - Updated version of “5G and Future Technology Streetworks” which sets out up to date information on the technological requirements of the proposed base station pertinent to design considerations (App 19).
 - Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage (App 18)
 - Appeal decision - Station Road, Barkingside APP/W5780/W/17/3171954 (scope of matters to be considered in Prior Approval appeals) (App 20)
 - Appeal decision – land O/S Tesco, Colney Hatch Lane APP/N5090/W/20/3245093 (App 21)
 - Appeal decision - Courcels, Arundel Street, Brighton APP/Q1445/W/20/3249294 (App 22)

Clarification of Proposed Development

Removal of Existing Equipment

- 1.9 The proposed development is a new mast to support the current network in implementing 5G connectivity as well as increasing connectivity and capacity to much needed areas. The existing mast will be removed when it becomes redundant. As explained in App 6 (e.g. pp 9, 10, 11, 14 and 19) the height and girth of the proposed mast is the minimum capable of providing the technological improvements sought and to ensure it satisfies ICNIRP requirements. The existing monopole is unable to accommodate the equipment or meet these requirements. Due to the presence of underground utilities it is not possible for the proposed base station to be in precisely the same location as the existing one and so, as a result it is proposed to be approximately 11.8m further south but remaining within the existing base station location.
- 1.10 In addition to the fact that the application drawings identify all the equipment that will be removed as part of the proposed development, once any of the existing equipment becomes redundant, it is also a requirement of the GDPO that telecommunications equipment erected as permitted development (such as the existing base station) will be required to be removed when no longer required: GDPO imposes a condition A.2-(2) (a) and (b) that “*any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated.....as soon as reasonably practicable after it is no longer required for electronic communications purposes.....and; such land or building is restored to its condition before the development took place...*”.

Condition for Removal of Existing Equipment

- 1.11 Notwithstanding the above comments and to avoid any potential confusion, the appellants confirm that it is their intention that, once the existing base station becomes redundant, for the -monopole and-cabinets to be removed in their entirety at the earliest opportunity. The proposed monopole will provide the current mobile technology (2 – 4G) for both operators as well as the new 5G technologies which will mean that the existing pole will eventually become redundant-

- 1.12 However, in order to ensure that there is no uncertainty or ambiguity in relation to the removal of the existing monopole, the appellants would accept a condition, should the Inspector consider it necessary, to ensure that the existing monopole and redundant cabinets are removed as follows:-
- Unless otherwise first agreed in writing by the Local Planning Authority, the existing monopole and associated cabinets and equipment shall be removed from the site and the land restored to its previous condition, as soon as reasonably practicable, when they are no longer required for electronic communication purposes.*
- 1.13 The GPDO application has been submitted based upon the need to support the existing network during the Covid-19 pandemic as significant changes have taken place to network requirements over the last few months, as many people are now working from home.

2.0 RESPONSE TO REASON FOR REFUSAL

Grounds for Refusal of Application for Prior Approval

- 2.1 This appeal is against the refusal of Prior Approval for telecommunications development made under Class A of Part 16 of Schedule 2 of the GDPO 2015. The only issues to consider in respect of a Prior Approval application and appeal are siting and appearance. This is confirmed in the approach for a comparable development proposed at Barkingside (paras 3 and 4 of App 20). This also appears to be accepted in the Delegated Report (p11 of App 14) although this has not stopped the Delegated Report and Reason for Refusal making reference to Local Plan policies that address issues significantly wider than siting and appearance. In considering these issues it is also essential that the need and benefits arising from the proposed development are also considered to assess whether these outweigh potential harm caused by the proposed development (see para 4 of App 20).

Need for Proposed Development

- 2.2 The proposed development by MBNL, a joint venture between EE (UK) Limited and H3G (UK) Limited, is part of these companies' programme to upgrade the existing mobile/digital telecommunications equipment to accommodate 5G services. The proposal would provide a new base station to provide these services to upgrade the existing base station located at the appeal site.
- 2.3 Upgrading digital telecommunications is a key Government priority. This is set out in detail in the NPPF (see below) and is also summarised in the DDCMS/MHLG and Minister's statements (Apps 12 and 16), the DDCMS Connected Growth Manual (Appendix 9) and in the Government's response to the recent mobile communications consultation (App 18). The Connected Growth Manual notes that improved digital infrastructure lowers barriers to social and economic participation and boosts productivity and earning power (Appendix 9 p6) and the Minister emphasises that the digital sector is central to the nation's economic future (see, for example, the Secretary of State's Foreword to the Manual, p3). Furthermore, the Government wants the UK to be a world leader in 5G with the majority of the UK population to have access to a 5G signal by 2027 (App 9 p37). Critical to achieving this is the ability of operators to deploy appropriate infrastructure. Additional background information on this is provided in Appendices 11 and 19 and further comment on this is provided in Section 3 below. Comments on the scope of proposed changes to permitted development rights are also set out in Section 3 of this Statement.

Benefits of 5th Generation Wireless Technology

- 2.4 Fifth-generation wireless (5G) is the latest iteration of cellular technology, engineered to greatly increase the speed and responsiveness of wireless networks. 5G will also enable a sharp increase in the amount of data transmitted over wireless systems due to more available bandwidth and advanced antenna technology.
- 2.5 The importance of the current application needs to be seen in the context of the roll-out of 5G across the United Kingdom which is in its initial stages with the London area identified as a priority for the early stages of this investment. It is particularly important that the new technology is well established in these early phases of development to ensure that the benefits of the technology can be fully established and to allow the roll-out to other parts of the UK to progress smoothly in line with the Government's aims and policies. Failure to achieve a comprehensive network coverage in this area will undermine the initial phases of development of 5G since it will result in significant gaps in network coverage which will limit its effectiveness and benefits for users of the new network. This can then undermine the full evaluation of the practical benefits of 5G at this critical stage of its development.
- 2.6 The overriding emphasis in Government's current approach and policies for planning is that permission should be granted unless there are compelling reasons why it should not. If the benefits of the proposed scheme outweigh the identified harm caused by the development, the proposal should be allowed to go ahead. It is the appellant's contention that the benefits of the upgraded installation would significantly outweigh any potential harm caused to the area.

2.7

The upgraded installation will bring next generation technology to this part of Hillingdon and, as noted above, this is one of the earliest phases of 5G development in the UK. The full extent of benefits of 5G technology is still unknown and will, to a significant degree, depend on the ability to provide a comprehensive network coverage. However, the possibilities and potential of the technology seem endless. If allowed, residents and visitors will benefit from:

- **Much faster download/upload speed and latency.** The next generation of mobile internet connection offers much faster data download and upload speeds. Through greater use of the radio spectrum it will allow far more devices to access the mobile internet at the same time. Producing quicker upload and download speeds of up to 10Gbs and decreased latency, which will benefit the public health service, as it would allow doctors to be alerted in real time as soon as any emergency arises. This is highlighted in the current COVID-19 pandemic, during which the need for critical communications has been higher than ever before.
- **Improved home working.** 5G would rival the speed of fibre broadband, allowing even construction workers to operate excavators and cranes from thousands of miles away, doctors to consult with patients and paramedics from afar, and surgeons to even control surgical robots remotely.
- **5G supports the development of the “Internet of Things”.** This encompasses all the ‘smart’ and connected devices we’re starting to see in homes and beyond, from smart light bulbs and thermostats, to connected kettles, security cameras and more, most of which can be controlled by an app on a mobile phone, or by voice when paired with an AI Assistant such as Amazon Alexa. In some cases, they can even be automated, with lights for example turning on when entering a room and turning off when leaving it. They do this in part by communicating with each other, for example, motion sensors at a room entrance could adjust lighting when people enter or leave a room.
- **Smart Cities.** It also supports the development of “Smart Cities” which develops the “Internet of Things” beyond homes and out into the world to make cities smarter. Examples include traffic lights that can adapt automatically based on traffic flow, automatic deployment of road repair vehicles when potholes are detected, smart power distribution (e.g. so that buildings are not being lit when they are empty) and rubbish bins automatically reporting when they require emptying, all leading to cleaner, safer, more efficient cities, and all with minimal human oversight.
- **Cars of the future.** When connected to 5G, the cars would communicate and share data with other vehicles and connected infrastructure, avoiding accidents and traffic as a result, and telling smart cities where traffic is building up, so routes for other vehicles can be adjusted. This will also play a large role in self-driving cars, with its speed and reliability key to them rapidly sending and receiving information about the road and other vehicles.

Comment Regarding the Current Covid-19 Emergency

2.8

The existing covid-19 emergency has heightened the critical importance of having the highest quality mobile telecommunications network. The short-term impact of the emergency has been a substantial increase in home-based working which has been placed enormous demand on local telecommunications networks of which mobile communications form a critical part. It is also generally accepted that, even when the emergency is over, it is likely to have encouraged a significant increase in home-based working, on-line shopping and similar requirements relying on increased telecommunications usage.

2.9

In addition, there is the dependency of the emergency services on mobile networks. The Supplementary Information highlights that EE, one of the two operators who would share the use of the proposed upgraded base station, is the Emergency Services Network Provider and is dedicating its 4G network to that use. This further emphasises the importance of upgrading the capacity of all telecommunications networks within the local area (App 6 p3).

Technical Description and Design of the Proposed Development

Technical Requirements

- 2.10 The drawings submitted with the application show the existing radio base station as a 12.15m Phase monopole utilising 3x sector antennas at the same level with each antenna being shared by EE and H3G. The antenna azimuths are directed 120 degrees apart to give 360 degree total coverage for both operators. In combination these antennas are used for 2G/3G/4G technologies for EE and 3G./4G for H3G. In other words: voice, text, data services share the same antennas for both EE and H3G. The antennas in the current monopole are restricted to the 1800MHz/2100MHz frequency bands which limits the capacity of the sites. Additional 800MHz, 1400MHz, 2600MHz and 3500MHz bands are now available but these bands have different physical antenna requirements; the proposed upgrade will enable usage of these additional bands to increase coverage and capacity and to enable 5G.
- 2.11 The upgraded base station at the appeal site will comprise a 20.0m monopole, with 12x individual sector antennas positioned at 4 levels (3 x 120 degree sector antennas per level). The antennas in the lower two levels provide 2G/3G/4G coverage in the 800MHz, 1400MHz, 1800MHz, 2100MHz and 2600MHz Bands. These antennas provide a mixture of voice, data and text to mobile phone users. The antennas in the upper two levels provide 5G coverage in the 3500MHz band. These antennas provide 5G high speed/ low latency packet data (for applications such as HD videos, Home Broadband and Machine to Machine communications). The 3500MHz band has the poorest radio propagation.

Height and Appearance of Mast and Cabinets

- 2.12 Another factor in the options considered for the development is the height of the proposed mast. This is 20.0m, which is approximately 8.0m higher than the existing pole. The reasons for the choice of design are set out in App 6. The additional height is required to address the needs of the specific technology being installed, to avoid potential interference whilst allowing two operators to use the site, to take into account the topography and structures in the local area, and to ensure compliance with ICNIRP requirements. The design of the monopole structure reflects three key factors. Firstly, it is the minimum height to meet technical requirements, including ICNIRP compliance. Secondly to ensure that potential signal interference is minimised and cell coverage maximised (preventing unnecessary proliferation of mobile infrastructure). Finally, its girth is the minimum necessary to support the antennas and cabling required for the full range of 2G-5G services for two operators.
- 2.13 The use of the location of the existing base station ensures that there are limited direct views of the monopole from the surrounding area. The new mast will be located as close to the existing monopole as is possible, 11.8m south, reflecting the location of underground utilities. This is explained in the Supplementary Information submitted with the application (App 6 p14) There are numerous mature trees close to the appeal site which significantly mitigate views of the base station.
- 2.14 The nearest residential dwellings to the west are located approximately 27.4m from the proposed additional mast. However views of the mast would be obscured by the existing mature trees which are several trees deep. To the east, approximately 33.5m, are also residential dwellings, however direct views of the proposed monopole would be partly obscured by a mature tree sited in front of properties facing towards the site. Other adjacent properties would have views at an oblique angle only. The appellant agrees with the Council's view at para 7.1 of the delegated report that whilst the monopole will be visible, its impact on neighbouring amenity would be limited.
- 2.15 In relation to the proposed new cabinets these are grouped close to the proposed new monopole. All of the cabinets are located within the grass verge on the eastern side of the footpath and would have no impact on the existing footway. There would be a net additional 3 no. new cabinets required for the upgrade of the base station – the details of these are set out in Drawing 215 Max Configuration Site Plan. The linear arrangement of the cabinets and the fact that the area has accommodated a telecommunications base station for a considerable length of time will ensure that the proposed cabinets will not look out of place in this location. The most up to date designs and equipment are to be provided on the site and the associated equipment cabinets are the minimum number capable of supporting the required technologies for two operators.

Alternatives Considered

- 2.16 Before considering the current proposals for a new pole at Long Lane, the applicants considered a number of alternative options, adopting a sequential approach to identify an appropriate location for site sharing. The review of alternatives was set out on p14 of the Supplementary Information (App 6) Further comment on the approach to identifying alternatives is set out here.

- 2.17 In considering alternatives the first option was to consider accommodating the new equipment on the existing monopole, located 11.8m to the north. However, the structure of the existing monopole is not capable of accommodating the required equipment for 2G, 3G, 4G & 5G technologies for two operators. In addition, its height would not be sufficient to avoid interference between the various antennas or to meet ICNIRP requirements.
- 2.18 Other alternatives considered were to use other existing telecoms poles, tall buildings or greenfield sites:
- *Other Existing Masts.* Within the network area (cell) that this development is needed to cover there are no alternative existing masts that could be capable of accommodating the proposed upgrade. It should be recognised that not only would masts of other operators need to be structurally capable of accommodating the proposed two network operators' requirements but they would also have to accommodate those of the existing mast operator. These are referred to as "co-located" sites on p14 of App 6. The following sites were considered but dismissed for reasons outlined below
 - a. *Junction of Long lane and Clifton gardens, B10 OAP* – There is a significant amount of existing infrastructure in this location including a Pelican crossing, speed cameras, telegraph poles and lighting columns. A further pole and cabinets would lead to a clutter of infrastructure.
 - b. *Grass verge west of A437* - Whilst a development here would be less intrusive visually, due to extensive tree cover, any development would risk damage to the tree roots and was therefore not considered to be a viable option.
 - *Tall Buildings.* The area surrounding the appeal site comprises low rise buildings (one-two storeys). To be suitable, existing buildings would generally need to be in excess of 15m in height and would need to have a roof that would be capable of accommodating a stub tower which, in any event, would be likely to be more visually intrusive than a slimline monopole (further comment on design requirements for alternative structures is set out below). There are no such buildings capable of serving the area required for the proposed upgrade.
- Annex A sets out the design requirements for a base station located on the roof of a tall building.
- *Other Sites.* In theory it would be possible to locate the new mast in the surrounding locality on any vacant or agricultural land, or open space. However, any greenfield location would require a much taller lattice mast (approx. 30m high) to ensure the same level of coverage. Such a form of development would have a much greater visual impact on the surrounding area and in any event no suitable areas are available which could provide the area of coverage required in this instance. This option was therefore rejected in favour of the current proposal.
- 2.19 The current proposal is for a new base station. Use of this site as a digital communications base station is long-established having been used as such since 2006 (ref 60754/APP/1574), a prior approval application allowed on appeal (APP/R5510/A/05/1187592). Since that date, mobile operator networks have been under increased pressure to provide up-to-date telecommunications functionality, as mobile phones and mobile broadband use have become increasingly essential to our daily lives. 5G is the next generation of technology to enable increased connectivity with higher data speeds. The growth of digital connectivity over the last decade and the expectations of users have advanced at an unprecedented level. The re-use of an existing base station for the proposed upgrade is an approach that is consistent with the principles of sustainable development and is significantly more attractive, in planning terms, than the development of a new site for the proposed base station.
- 2.20 The development will ensure that an important upgrade to 5G services for mobile communications is achieved. It will, therefore, provide a significant enhancement to telecommunications services in the area. Furthermore, the proposed base station will be shared by two network operators further mitigating visual impacts through avoiding unnecessary proliferation of base stations and telecommunications masts.

- 2.21 The appellants have, therefore, considered potential alternatives but none are suitable for accommodating the proposed upgrade for the required area of coverage. The chosen site is the closest available to serve the area. Its selection has taken into account each of: location of underground utilities; location of potentially sensitive premises; features in the street scene, including street lighting poles; and significant screening and backdrop afforded by existing mature trees adjacent to the proposed base station.

Impact on Character and Appearance of the Local Area

- 2.22 The Reason for Refusal states that *“the proposed telecommunications installation, by virtue of the size, design and siting of the proposed monopole and the quantity, size 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”*. It is considered that this substantially overstate the impact that the proposal will have on the character and openness of local area.

Proposed Mast/Monopole

- 2.23 It is accepted that the proposed mast is higher than the existing monopole and, at its upper levels, would be bulkier than the existing mast. However, the views of the mast would only be from within the area in close vicinity of the base station and in all cases would be mitigated by the presence of existing mature trees and the numerous vertical features along the principal roads in the area, as demonstrated within the photomontages at appendix 16.
- 2.24 The assessment of the appeal proposal is limited to consideration of the siting and appearance of the proposal and not to wider considerations. The proposal would be located on a busy wide ‘A’ road with three lanes of traffic immediately adjacent to the site, a central reservation accommodating a mature tree and a further carriageway beyond. The western side of the road where the monopole is proposed has extensive tall, mature trees lining the highway. These mature trees will minimise the visual appearance of the monopole within the street scene, by providing a backdrop and context for the proposal. It would be located immediately adjacent to a lamp post and there are also other vertical features within the immediate and extended street scene, including further lighting columns and telegraph poles. The slim nature of the proposed monopole would therefore be viewed within this context.
- 2.25 Two recent appeal decisions are relevant to this case, which concern directly comparable 5G monopole proposals (both similar design at 20m height with apertures at the same height) in different locations. In both situations the Inspectors concluded that the proposals would not result in visual harm. In the Arundel Street, Brighton appeal (appeal ref APP/Q1445/W/20/3249294 - App 22) the Inspector found that, although the new monopole would be higher than the existing monopole and more visible, it would not appear obtrusive or unduly prominent. The inspector noted *‘The single monopole design, with vertically arrayed antennas would maintain a slim profile, such that it would not draw the eye or advertise its presence unduly’*. In another recent appeal decision under ref APP/N5090/W/20/3245093 (App 21) for a similar proposal on Colney Hatch Lane, London, the Inspector concluded that the fact that the development would be visible is not in itself an indication of harm (App 21 para 8). Reference was made to the slim profile of the mast and nearby trees partially restricting views, as would be the case in this instance. The Inspector confirmed that while the increase in scale would result in some visual impact, it would sit acceptably in the street scene and would not be an incongruous or visually intrusive feature. The appellant contends that the current proposal would, similarly, not cause undue harm to the locality.
- 2.26 In conclusion, it is submitted that, although the new mast would be seen from a limited area immediately local to the appeal site, these views are seen in the context of large mature trees, and extensive vertical features along the existing road. As a result, the siting and appearance of the proposal would not be unacceptable in this location.

Cabinets

- 2.27 The location of the proposed cabinets is shown in the General Arrangement drawings (App 5). The proposed development results 3 no. additional cabinets. All new cabinets would be of the same height or lower than the existing cabinets. It is considered that these cabinets will not have an unacceptable visual impact on the appearance of the local area and will not have any impact on the appearance of the street scene.

- 2.28 In summary, taking all these factors together, it is considered that the proposal would not be visually harmful nor have a significant detrimental impact on the character or appearance of the local area.

Other Issues

Impact on Dwellings

- 2.29 The only consideration relevant to the impact on nearby dwellings is the visual impact of the proposal arising from its appearance and siting. The nearest residential dwellings to the west are located approximately 27.4m from the proposed additional mast. Views towards the mast are however limited/non-existent due to the extensive belt of intervening trees. Only two dwellings to the east of the site, approximately 33.5m away, have direct views towards the proposed monopole. However the intervening tree within the central reservation provides some screening, thereby limiting its potential visual impact. Other adjacent properties will have views at an oblique angle only.
- 2.30 The appellant agrees with the Council that the proposal would not affect residential amenity or privacy and would not be visually intrusive.

Impact on Health

- 2.31 This is not a relevant matter for an appeal against refusal of Prior Approval. The ICNIRP certificate confirms that the proposal will not affect health.

Impact on Trees

- 2.32 An arboricultural report was submitted with the application (Appendix 13), given there are two prominent oak trees within wide verge to the west of the footpath. Protection measures have been specified and a working method statement to safeguard the trees, which include hand digging the foundations, protective fencing and ground protections measures. The Council raise no objection subject to the method statement being adhered to and the appellant would be happy to accept a condition to this effect.

Impact on Heritage

- 2.33 The proposed development is remote from existing listed buildings and Conservation Areas and it will not therefore have any impact on the setting of any heritage assets.

Summary

- 2.34 The proposed development provides an important upgrade to telecommunications infrastructure in this part of Hillingdon by improving both mobile telecommunications service capacity and enabling 5G networks in this area. This is part of the first large scale testbed for 5G networks within the UK. This will support economic development and improve access for all sections of the community to a wide range of services and information. Upgrading ICT networks is a key national and local government objective.
- 2.35 The current appeal is for a new monopole on an established telecoms base station. The design of the proposal is the minimum to support the proposed technologies and full consideration has been given to the re-use of the existing base station and alternative options. The proposal will not unduly affect the local area including the Green Belt, the Lee Valley nor local residents by virtue of its siting or appearance.

3.0 REVIEW OF PLANNING POLICIES

- 3.1 The reason for refusal identifies that the proposal would be contrary to the following policies:
- Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012)
 - Policies DMHB11, DMHB12 and DMHB21 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020)
- 3.2 In addition, other policies relevant to the proposed development, including all those identified in the Delegated Report, are:
- National Planning Policy Framework
 - Policies 4.11, 7.4, 7.5, 7.6, 7.9 and 7.21 of the London Plan;
 - Policies D1, D2, GG1, E8, and SI6 of the emerging London Plan
- 3.3 As an application for Prior Approval the only matters relevant to this appeal concern the appearance and siting of the proposed telecommunications base station. The following review only considers those aspects of the policies that relate to these matters of concern.

National Planning Policy Framework 2019

Policy requirements: Telecommunications and Economic Development

- 3.4 The NPPF 2019 places a high importance on the need to upgrade England's digital communication network and the promotion of economic growth. Key policy references are identified in the planning application Supplementary Information (App 6 pp12-13). In summary:
- Para 112 emphasises that *"high quality and reliable communications infrastructure is essential for economic growth and social well-being" and that "planning policies and decisions should support the expansion of electronic communications networks"*.
 - Para 113 advises that the re-use of existing masts and buildings should be encouraged and equipment should be well designed/camouflaged where possible.
- 3.5 The current proposal is for an important investment in upgrading the local communications infrastructure. Full consideration has been given to alternatives, including existing masts, and the proposal is considered to provide the best option in terms of meeting the technical requirements in a location resulting in limited local impacts.
- 3.6 Improving the communications infrastructure is critical to supporting sustainable economic growth. Para 80 of the NPPF notes that significant weight should be placed on the need to support economic growth and productivity. Para 82 states that planning decisions *"should address and recognise the locational requirements of different sectors"* which will include the needs of the locational requirements of digital communications infrastructure.
- 3.7 **Conclusion:** the proposed development is strongly supported by the NPPF which identifies that weight should be attached to this type of investment. The proposal fully satisfies the NPPF's requirements to consider alternative locations for communications infrastructure including existing masts.

Policy requirements: Design and Related Matters

- 3.8 The NPPF places weight on the importance of good design. Key factors to be taken into account in planning decisions are set out in para 127 and include the need for developments to: function well; add to overall quality of the area; be sympathetic to character; establish/maintain a sense of

place; optimise the potential of the site to accommodate and sustain an appropriate mix of development; and create places that are safe, inclusive and accessible.

3.9 Given the focus of this appeal on siting and appearance the following should be noted:

- The proposal maximises the potential of the site – it is established telecommunications site. Re-use of an existing site and maximising its potential, with the development shared by two otherwise competing network operators, represents a sustainable approach to development which avoids the proliferation of base stations in the local area.
- It is well located on a major transport thoroughfare and forms parts of the key infrastructure for the local area along this corridor.
- The proposal is well related to existing mature trees and is sited to take advantage of strong existing vertical elements in the street-scene.

3.10 **Conclusion:** the proposed development is strongly supported by and supports the principles set out in the NPPF.

The London Plan 2016

Economy

3.11 **Policy 4.10 New & Emerging Economic Sectors** of the London Plan identifies measures that should be undertaken to promote new and emerging economic sectors including the evolution of London's science, technology, media and telecommunications sectors. Critical to the promotion of these sectors, and other research and development, is the provision of the highest quality digital communications network. The current proposal invests in this network to serve this part of the LB Hillingdon.

3.12 **Policy 4.11 Encouraging a Connected Economy** states that all strategic agencies should facilitate the provision and delivery of ICT infrastructure (Policy 4.11 A a) and to support the use of information and communications technology to enable easy and rapid access to information and services (Policy 4.11 A b). It has been demonstrated that the appeal proposal is well-designed and supports this policy.

Living Spaces and Places

3.13 **Policy 7.4 Local Character** states that design should have regard to the form, function and structure of an area, place or street (Policy 7.4A). Regarding planning decisions, it states that the design response should have regard to the pattern and grain of spaces and streets and other factors (Policy 7.4B).

3.14 It has been noted that the proposal respects and takes into account the existing structures, nearby residential properties and, more generally, the character of the area. The proposal is in a location which is partly screened by existing mature trees as well as being in a location with significant vertical elements comprising lighting columns, existing trees, and signs as well as other significant street furniture including the existing base station which has been established in this location since 2006. It is noted that the reason for refusal does not identify that the proposal conflicts with this policy.

3.15 **Policy 7.5 Public Realm.** This policy identifies that the public realm should be accessible, connected and incorporate the highest quality design (among other factors). It is noted that the reason for refusal does not identify the proposal as being contrary to this policy. The limited visual impact of the proposed development is seen in the photomontages provided in Appendix 16. The location of the proposal within the central verge ensures that the proposal does not affect pedestrian accessibility. It is noted that the reason for refusal does not identify that the proposal conflicts with this policy.

3.16 **Policy 7.6 Architecture.** This policy identifies that architecture should make a positive contribution to the streetscape with design appropriate to its context (Policy 7.6A). Part B notes that structures should be of a proportion, composition, scale and orientation (Policy 7.6Bb) that enhances/activates/defines the public realm and not cause unacceptable harm to the amenity of

surrounding land and buildings (Policy 7.6Bd). The form of the mast and its associated equipment is dictated by the function which it performs, introducing 5G technologies to the area. It is the minimum height and girth capable of introducing the required technologies, whilst also satisfying ICNIRP standards. The proposal has been specifically designed for the site in question and the most up to date designs available have been employed. The appellant has demonstrated that, in the context of the need to meet the technical requirements which would allow an upgrade to the existing ICT infrastructure, the proposal fully meets the requirements of this policy. It is noted that the reason for refusal does not identify that the proposal conflicts with this policy.

- 3.17 **Policy 7.8 Heritage and Archaeology.** This policy is concerned with identifying, valuing, conserving, restoring, re-using and incorporating heritage assets where appropriate. The appeal site is remote from listed buildings and conservation areas. The proposal does not affect any of these heritage assets and it is noted that the reason for refusal does not identify that the proposal conflicts with this policy. Furthermore, impact on heritage assets is not one of the matters that an application for Prior Approval should be determined on.
- 3.18 **Policy 7.9 Heritage-led Regeneration.** The policy is concerned with regeneration schemes making use of heritage assets. It is not evident why this policy is referred to in the Delegated Report when the more relevant policy is 7.8 described above. Furthermore, the Delegated Report refers to Policy 7.9 as “Green Belt” which is incorrect. It is noted that the reason for refusal does not identify that the proposal conflicts with this policy.
- 3.19 **Policy 7.21 Trees and Woodlands.** This policy is concerned with the protection of existing trees and woodlands with, where appropriate, the planting of additional trees. There has been no concern expressed by the LPA regarding potential impacts on trees subject to adhering to the tree protection methods within the arboricultural report. It is noted that the reason for refusal does not identify that the proposal conflicts with this policy.

Emerging London Plan

- 3.20 The Intend to Publish version of the London Plan was submitted to the Secretary of State in December 2019. It carries significant weight as a material consideration in the determination of planning applications.
- 3.21 **Policy GG1 Building Strong and Inclusive Communities:** This policy provides a broad context for more detailed policies in the Plan. It sets out wide ranging requirements for new development included in which is criterion D which states that development should seek to ensure that London generates a wide range of economic and other opportunities which benefit everyone to make London a fairer, more inclusive and more equal city. Improving the telecommunications network has a key role to play in meeting this challenge in that it will support fair access for all to new economic, social, community and other facilities. Linked to this are criteria H and I which promote the aims of ensuring that all members of the City’s community can enjoy the opportunities that the city provides and share in its prosperity and culture by minimising barriers and inequalities. Again, improving the mobile telecommunications network will support the aims of these criteria.
- 3.22 **Policy E8 Sector Growth Opportunities and Clusters:** This policy promotes support for employment opportunities to be provided across a diverse range of sectors and that London’s leadership in “tech” should be maximised. Although the focus of the policy is on the provision of space and locations for development it is clear that improving the mobile communications network, including the provision of 5G, is an important requirement to support the objectives and achievement of this Policy.
- 3.23 **Policy SI6 Digital Connectivity Infrastructure:** Part B of this policy states that “*Development Plans should support the delivery of full-fibre or equivalent digital infrastructure, with particular focus on areas with gaps in connectivity and barriers to digital access*”. Furthermore, the supporting text for the policy states:

9.6.1 The provision of digital infrastructure is as important for the proper functioning of development as energy, water and waste management services and should be treated with the same importance. London should be a world-leading tech hub with world-class digital connectivity that can anticipate growing capacity needs and serve hard to reach areas. Fast, reliable digital connectivity is essential in today’s economy and especially for digital technology and creative companies. It supports every aspect of how people work and take part in modern society, helps smart innovation and facilitates regeneration.

- 3.24 It is clear from this that upgrading digital networks to 5G is a critical component of addressing the city's needs for improving digital connectivity. The current application is a key element of this to serve this part of Hillingdon.

Hillingdon Local Plan – Part One – Strategic Policies

Policy BE1 – Built Environment

- 3.25 This policy identifies a range of design requirements to be met by the development. Those relevant to the development proposal are:
1. Achieve a **high quality of design that enhances local distinctiveness, contributes to community cohesion and sense of place.** *Response:* It has been shown that the proposal, through its design and siting, on the site of a long-established existing base station and proximity to mature trees, achieves a high quality of design that fully respects the characteristics of its location.
 2. Be designed to be **appropriate to identity and context of Hillingdon's buildings, townscapes, landscapes and views and too protect local amenity.** *Response:* It has been demonstrated that the proposed base station, through its siting on an established telecommunications site, fully respects the context of the local area. The photomontages demonstrate that the proposal will not have an undue adverse impact on local views and will not affect the amenity of residents, pedestrians or other users.
 7. Improve **the quality of the public realm.** *Response:* By upgrading a long-established existing base station the proposal will have a neutral impact on the existing public space on this part of Long Lane. Although the proposed monopole is taller and the number of cabinets increased, the location of these close to mature trees will minimise visual impacts while at the same time, securing a significant enhancement of digital mobile connectivity.

Hillingdon Local Plan – Part Two - Development Management Policies 2020

Policy DMHB 11 – Design for Development

- 3.26 Part A of this policy this policy sets out in detail design requirements for all development which it identifies should be of the highest standard. The policy includes a range of issues to be addressed including: harmonising with the local context; use of high-quality finishes and materials; maximising sustainability; protecting features of positive value within and adjacent to the site; and use of landscaping and tree planting.
- 3.27 *Response:* it has been demonstrated that the proposed base station achieves a high-quality design taking into account the specific technical requirements for the proposal. The proposed monopole is the minimum height and girth capable of providing the required technologies for two operators; it allows the sharing of facilities by two, otherwise competing, service providers (thereby avoiding proliferation of base stations); it upgrades a long-established base station site; it is located close to mature trees which mitigate the visual impact of the proposal. The photomontages demonstrate that visual impacts are limited.
- 3.28 Part B notes that developments should not affect amenity, biodiversity and green infrastructure. *Response:* The potential impact the proposal would have on trees is discussed earlier in this statement. By the imposition of suitably worded conditions the existing trees can be protected during construction.
- 3.29 Parts C and D are not relevant to this proposal
- 3.30 In response to the matters raised in this policy the following should be noted:
- The proposal is for the upgrade of an existing, long-established, base station.

- The proposal avoids the proliferation of new base stations both through the sharing of facilities by two network operators and also by combining 5G with existing 2G, 3G and 4G services from a single base station.
- The siting of the base station is well located in relation to existing mature trees, which mitigate the visual impact of the proposal.
- There are extensive existing vertical elements within the street scene/surrounding area including numerous lighting columns, street signage and tall trees (including adjacent Poplars).
- Full consideration has been given to potential alternative locations but no suitable alternative sites have been identified that would be able to address network requirements.
- The proposal makes full use of existing cabinets insofar as this is possible and cabinets are grouped to ensure they do not affect pedestrian accessibility and have limited visual impact.
- The attached photomontages demonstrate the limited visual impact of the development proposal.

3.31 **Conclusion.** It is therefore considered that, insofar this policy concerns the appearance and siting of the development proposal, that the proposal is supported by Policy CS15.

Policy DMHB12: Streets and Public Realm

3.32 This policy sets out a range of factors to be considered in terms of streets and public realm. It has been demonstrated that the proposal will not affect the visual quality of the surrounding area and does not have an impact on the public realm.

3.33 Any limited adverse impacts on appearance arising from the siting of the upgraded base station is outweighed by the significant benefits to the community that would arise from the proposed development.

3.34 **Conclusion.** The proposed development does not conflict with the aims and requirements of Policy DMHB12.

Policy DMHB21: Telecommunications

3.35 This policy sets out the specific requirements for telecommunications development:

- i) Minimise visual impact. *Response:* It has been demonstrated that the proposal minimises visual impact, as far as it is able to and that there is no significant detrimental impact arising. This reflects the location of the site close to mature trees, the character of the surrounding area, numerous existing vertical elements in the street scene, existing street furniture and the fact that the proposal represents the upgrade of a long-established telecommunications base station.
- ii) Not have a **detrimental impact on visual amenity, character or appearance of the building or local area.** *Response:* the proposal has a very limited impact on residential amenity, a fact which is accepted within the officer's delegated report. The nearby trees provide screening for many of the nearby properties and most properties will have views at an oblique angle only. Furthermore, the proposal is sited on a wide 'A' road which also helps to mitigate any potential impact. Impact on the character of the local area has been addressed in i).
- iii) Demonstrated that **there is no possibility for use of alternative sites, mast sharing and use of existing buildings.** *Response:* It has been demonstrated that there are no suitable alternatives in terms of existing masts or use of tall buildings and the current proposal upgrades an existing base station site and is shared by two operators.

- iv) There is **no impact on natural history and heritage interests**. *Response:* It has been demonstrated that the proposed development is not anticipated to have an adverse impact on nearby trees but, regardless of this, the appellant would accept conditions that would give effect to the recommendations set out in the Arboriculture Report, if so required. As demonstrated earlier in this statement the proposed development would not have an impact on the setting of the nearby conservation area.
- v) It **includes the appropriate ICNIRP certification**. *Response:* ICNIRP certification has been provided
- 3.36 Both Section 2 of this Appeal Statement and the Supplementary Information submitted with the planning application (App 6) have set out in detail the minimum operational/functional design requirements of the proposed upgraded base station based, the sharing of facilities by two network operators and the fact that the proposal will enable the provision of the full range of 2G to 5G services. These requirements are fundamental to the design of the base station – any compromise on these would render the base station inoperable. The sharing of the full range of services by two operators avoids the proliferation of base stations which will have greater visual impacts than the current proposal.
- 3.37 The limited visual impact of the proposed base station is demonstrated in the photomontages provided in Appendix 16. In conclusion it is considered that the proposal satisfies the requirements of this policy.
- 3.38 In terms of the proposed colour for the base station monopole and cabinets the appellants had assumed that this would match existing (grey). However, if the Inspector considers it appropriate and necessary the appellants confirm that they would agree to the inclusion of a pre-commencement condition that the colour of the proposed base station should be agreed with the local planning authority prior to the commencement of development.

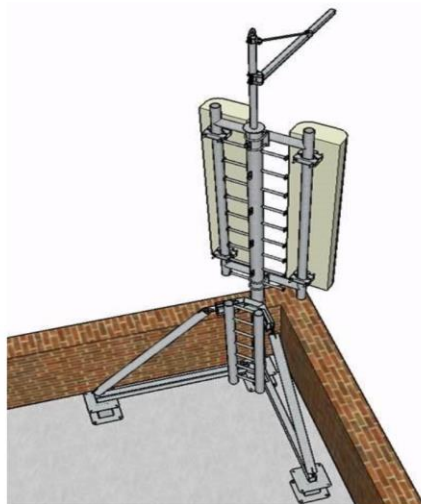
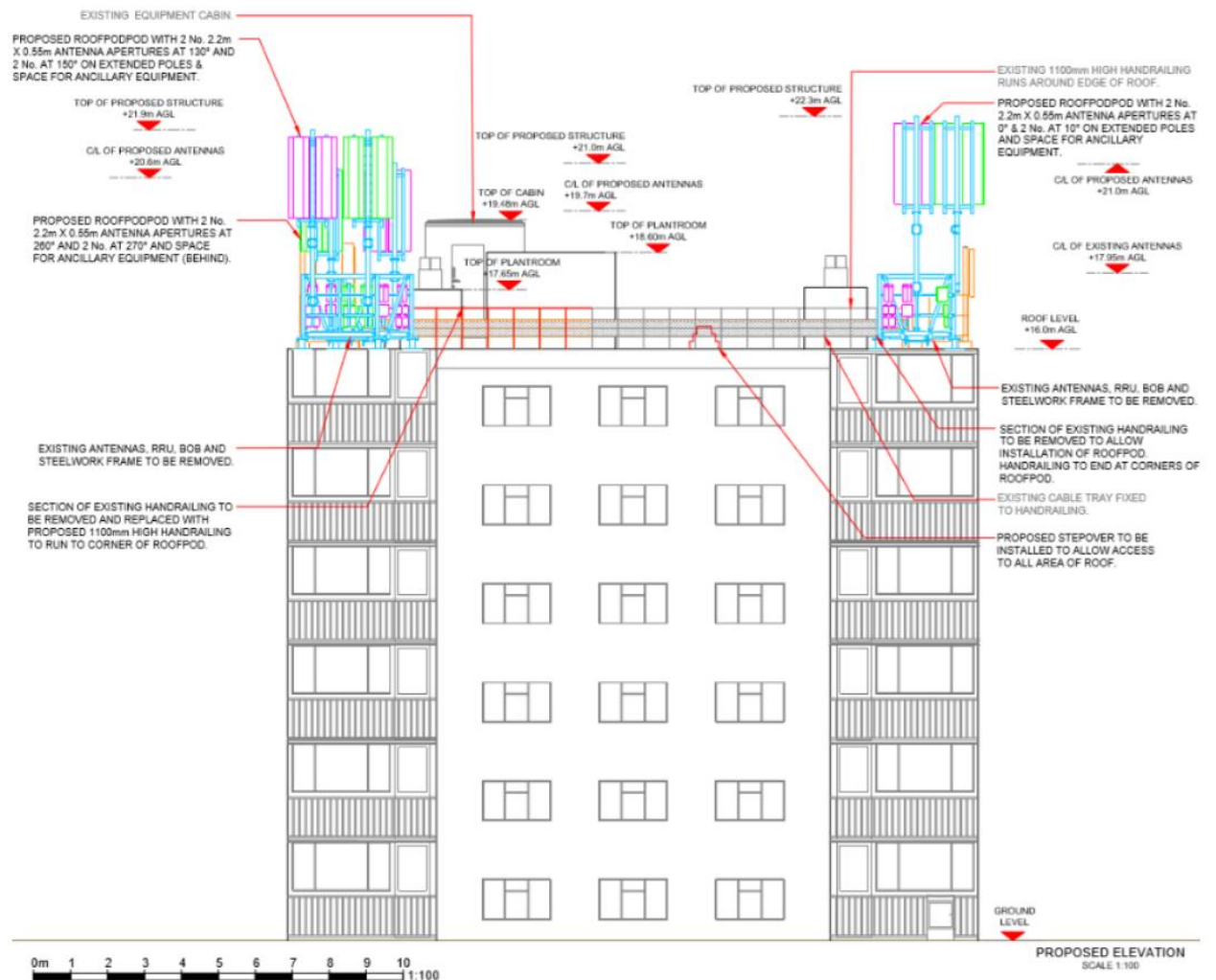
Summary and Conclusions

- 3.39 This section has reviewed the provisions of the development plan and material considerations relevant to the proposed development for upgrading the telecommunications base station at the appeal site. It has considered, in some detail, the policies identified in the reason for refusal in the decision notice. The conclusion from this is that the proposal does *not* conflict with the aims, objectives or policies of the development plan and that there are important material considerations arising from the benefits in investing in the digital infrastructure of this part of Hillingdon that would support the upholding of this appeal. In particular it has been demonstrated that:
- As an appeal against refusal of Prior Approval the determining issues are restricted to the appearance and siting of the proposed development.
 - Visual impacts of the development on the surrounding urban area are limited and local to the site. The proposal is mitigated by its location with adjacent mature trees which substantially reduce the visual impact of the proposal.
 - The proposal will not have any impacts on other aspects of the natural or historic environment.
 - The proposal will not affect the amenity of nearby residential properties.
 - The proposal will have very significant communication and economic benefits for the local area and as part of the 5G network within this part of the Borough. The very high importance of this is emphasised in numerous Government policy statements.
 - The current covid-19 emergency has highlighted the particular importance of having the best available digital communications infrastructure, of which, mobile 5G networks are an essential component.

4.0 CONCLUSION

- 4.1 This appeal concerns the refusal of prior approval by LB Hillingdon, digital for the upgrading of a telecommunications base station comprising 20m mast and associated equipment at Long lane/Weald Road, Hillingdon. This Statement has shown that:
- The proposal provides an important upgrade to the digital telecommunications in this part of LB Hillingdon providing for additional coverage and capacity, including the incorporation of 5G technology.
 - The proposal would be shared by two, otherwise competing, network operators and would provide the full range of 2G to 5G network services.
 - Upgrading existing ICT infrastructure, including provision of 5G technology, is a key Government aim which will support enhanced economic growth and social inclusion and well-being. The importance of this has been highlighted through the current COVID-19 emergency and the Government is committed to amending the GPDO which would render the proposal, which is the subject of this appeal, permitted development.
 - The appellants have considered a range of alternatives for the location of the upgrade including the re-use of the existing telecommunications mast, use of other existing masts and location on existing tall buildings. None of these alternatives have proved feasible for the proposed upgrade.
 - The siting of the proposed base station has taken into account the relationship to nearby residential properties, the presence of existing vertical structures along the roadway, the busy nature of the 'A' road on which the proposal is sited, the established nature of the existing base station and the screening afforded by mature trees in this location.
 - The appearance and siting of the proposal will not unduly affect the Green Belt, the Lee Valley or local urban areas nor will it affect local amenity.
- 4.2 The proposal strongly supports and is supported by the NPPF, Government policy and the development plan to upgrade existing ICT infrastructure and promote 5G telecommunications. Furthermore, it has been demonstrated that the proposal does not conflict with the provisions of policies within the development plan and other material considerations.
- 4.3 It is, therefore, respectfully submitted that this appeal should be upheld and Prior Approval granted for the proposed development.

Annex A: Structure Required for Roof Top Base Station



Note typical location of antennas at roof edge