
HGN032. Hume Way, Ruislip, HA4 8DY

Planning Appeal – The installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 13.7m monopole, 3 no. antennas, redundant equipment cabinets and development ancillary thereto.

TITLE
Statement of Case

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Statement of Case

London Borough of Hillingdon,
Appn Ref: 54873/APP/2020/721

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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 planning permission by the London Borough of Hillingdon of planning application 54873/APP/2020/721. The proposed development is for:

The installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets, the removal of the existing 13.7m monopole, 3 no. antennas, redundant 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 planning application was refused by the North Planning Committee of The London Borough of Hillingdon on 19th June 2020 for the following reason:

1. *The proposed installation of the telecommunications monopole, combined with apertures and 8 different equipment cabinets, would increase street clutter along this section of Hume Way resulting in harm that character and appearance of the immediate street scene contrary to Policy BE1 of the Hillingdon Local Plan: Part One and Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two- Development Management Policies (2020) and Chapter 10 of the National Planning Policy Framework (March 2012).*

Processing of Planning Application

- 1.4 Prior to the submission of the application the agent, Beacon Comms, formally contacted the planning authority on 31st January 2020 setting out the proposed upgrade to the existing telecommunications equipment located at the appeal site. This letter is provided as Appendix 1. The applicants also contacted the Local MP, three local ward Councillors as well as Bishops Ramsey CE School. No responses were received to the pre-application consultations from any of the parties consulted.

- 1.5 The planning application was submitted 28th February 2020 and validated on the 15th April 2020.

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

- Cover letter (App 2)
- Application form and Article 13 Notice (App 3) and Highways Notice (App 9)
- Existing and Proposed Plans (Rev B) submitted originally (App 4a)
- Existing and Proposed Plans (Rev C) and email correspondence (Amended drawings leading to validation) (App 4b)
- Supplementary Information in support of the application (App 5)
- MBNL Statement on 5G and Future Technology Statement (App 6)
- UK Councils and Connectivity (App 7)
- ICNIRP Public Exposure Guidelines Certificate (App 8)
- Connected Growth Manual (App 10)
- DDCMS MHCLG Collaborating for Digital Connectivity (App 11)
- Mobile UK, 5G and Health (App 12)

- 1.7 Following the decision notice being issued by the Local Planning Authority, further information has been provided as part of this appeal:

- Photomontages of the proposed development (App 17)

- 1.8 During the course of the validation process, further information was requested regarding the siting and location of the proposal. Amended plans were submitted (Rev C) (App 4b) following email correspondence with the case officer (App 4b). The decision is based on this set of plans and the following statement is therefore based upon these Rev C plans. An amended ICNIRP certificate is provided at Appendix 16 to reflect the Rev C amended plans.
- 1.9 The Committee Report notes that notification letters were sent to 108 individual properties in close proximity to the site. A total of 8 objection letters were received at the time of the decision notice being issued by the Council.
- 1.10 The application was refused planning permission by the North planning committee on 19th June 2020. A copy of the Committee Decision Report and Decision Notice are provided as Appendices 14 and 15.
- 1.11 Enclosed with this appeal is also a copy of the report “5G The Next Mobile Generation” produced by DDCMS and MHCLG which is provided at App 13.
- 1.12 A further document has recently been issued by MHCLG and DDCMS entitled Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage, included at Appendix 18. Two further appeal decisions are of relevance to. The first relates to land opposite Courcels, Arundel Street, Brighton, appeal ref APP/Q/1445/W/20/324294 (Appendix 19) and the second to land to O/S Tesco, Colney Hatch Lane, APP/N5090/W/20/3245093 (Appendix 20).
- 1.13 An updated version of MBNL statement on 5G and Future Technology is provided at Appendix 21 and a plan of the underground utilities is provided at Appendix 22.

Clarification of Proposed Development

Removal of Existing Equipment

- 1.14 The proposed development is to replace the existing base station at the appeal site. As explained in App 5 (e.g. pp 5, 12 and 13) the height and girth of the proposed mast is the minimum capable of providing the technological improvements sought and to ensure satisfying ICNIRP requirements. The existing monopole is unable to accommodate the equipment or meet these requirements. The existing equipment will, therefore, be removed when no longer required. Drawing 215 Max Configuration Site Plan Sheet 1 Rev C (App4c) identifies that five of the existing cabinets and the monopole will be removed as part of the redevelopment of the base station. Due to the presence of underground utilities it is not possible for the replacement base station to be in precisely the same location as the existing one and so, as a result, it is proposed to be relocated approximately 85.5m northwest.
- 1.15 In addition to the fact that the application drawings identify a number of redundant equipment that will be removed as part of the proposed development, 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...*”. This would therefore apply to the existing monopole and redundant cabinets. Plan 215 Proposed Max Configuration Site Plan (App 23) shows the total removal of all equipment from the existing site.

Condition for Removal of Existing Equipment

- 1.16 Notwithstanding the above comments and to avoid any potential confusion, the appellants confirm that it is their intention that, once the proposed new base station is fully operational, the existing monopole and cabinets will be removed in their entirety at the earliest opportunity, once they become redundant. 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 no longer be required and will be made redundant.

1.17

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 this existing monopole is removed. The following is a standard condition that has been applied by other LPAs to similar proposals that address this issue:

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.

2.0 RESPONSE TO REASON FOR REFUSAL

Need for Proposed Development

- 2.1 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 as a replacement to the existing base station located at Hume Way, Ruislip, Hillingdon.
- 2.2 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 joint DDCMS and MHLG statement (Appendix 11) and also in the DDCMS Connected Growth Manual (Appendix 10). The latter document notes that improved digital infrastructure lowers barriers to social and economic participation and boosts productivity and earning power (Appendix 10 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 having access to a 5G signal by 2027 (App 10 p37). Critical to achieving this is the ability of operators to deploy appropriate infrastructure. Additional background information on this is provided in Appendices 7 and 11 and further comment on this is provided in Section 3 below.

Benefits of 5th Generation Wireless Technology

- 2.3 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.
- 2.4 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 and London has been identified as the large scale testbed within the UK (see App 5 page 3). It is particularly important that the new technology is well established in these first 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.
- 2.5 The overriding emphasis in the 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, despite the increase in height in an established open area, would outweigh the harm caused to the area. Further comment on the relationship to the existing setting is provided below.
- 2.6 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 10Gps 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.

Technical Description and Design of the Proposed Development

Technical Requirements

- 2.7 The drawings submitted with the application show the existing radio base station is a 13.7 m monopole with the proposed monopole being 20m in height. The proposed phase monopole utilises 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 addition, two antenna dishes are mounted below the sector antennas. These are essential and provide for long distance communication between adjoining base stations, the link relying on direct line of sight between paired dishes. 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.
- 2.8 The upgraded base station at the appeal site will comprise a 20m 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. In addition, the two dish antennas from the existing monopole are relocated onto the lattice tower together with the necessary ancillary equipment.

Height and Appearance of Mast and Cabinets

- 2.9 Another factor in the options considered for the development is the height of the proposed mast. This is 20m, which is 6.3m higher than the existing pole. The reasons for the choice of design are set out in App 5. 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 two 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).

- 2.10 The use of the location in close proximity to the established base station ensures that there are limited direct views of the monopole from the surrounding area. The new monopole will be located close to the existing base station compound (85.5m to north west of the existing monopole) and views from the north and south are largely obscured and shielded by a line of mature trees.
- 2.11 The site is adjacent but a reasonable distance from existing housing (approximately 18m to the north east) 8 objections were received from neighbours, as outlined in the Committee Report, however impact on amenity was not identified as a reason for refusal (App 15). Notwithstanding comments within the planning officer's report at paragraph 7.08, the applicant contends that none of the nearby properties will have direct views towards the site. Any views from No. 2 Hale End Close towards the site will be from one window at first floor level and at an oblique angle only and would therefore not have a significant impact on the outlook therefrom.
- 2.12 In relation to the proposed new cabinets, these are all lower in height than the existing trees and street furniture and would not have any adverse visual impact on the surrounding area. The proposed cabinets would be viewed against the back-drop of the vegetation and fencing beyond which would serve to soften their impact on the setting. Eight new cabinets are required for the upgrade but five existing cabinets would be removed from the existing site– the details of these are set out in Drawing 215 Max Configuration Site Plan Rev C. 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

- 2.13 Before considering the current proposals for the replacement of the existing base station, the appellants considered a number of alternative options, adopting a sequential approach to identify an appropriate location for site sharing. Minimal reference is made to this in the Supplementary Information (see App 5 p10) because there are no practical alternatives to re-using the existing base station. Therefore, further comment on the alternatives reviewed is considered here.
- 2.14 In considering alternatives the first option was to consider accommodating the new equipment on the existing monopole at the base station. 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 or to meet ICNIRP requirements. Further, the presence of underground utilities (App 22) restricted the room available for the proposed base station and its associated cabinets meaning they would not be able to fit in the exact same location. This prevents the safe deployment of a base station in the exact same location, along Hume Way and accordingly, a site was chosen as close as possible to the existing site, which also avoided direct views of the mast from the surrounding residential properties.
- 2.15 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 would be capable of accommodating the proposed upgrade.
 - *Tall Buildings.* The area surrounding the appeal site is primarily residential in character, although there is a large fitness centre to the south east of the proposed site, attracting visitors to the area. The site is also located close to the junction with the B446, a major transport thoroughfare through the area. There are no buildings in close proximity with structural capacity or tall enough to accommodate a mast capable of accommodating 2G-5G antennas and satisfying minimum ICNIRP standards. However, the presence of this equipment does confirm that the existing site is a well-established location for telecommunications equipment and masts. 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). The pool and fitness centre's rooftop was considered but due to its location 90m away and intervening buildings and tree cover, the siting of the base station on the building's roof would have resulted in a less efficient network

deployment as it would not match the existing coverage pattern. Improved coverage and capacity is sought along the B466 and the current proposal would satisfy this requirement. Furthermore, the pool and fitness centre is likely to have required a large stub tower extending to 10m or more. Even then due to the extent of the building, clipping may have occurred rendering the rooftop unsuitable. Further, the structural integrity of the building may be an issue as buildings of this sort often have roofs that are not designed to accommodate such heavy equipment. Annex A sets out the design requirements for a base station located on the roof of a tall building. It should be noted that any mast located on a different part of a building will need to be at least as high as the appeal proposal and will, therefore, have a very similar visual impact on the surrounding area as the current proposal.

- *Other Sites.* In theory it would be possible to locate the new mast in the surrounding locality on any vacant or highway land. However, any location would require a mast of similar design which would potentially have greater visual impacts on the area than the current proposal which respects residential amenity as far as it is able to. Hale End Close, was also considered but there is not only insufficient pavement width to accommodate a base station, but also such a location would result in overlooking from residential properties on both sides of the road.. The appeal site has distinct benefits over potential alternative sites in that it is not directly overlooked by nearby residential properties, but also is sited in the context of mature trees and other vertical features in the street scene, including lighting columns and a telegraph pole, which provide a backdrop and vertical reference. The current proposal is for the re-use/replacement of an existing base station for the upgrade. Use of this site as a digital communications base station is long-established. A mast has existed in this area since at least 2007. Since that time, 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 increased data speeds. The growth of digital connectivity over the last decade and the expectations of users have advanced at an unprecedented level. The replacement of an existing base station for the proposed upgrade is an approach that is consistent with the principles of sustainable development which is significantly more attractive, in planning terms, than the development of a new site for the proposed base station.
- 2.16 The replacement of the existing base station therefore ensures that the number of base stations in this area remains the same as existing while, at the same time, ensuring an important upgrade to 5G services for mobile communications is achieved. It will, therefore, ensure that the telecommunications services in the area are not only retained, but enhanced. Furthermore, the proposed replacement base station will be shared by two network operators further mitigating visual impacts through avoiding unnecessary proliferation of base stations and telecommunications masts.
- 2.17 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 and within the site of the existing base station. Its selection has taken into account each of: location of underground utilities; location of potentially sensitive premises; and features in the street scene, including street lighting poles and significant screening and backdrop afforded by existing mature trees surrounding the proposed base station.

Impact on Character and Appearance of the setting

- 2.18 The Committee Report argues that *'when viewed from the street, the base of the mast is much bulkier than the existing and is akin to the provision of an extra cabinet at this level. Allied to this, the proposed mast is larger and higher, such that it would be much more prominent than any of the street lighting columns.'* Further it states *'the proposed new cabinets will be located in a row along the narrow grass verge. The cabinets range in height from 1 to 1.9metres. The size, height and the number of cabinets proposed requires a considerable larger footprint than the existing and the number of cabinets at a height of 1.8m or above totals 4, with a further 4 being just below, where currently there are no cabinets, by reason of the quantity, size, scale and siting are considered to have a detrimental impact on the character and appearance of the surrounding area.* It is considered that these views substantially overstate the impact that the proposal will have on the character and setting of the area.
- 2.19 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 within the immediate vicinity of the area owing to the density of tree coverage and vertical features including a lamp post, telegraph pole and street sign within the immediate area. The Council have, in the appellants opinion, not considered the setting of the telecommunications site appropriately and the

officer's report is misleading. The planning officer states that the introduction of cabinets into this location is considered detrimental to the amenities of the area. In reaching this conclusion, the case officer has not given sufficient weighting to the established telecommunications base station nearby which is sought to be replaced, as part of the proposal. The existing base station has formed part of Hume Way for a significant period of time. The proposed monopole and telecommunications would replace the existing base station, owing to its inadequacy as a direct replacement to accommodate the antennas and associated equipment. Not only are cabinets and telecommunications equipment well established within the vicinity, the proposed cabinets would not cause visual clutter owing to their linear and compact arrangement. Furthermore, as outlined above, the existing five cabinets will be removed and there will therefore be a net gain of three.

- 2.20 The northern side of the road, upon which the existing, well established, base station is located is surrounded by trees and multiple items of street furniture, including belisha beacons, street lighting columns and street signs, all within close proximity. The proposed monopole and cabinets will be located 85.5m further north west and would be sited on a grass verge, where there is a quantum of space surrounding its location and more limited street furniture. This spaciousness when considered in hand with the backdrop of mature trees and other vertical street furniture ensures that the increase in height of the monopole would be less visually obtrusive, within the setting.
- 2.21 The photomontages set out in App 17 illustrate these effects clearly. Photomontage 1 is taken from Hume Way and demonstrates the current arrangement of the telecommunications site, in situ. The existing monopole and cabinets do not appear out-of-character within the setting of this location. This is in part due to the fact the site sits within a established suburban area littered with built form paraphernalia, not confined or surrounded by open land which allows the proposed monopole and cabinets to visually 'settle' into the backdrop, forming part of the established character. Undoubtedly, the proposed mast will be visible and is larger than the existing mast but it is contended that it will not affect the openness or character of the area.
- 2.22 In conclusion it is submitted that, although the new mast would be seen from areas immediately local to the appeal site, it would not be as adverse to the setting as suggested. A telecommunications mast of at least 13.7m high has been in the area for a significant period of time, without causing any undue harm. The proposed replacement mast is sited close to nearby mature trees which will provide a backdrop and context for the mast and away from direct views from nearby residential properties. As a result, it is contended that the proposal will not adversely affect the character or the established suburban appearance of the setting in this area. Any perceived harm will be outweighed by the overall benefits of the proposal in introducing 5G technologies to the local area to the benefit of local residents and visitors to and through the area.
- 2.23 In this regard, a recent appeal decision relating to land opposite Courcels, Arundel Street, Brighton, appeal ref APP/Q1445/W/20/3249294 (Appendix 19) which was allowed is relevant to the case. The Inspector found that although the new monopole would be higher than the existing 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. Within the existing highway dominated environment it would be perceived as part of the functional structures found there'*. In another recent appeal decision under ref APP/N5090/W/20/3245093 (Appendix 20) for a similar proposal on Colney Hatch Lane, London, N11 3NN, the Inspector concluded that the fact that the development would be visible is not in itself an indication of harm. 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.

Cabinets

- 2.24 The location of the proposed cabinets is shown in the General Arrangement drawings (Apps 23). The proposed development results in eight low level cabinets (3 net additional). The cabinets are arranged in a linear arrangement, on either side of the monopole, similar to that on the existing site further down the road. These cabinets will have no greater impact on the setting of the area than currently exists.
- 2.25 In summary, taking all these factors together, it is considered that the proposal would not be visually obtrusive nor would it have an unacceptable impact on the character and visual amenities of this location.

Other Issues

Impact on Amenity and Privacy

- 2.26 At paragraph 7.08 of the committee report, it states that No.2 Hale End Close will have a direct line of sight of the proposed equipment and mast and therefore the proposal would impact on the outlook of the existing residents. However, the appellant would suggest that any views from this property towards the mast would be at an oblique angle only rather than being direct. Furthermore, this does not form a specific part of the reason for refusal, and it is therefore assumed that the impact is not so detrimental to warrant refusal. Accordingly, little weight should be given to this issue in determining the appeal.
- 2.27 The proposal would not cause any loss of light or privacy to the surrounding properties. .

Impact on Health

- 2.28 The ICNIRP certificate confirms that the proposal will not affect health. An amended ICNIRP certificate is submitted with this appeal in relation to the Rev C plans (Appendix 16).

Impact on Wildlife

- 2.29 The proposed development is located adjacent to a pedestrian footpath and highway. It would, therefore, have no effect on wildlife arising from loss of habitat.

Impact on Heritage

- 2.30 The proposal would not have any impact on any sites of heritage interest including listed buildings, conservation areas or sites of archaeological interest.

Summary

- 2.31 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. It 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.
- 2.32 The current appeal is for the replacement and relocation of an established telecoms base station. The design of the proposal is the minimum required 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 significantly affect the openness or character of the area nor will it affect residential privacy, amenity or health.

3.0 REVIEW OF PLANNING POLICIES

- 3.1 The reason for refusal identifies that the proposal would be contrary to policies BE1 of the Hillingdon Local Plan: Part One, Policies DMHB 11, DMHB12, DMHB 21 of the Hillingdon Local Plan: Part Two and Chapter 10 of the National Planning Policy Framework. Policies within the London Plan are also considered to be material in this appeal and are outlined below.

Policies

National Planning Policies (NPPF)

- 3.2 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 5 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.

Review of Proposed Development

- 3.3 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. Information has been provided regarding the design and alternatives considered for the location of the proposed development – the proposal replaces an existing base station and is, in part, well screened by existing street furniture and vegetation.
- 3.4 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.
- 3.5 In relation to the requirements of the NPPF it is considered that 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.
- 3.6 The NPPF identifies that 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 locational requirements of the digital communications infrastructure.

Government Policy Statements

- 3.7 A range of Government policy and industry statements emphasise the importance of promoting and supporting the improvement and upgrading of the country's digital telecommunications infrastructure. These include:
- National Infrastructure Delivery Plan 2016-2021 (UK Govt – Infrastructure and Projects Authority) – see Chapter 7 Digital Communications
 - DDCMS and MHCLP "Collaborating for digital connectivity" (2019) – App 11.
 - DDCMS "Connected Growth: A Manual..." 2018 – App 10

- HM Govt Industrial Strategy White paper – Building a Britain fit for the Future 2017 – especially pp 151-156
 - Ofcom Connected Nations, annually produced – latest full version 2019 with summer 2020 Update – the whole of these reports address digital connectivity but particular reference is made to Chapter 7 “Working Together to Deliver Connectivity” of the 2019 report.
- 3.8 The above sets out a very extensive and detailed assessment of the importance to the UK economy of enhancing and improving digital networks and the central importance of rolling-out 5G to the whole country. Copies of all of the above documents are easy to download from the relevant Government websites – copies can be provided. The key points from the above are that:
- Improving digital communications is of fundamental importance to the UK Government and agencies to support the long-term sustainable growth of the UK economy as well as local economies including Hillingdon’s.
 - Central to this strategy is the roll-out of 5G across the UK. The first stage of this is the major pilot of the technology in London. The current appeal is a part of this.
 - The current COVID-19 emergency has forced much of the UK, where possible, to work from home, further emphasising the fundamental importance of this sector to the health and well-being of the UK. Some changes in work patterns are likely to remain long term. This is also reflected in the fact that telecommunications development and maintenance is identified by the Government as an essential industry that must keep operating at full capacity throughout the emergency.

The London Plan 2016

Economy

- 3.9 **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.
- 3.10 **Policy 4.11 Encouraging a Connected Economy** expands on this in relation to “encouraging a connected economy”. This states that all strategic agencies should *facilitate the provision and delivery of ICT infrastructure* (Policy 4.11 A b). It has been demonstrated that the appeal proposal is well-designed and supports this policy.
- 3.11 **Policy 6.10 Walking** seeks to ensure development results in high quality pedestrian environments. The policy amongst other matters seeks to simplify streetscape, decluttering and access for all. **Living Spaces and Places**
- 3.12 **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).
- 3.13 It has been noted that the proposal respects and takes into account the existing structures, existing trees and, more generally, the character of this section of Hume Way. The proposal is in a location which is viewed in the context of existing mature trees which partly obscure views of the proposed development and provide a backdrop to the proposed monopole mitigating views. The development is also located in an area with significant vertical elements comprising numerous lighting columns and existing trees, in addition to other significant street furniture/features and the existing base station which has been established in this area for a significant period of time.
- 3.14 **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 17. The proposed development therefore complies with this policy.

- 3.15 **Conclusion.** The proposal will not significantly conflict with relevant policies within the London Plan.

Emerging London Plan

- 3.16 The Intent 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.

Policy GG1 Building Strong and Inclusive Communities

- 3.17 This policy provides a broad context for more detailed policies in the Plan. It sets out wide ranging requirements for new development. Criterion D states that development should seek to ensure that London generates a wide range of economic and other opportunities that 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 aim 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.

Policy E8 Sector Growth Opportunities and Clusters

- 3.18 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.

Policy SI6 Digital Connectivity Infrastructure

- 3.19 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.

- 3.20 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.

London Borough of Hillingdon Local Plan – Part One and Two (2020)

- 3.21 Policies BE1, DMHB11, DMHB12 and DMHB 21 are listed within the Council's reason for refusal, as the Council have assessed the scheme to be contrary to the context of these policies and their -long-term aims of preserving the established character.

- 3.22 Policy BE1 states that '*the council will require all development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.*' The policy specifically states the following:

- *Achieve a high quality of design in all new buildings, alterations extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;*
- *Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in*

terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties.

- *Improve the quality of the public realm.*

3.23 In response to the specific requirements of Policy BE1:

- The appeal site lies close to an established telecommunications site. The existing telecommunications equipment is an established part of the public vernacular and lends itself to the existing townscape and pattern of development within the area. It has been shown that the proposal, through its design and siting, and replacement of a long-established existing base station, achieves a high quality of design that fully respects the characteristics of its location.
- It has been demonstrated that there are no suitable high-level buildings or structures capable of accommodating the proposed upgrade and that the proposal is for the replacement of an existing site and would be shared by two operators. The mast has been designed and sited to fully respect the context of the area, as far as it is able to. It is the minimum height and girth capable of introducing the required technologies and has been sited to avoid harming the residential amenities of nearby occupiers. It is accepted that the replacement monopole is higher than the current arrangement but owing to its design, vertical emphasis and slimline design it would be of a scale, height, massing and density that would be no more harmful than the current telecommunication site. On this basis the appellant contends that the proposed equipment will be easily assimilated into the environment without causing undue harm.
- The site is well screened by existing building and mature trees which mitigate visual impacts. The linear nature of the cabinet arrangement assists in ensuring this is the most efficient and effective use of the land in delivering future 5G within the area. The proposed development will have a neutral impact on the quality of the public realm, as the equipment associated with the existing base station will be removed when it becomes redundant. There will be no undue impact on local views and the proposal will not affect residential amenity, or pedestrian users of Hume Way. Any perceived impacts on the public realm will be far outweighed by the benefits of introducing 5G technologies to the area.

3.24 Policy DMHB 11 states that the Council will seek to ensure, all new development is designed to be of the highest standards and, incorporate principles of good design including harmonising with the local context by taking into account the surrounding, amongst other factors:

- Scale of development, considering the height, mass and bulk of adjacent structures;
- Building plot sizes and widths, plot coverage and established street patterns;
- Ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities

3.25 Policy DMHB 12 seeks to ensure that all development is well integrated with the surrounding area and accessible land. Development, under this policy, should, amongst other factors:

- Improve legibility and promote routes and wayfinding between the development and local amenities;
- Ensure public realm design takes account of the established townscape character and quality of the surrounding area;
- Include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space;

3.26 The appellant contends that the Council, in reaching their decision have over-emphasised the impact of the monopole and cabinets against Policies DMHB 11 and DMHB 12. As touched upon in earlier parts of this statement of appeal, Appendix 23 shows the removal of existing and redundant cabinets and monopole. The height and girth of the mast are dictated by the function which it performs and

the need to comply with ICNIRP requirements. The current scheme seeks the replacement and marginal relocation of the existing telecoms site. The scheme does not introduce a new form of development that would be alien to the setting and cause conflict with the overarching aims of this particular policy. The effect on the public realm is highlighted above. The appellant contends that the established townscape character and the quality of the surrounding area will not be undermined. Additional landscaping is not considered appropriate in this instance as the development is minor in nature and sited on a narrow grass verge with a green backdrop.

3.27 The site is well screened due to the presence of mature trees, but must also be viewed against the backdrop of various items of street furniture, which will ensure that the increase in height of the monopole doesn't render it as an isolated structure with vertical emphasis, within this suburban setting.

3.28 Policy DMHB 21 relates specifically to telecommunications proposals within the Borough. Policy DMHB 21 specifically states that telecommunication development will only be permitted where;

- It is sited and designed to minimise their visual impact;
- It does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area;
- It has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings
- There is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings or architectural or historic interest; and
- It includes a Declaration of Conformity with the International Commission of Non-Ionizing Radiation

3.29 In response to the specific requirements of Policy DMHB 21:

- The appeal site forms part of an established telecommunications site. The existing telecommunications equipment is an established part of the public vernacular and lends itself to the existing townscape and pattern of development within the area.
- It has been demonstrated within Appendix 5 that there are no suitable high-level buildings or structures capable of accommodating the proposed upgrade and that the proposal is for an existing site and would be shared by two operators. It is accepted that the replacement monopole is higher than the current arrangement but owing to its design, vertical emphasis and slimline design it would be of a scale, height, massing and density that would be no more harmful than the current telecommunication site. As such, there will be no undue detriment to visual amenity and the character and appearance of the area will not be undermined.
- The site is already well screened by existing buildings and mature trees and there are other vertical references in the street scene in the form of street lighting columns, a telegraph pole and street signs which mitigate visual impacts. The linear nature of the cabinet arrangement assists in ensuring this is the most efficient and effective use of the land in delivering future 5G within the area.
- No adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings or architectural or historic interest will arise. There are no nearby listed buildings, conservation areas or areas of archaeological interest. The proposal is located within a suburban setting with no appropriate vegetation or water sources nearby, that would be a suitable habitat for animals. In addition, ecological matters did not form part of the Council's reasons for refusal.

- The ICNIRP certificate (App 8) and Amended ICNIRP Certificate (App 16) demonstrate that the proposal would not result in harm to nearby residential properties.

3.30 Notwithstanding the above, the proposed monopole and cabinets would retain and respect the openness of the pedestrian footpath in this location. The new equipment would be sited adjacent to the footpath on a grass verge that would not impinge on the freedom of movement for pedestrians. Furthermore, the structures by virtue of their design and siting would not appear out of context against the established backdrop of the existing monopole and cabinets, that are to be removed.

Development

3.31 The accompanying appendices have set out in detail the design approach adopted for the proposed base station upgrade. It has shown that the key determinant for the design is the technical requirement to accommodate a range of mobile communications services (i.e. 2G, 3G, 4G and 5G) and for this to be shared by two operators. This determines the minimum height for the proposed mast and also the requirements to ensure structural integrity of the mast. It also explains that upgrading the existing base station avoids the proliferation of base stations in the local area and that the site is well-screened by existing buildings and mature vegetation.

3.32 Taking all of these factors together it is considered that the proposal satisfies the relevant policy requirements for ensuring high quality design.

Summary and Conclusions

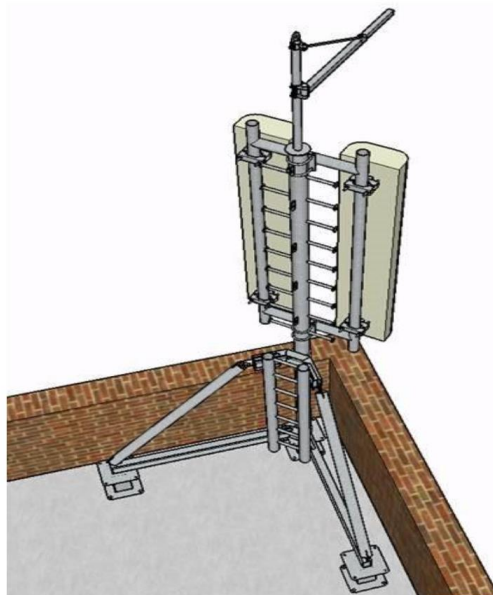
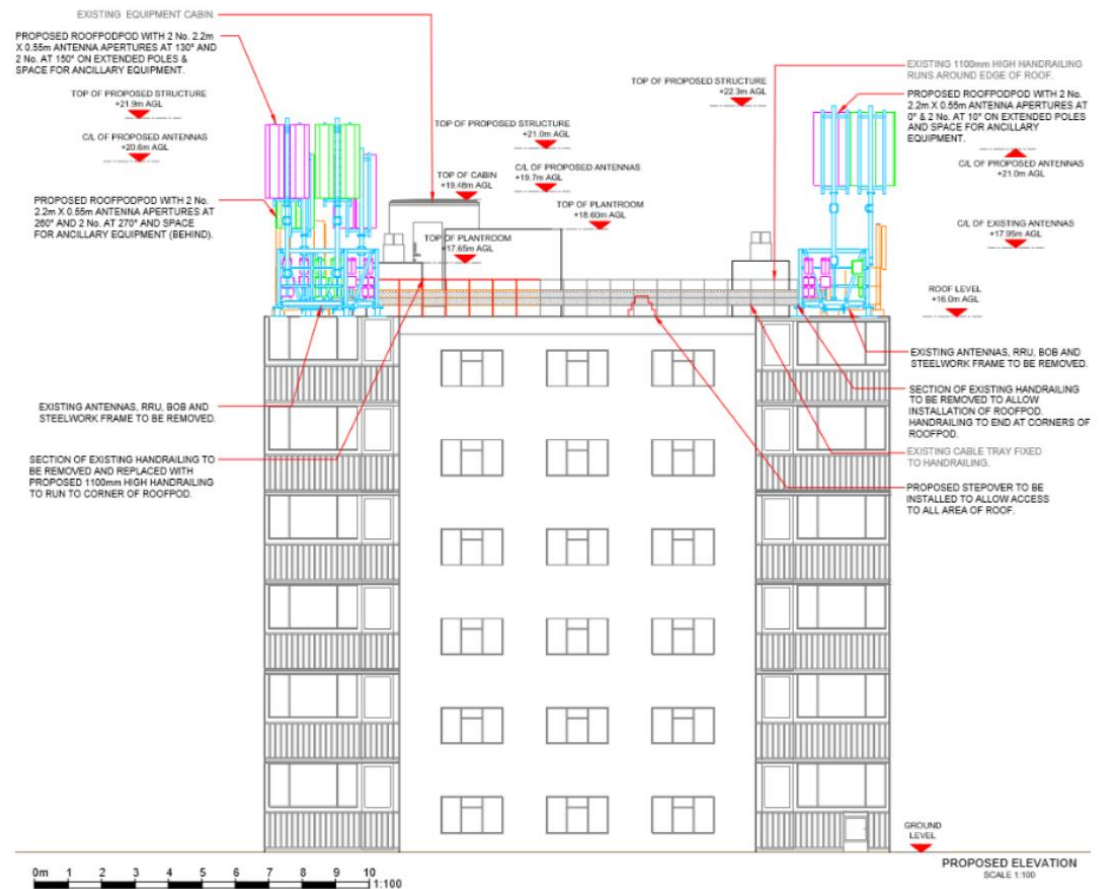
3.33 This section has reviewed the provisions of the development plan and material considerations relevant to the proposed development for upgrading and re-siting the telecommunications base station at the appeal site. It has considered, in some detail, the policies identified in the reason for refusal 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 upholding this appeal. In particular it has been demonstrated that:

- The development does *not* conflict with design policies set out in the NPPF and development plan – it is the replacement and upgrading of an existing telecommunications site.
- Visual impacts of the setting are limited and local to the site. The proposal is mitigated by its location close to an existing telecommunication site and existing trees and other vertical references in the vicinity mitigate the visual impact of the proposal.
- The proposal will not have any impacts on other aspects of the natural or historic environment nor on the open countryside.
- The proposal will have very significant communication and economic benefits for the local area and as part of the 5G network within London. The 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 planning permission by the London Borough of Hillingdon Council for a new replacement digital telecommunications base station comprising 20m mast and associated equipment at Hume Way, Ruislip. This Statement has shown that:
- The proposal provides an important upgrade to the digital telecommunications in this part of Hillingdon allowing additional coverage and capacity, including the incorporation of 5G technology.
 - Upgrading existing ICT infrastructure, including provision of 5G technology, is a key Government aim which will support enhanced economic growth, social inclusion and well-being. The importance of this has been highlighted through the current COVID-19 emergency.
 - 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 existing buildings, the presence of existing vertical structures along the street and screening afforded by existing mature trees in this location.
 - The proposal will not significantly adversely affect the character of the setting 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 Finally, the principle of a 20m mast is permitted development under Part 16 of the GPDO. The only reason this proposal requires planning permission is due to the width being more than one third greater than the existing monopole. This confirms that the proposal should be regarded as acceptable in terms of height and visual impact.
- 4.4 It is, therefore, respectfully submitted that this appeal should be upheld and planning permission granted for the proposed development.

Annex A: Structure Required for Roof Top Base Station



Note typical location of antennas at roof edge