

APPLICATION FOR: 60086/APP/2020/374

TELECOMMUNICATIONS STREETWORKS MAST, LOMBARDY
RETAIL PARK UXBRIDGE ROAD HAYES

COMMITTEE:

Central South PC

DATE:

5th August 2020

I confirm:-

- All consultations have been completed
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address TELECOMMUNICATIONS STREETWORKS MAST, LOMBARDY RETAIL PARK UXBRIDGE ROAD HAYES

Development: Installation of a 20m monopole, 12 antenna apertures, 8 equipment cabinets, relocation of 300mm dish and the removal of the existing 11.7m monopole, 3 antennas, redundant equipment cabinets and development ancillary thereto

LBH Ref Nos: 60086/APP/2020/374

Drawing Nos: 002 Site Location Plan Issue A
 100 Existing Site Plan Issue A
 150 Existing Elevation A Issue A
 266 Max Configuration Elevation Issue A
 216 Max Configuration Site Plan Issue A
 265 Max Configuration Elevation Issue A
 215 Max Configuration Site Plan Issue A
 Declaration of Conformity with ICNIRP Public Exposure Guidelines
 Councils and Connectivity
 5G and Future Technology
 Supplementary information
 Collaborating for Digital Connectivity

Date Plans Recieved: 04/02/2020

Date(s) of Amendment(s):

Date Application Valid: 04/02/2020

1. SUMMARY

The application seeks full planning permission for the complete removal of the existing 11.7m high telecommunication mast and associated equipment and cabinets and the installation of a 20m high mast, ground based equipment, cabinets and associated works to be located in a revised location. The replacement mast and cabinets would provide coverage for Hutchinson 3G UK Limited and EE Limited.

The development would involve an increase in the number of cabinets and an increase in the height of the mast. However this would be within close proximity to the existing location of the mast and cabinets remaining in an urban location. As such it is considered that the development would not be harmful to the visual amenity of the site and its wider setting.

This application is recommended for approval.

2. RECOMMENDATION

APPROVAL subject to the following:

1 COM3 Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 COM4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, 998808_HGN004_50677_UB0124_M001 Rev A, 50677_UB0124_M001 Rev A 'Site Plan Sheet 1', Site Plan Sheet 2', Elevation Sheet 1' and 'Elevation Sheet 2' and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2016).

3 NONSC Non Standard Condition

Any apparatus or structure provided in accordance with this permission shall be removed from the land, as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, shall be restored to its condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.

REASON

To ensure that the development is removed as soon as it is no longer required in order to protect the character and appearance of the area in accordance with Policies DMHB 11 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).

4 NONSC Non Standard Condition

The existing apparatus/structures, shown on drawing no. 998808-HGN004-50677_UB0124_M001 Rev A 'Existing Plan' shall be removed from the land, within six (6) months of the commencement of the use of the equipment hereby approved, and the land shall be restored to its former condition before the development took place, or to any other condition as may be agreed in writing with the Local Planning Authority.

REASON

To ensure that the development is removed as soon as it is no longer required in order to protect the character and appearance of the area in accordance with Policy DMHB 11 of the Hillingdon Local Plan - Development Management Policies (2020).

5 COM7 Materials (Submission)

No development shall take place until details of all materials and external surfaces, including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act

incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 21	Telecommunications
DMT 2	Highways Impacts
LPP 4.11	(2016) Encouraging a connected economy
NPPF- 10	NPPF-10 2018 - Supporting high quality communications

3 I52 Compulsory Informative (1)

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

4 I47 Damage to Verge - For Council Roads:

The Council will recover from the applicant the cost of highway and footway repairs, including damage to grass verges.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

For further information and advice contact - Highways Maintenance Operations, Central Depot - Block K, Harlington Road Depot, 128 Harlington Road, Hillingdon, Middlesex, UB3 3EU (Tel: 01895 277524).

For Private Roads: Care should be taken during the building works hereby approved to ensure no damage occurs to the verge of footpaths on private roads during construction. Vehicles delivering materials to this development shall not override or cause damage to a private road and where possible alternative routes should be taken to avoid private roads. The applicant may be required to make good any damage caused.

3. CONSIDERATIONS

3.1 Site and Locality

The existing application site is located on a pedestrian footway and grass verge adjacent to the A4020 (Uxbridge Road), a wide busy dual carriageway that connects Uxbridge in the west with Southall in the east. On its north side lie residential dwellings. To its south side is a large retail park (Lombardy Retail Park). Located between the site and retail park

is a raised, walled grassed area lined with a number of mature trees.

The proposed site is located opposite the existing site location and comprises a narrow area of hardstanding adjacent to a raised grass verge with mature trees located in the middle of the dual carriageway closer to the residential properties to the north.

3.2 Proposed Scheme

The proposed scheme is to remove the existing equipment and to replace with a 20m high mast with 12 antenna apertures, ground based equipment, cabinets and associated works. Details of the 8 new cabinets are as follows:

- 1 x MK5 Link AC Cabinet
- 1 x Pogona Cabinet
- 1 x APM5930 Cabinet
- 3 x Huawei Cabinets
- 1 x Diplexer Cabinet
- 1 x Wiltshire Cabinet

3.3 Relevant Planning History

60086/APP/2004/2907 Land Fronting Lombardy Retail Park Uxbridge Road Hayes

ERECTION OF A 10 METRE HIGH IMITATION TELEGRAPH POLE MOBILE PHONE MAST, EQUIPMENT CABINET AND ANCILLARY DEVELOPMENT (CONSULTATION UNDER SCHEDULE 2, PART 24 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995)(AS AMENDED)

Decision: 21-12-2004 Refused

Appeal: 16-09-2005 Dismissed

60086/APP/2005/3046 Land Fronting Lombardy Retail Park Uxbridge Road Hayes

INSTALLATION OF AN 11.7 METRE HIGH MONOPOLE MOBILE PHONE MAST AND EQUIPMENT CABINETS (CONSULTATION UNDER SCHEDULE 2, PART 24 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995)(AS AMENDED)

Decision: 22-12-2005 Approved

Comment on Relevant Planning History

N/A.

4. Planning Policies and Standards

N/A

Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 21 Telecommunications

DMT 2 Highways Impacts
LPP 4.11 (2016) Encouraging a connected economy
NPPF- 10 NPPF-10 2018 - Supporting high quality communications

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

8 nearby occupiers/owners were consulted on 7th February 2020 giving 21 days for comments. A site notice was also posted on the 13th February 2020. No public comments were received.

Heathrow Aerodrome Safeguarding:

No objection, subject to the following observation:

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

Ministry of Defence: No objection.

Denham Aerodrome: No comments received.

Internal Consultees

TREE OFFICER:

The site is located in the footway of Uxbridge Road, between a cycle lane and the raised planting area which defines the northern boundary of Lombardy Retail Park. There is an existing 11.7metre high monopole and the associated collection of cabinets of disparate shapes, sizes and colour - which exacerbates the impression of street clutter. This area is very urban in character, dominated by the wide and busy Uxbridge Road. The installation is within a gap of boundary trees along Lombardy Park. There are no TPO's or Conservation Area designations affecting the site.

COMMENT: No trees will be affected by the proposal, which seeks to remove the existing equipment and replace with a taller, 20 metre high, pole and cabinets. These installations never enhance the street scene. The new cabinets should be better coordinated in terms of their size, colour and appearance.

RECOMMENDATION: No objection subject to condition COM9 (part 2) which should confirm the colour of the proposed cabinets and pole.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy DMHB 21 of the Hillingdon Local Plan: Part Two (2020) states that telecommunications developments will only be permitted where the apparatus is sited and designed so as to minimise its effect on the appearance of the surrounding areas and it

has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings. The policy states that there must be no adverse impact on areas of ecological interest, landscape features or buildings of architectural or historic interest.

The National Planning Policy Framework (2019) stresses the importance of advanced, high quality and reliable communications infrastructures and the role it plays in supporting sustainable economic growth. It goes on to advise that the aim should be to keep the numbers of radio and telecommunications masts and sites to a minimum, consistent with the efficient operation of the network and that existing masts and sites should be used unless there is a demonstrable need for a new site.

Government guidance supports the avoidance of proliferation of sites and the sharing of masts between operators. It is clear from this NPPF guidance that existing buildings and structures should always be considered first. In this case, the proposal is to replace and upgrade the existing telecommunication installation for two carriers, H3G (UK) Ltd and EE (UK) Limited. Given the existence of the existing telecommunications equipment close to this location, there is no objection, in principle, to the use of this site for telecommunications equipment.

7.02 Density of the proposed development

Not applicable to this application.

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

Not applicable to this application.

7.04 Airport safeguarding

Heathrow Aerodrome Safeguarding have no objections to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

Policy DMHB 11 of the Local Plan: Part 2 - Development Management Policies (2020) states that all development, will be required to be designed to the highest quality standards and, incorporate principles of good design including: harmonising with the local context by taking into account the surrounding scale of development, considering the height, mass and bulk of adjacent structures; local topography, views both from and to the site; impact on neighbouring open spaces and their environment; and ensuring the use of high quality building materials and finishes.

Likewise policy DMHB 12 of the Local Plan (2020) states that development should be well integrated with the surrounding area.

Policy DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) states that Telecommunication development will only be permitted where: i) it is sited and designed to minimise their visual impact; ii) it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area; iii) it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings; iv) there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest; and v) it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.

The proposed replacement monopole is 20 metres high, which is 7.3 metres taller than the existing. The monopole is to be located adjacent to an area of grass verge within the centre of the dual carriageway. It is considered that this location is similar in character to the location of the existing monopole and cabinets given that it's backdrop would be an

urban environment where there are a number of commercial buildings and existing street lighting and other infrastructure.

Whilst the the scale, number and size of the proposed cabinets would increase and allied to the more prominent position within the street scene it is considered that they would be similar in scale and number to the cabinets to the removed and again, given it's urban location it is considered that the cabinets would not detract from the visual appearance of the site and it's wider area.

Collectively it is considered that the cabinets and monopole would not result in a cluttered and unattractive feature within this urban location.

The proposal therefore complies with the above policies.

7.08 Impact on neighbours

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 -Development Management Policies (2020) states that planning permission will not be granted for new buildings or extensions which by reason of their siting, bulk and proximity, would result in a significant loss of residential amenity.

It is considered that the development would not result in harm to the amenity of nearby residents given that the monopole and the associated cabinets would be located 22 metres from the closest residential properties.

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 2 and DMT 5 of the Hillingdon Local Plan: Part Two - Development Management policies seek to ensure that development is not prejudicial to pedestrian and highway safety.

The proposed telecommunications equipment would be located on an area of hardstanding set away from the road network. As such the development would not be harmful to pedestrian and highway safety.

7.11 Urban design, access and security

Refer to 'Impact on the character and appearance of the area'.

7.12 Disabled access

Not applicable to this application.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

The Council's Tree Officer has considered the application and considers that there would be no harm in terms of trees subject to safeguarding conditions.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

No comments were received during public consultation.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

Health:

In terms of potential health concerns, the applicant has confirmed that the proposed installation complies with the ICNIRP (International Commissions for Non Ionising Radiation Protection) guidelines. Accordingly, in terms of Government policy advice, there is not considered to be any direct health impact. Therefore, further detailed technical information about the proposed installation is not considered relevant to the Council's determination of this application.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The proposal seeks permission for the replacement of an existing 11.7m high telecommunication mast with a 20m high mast with associated equipment. The new installation will comprise of 12 antennas and an additional 8 new associated ground cabinets.

It is considered that the development would not cause harm to the character and appearance of the site and its wider setting. The proposed development is therefore in compliance with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 21, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management policies.

Approval of the application is therefore recommended.

11. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management policies (January 2020)
The London Plan (2016)
National Planning Policy Framework (2019)

Contact Officer: Kelly Sweeney

Telephone No: 01895 250230