
HGN031. Columbus, Victoria Road,
Ruislip. HA4 0QB

Planning Appeal – Telecommunications
Site – Installation of a 20m monopole, 12
antenna apertures, 7 equipment cabinets
and development ancillary thereto.

Statement of Case

LB Hillingdon, Appn Ref:
75575/APP/2020/1478

TITLE
Statement of Case

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CONTENTS

1.0	Introduction.....	1
2.0	Response to Reason for Refusal	4
3.0	Review of Planning Policies	11
4.0	Conclusion.....	18

1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared in support of an appeal against the refusal of an application for Prior Approval by LB Hillingdon ref 75575/APP/2020/1478. The proposed application was for:

Installation of a 20m monopole, 12 antenna apertures, 7 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 London Borough of Hillingdon on 26th June 2020 for the following reason:

1. *The proposed monopole, by virtue of its size and siting, and the proposed cabinets, by virtue of their siting and number, would create an obtrusive form of development which would add visual clutter to the street scene. As such, the proposal would not harmonise with the character of the area and would be detrimental to local visual amenities, 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 Planning Permission

- 1.4 Prior to the submission of the application the agent, Beacon Comms, initially contacted the planning authority regarding the proposed development on 4th May 2020. No response was received to this consultation. The applicants also undertook additional pre-application consultations as follows (See App 5 pp2):

- Local Councillors
- Boris Johnson MP

- 1.5 No responses were received from these consultees.

- 1.6 The application was submitted 7th May 2020 and validated the same day. Information submitted with the application provided full details of the proposals as follows:

- Cover letter (App 1)
- Application form (App 2)
- Developer's Notice (App 3)
- Final application drawings (Apps 4A to 4G)
- Supplementary Information in support of the application (App 5)
- Mobile UK "5G and Health" (App 6)
- ICNIRP Public Exposure Guidelines Certificate (App 7)
- Connected Growth – A Manual for Places; Dept for Digital, Culture, Media & Sport (App 8)
- Joint statement from the Dept for Digital, Culture, Media and Sport and Ministry for Housing and Local Government "Collaborating for Digital Connectivity" (App 9)
- Mobile UK "Councils and Connectivity" (App 10)

- MBNL Statement on 5G and Future Technology (App 11)
- 1.7 The Delegated Report (App 12A) identifies that there were no comments received from the public on the application. It identifies that there was one response received from LBH Highways Officer who had no highways objections to the application (App 12A Section 7.3).
- 1.8 The application was refused planning permission as a delegated decision and the decision notice (App 12B) was issued 26 June 2020.
- 1.9 As noted above, no response was received from the planning authority to the pre-application consultation. During the processing of the application no request was made by the planning authority for a visual/landscape assessment of the proposed development, as a result this was not submitted prior to its determination. However, reflecting the reason for refusal, photomontages have now been prepared and are submitted with this appeal at Appendix 20.
- 1.10 In addition, the following documents are submitted in support of this appeal:
- Updated MBNL Statement on 5G and Future Technology (App 13)
 - DDCMS - COVID-19 Guidance for telecommunications infrastructure deployment in England (App 14)
 - Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage (App 15)
 - Statement from Parliamentary Sec of State for Digital & Broadband (DDCMS) "5G – The Next Mobile Generation" (Nov 2019) (App 16)
 - Appeal decision – site opposite Barkingside Station APP/W5780/W/17/3171954 (App 17)
 - Appeal decision – land O/S Tesco, Colney Hatch Lane APP/N5090/W/20/3245093 (App 18)
 - Appeal decision - Courcels, Arundel Street, Brighton APP/Q1445/W/20/3249294 (App 19)

Clarification of Proposed Development

Removal of Existing Equipment

- 1.11 The proposed development is to provide a new base station at the appeal site. The existing base station is located on Stonefield Way 95m south of the application site. The new base station is required not only for the provision of 5G but also to enhance coverage and capacity within this area. This requirement for additional capacity has, in part, arisen from the substantial increase in demand for mobile communications during the COVID-19 emergency and, furthermore, EE (one of the two applicants) is now the Emergency Services Network Provider which further increases the need for network enhancements in this part of Hillingdon.
- 1.12 As a result of this, it is not the current intention that the existing base station should be removed (apart from one cabinet that is identified to be removed in the proposed development drawings App 4D & 4F). Nonetheless it is important to note that, at some point in the future, should there no longer be a requirement for the existing base station, then this will be removed. This is a requirement of the GPDO Part 16 which states that telecommunications equipment erected as permitted development (such as the existing base station) must be removed when no longer required: GPDO 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 cabinets which were erected under permitted development rights.

Condition for Removal of Existing Equipment

- 1.13 Notwithstanding the above comments and to avoid any potential confusion, the appellants confirm that it is their intention, once the proposed new base station is fully operational, that the existing monopole and cabinets will be removed in their entirety at the earliest opportunity if/when they become redundant. 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 and cabinets are removed once they become redundant. The following is a standard condition that has been applied by other LPAs to similar proposals that addresses 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 as an enhancement to the services provided from the existing base station located at Stonefield Way.
- 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 DDCMS/MHLG and Minister's statements (Apps 9, 16), the DDCMS Connected Growth Manual (App 8) and in the Government's response to the recent mobile communications consultation (App 15). The Connected Growth Manual notes that improved digital infrastructure lowers barriers to social and economic participation and boosts productivity and earning power (Appendix 8 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 8 p37). Critical to achieving this is the ability of operators to deploy appropriate infrastructure. Additional background information on this is provided in Appendices 9, 10, 11 & 13 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

- 2.3 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 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.
- 2.5 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.
- 2.6 The upgraded installation will bring next generation technology to this part of Ruislip 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

- 2.7 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. The importance of this is emphasised in the guidance for telecommunications infrastructure issued by the Government DDCMS at the beginning of the pandemic – App 14. This guidance states: *“now, more than ever, the country is reliant on fixed line and mobile communications networks. Telecommunications have therefore been included as one of the critical sectors in new government regulations and legislation in response to dealing with the COVID-19 outbreak”*.
- 2.8 In addition, there is the dependency of the emergency services on mobile networks. The 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 (see App 5 pp3 & 5). This further emphasises the importance of upgrading the capacity of all telecommunications networks within the local area.

Technical Description and Design of the Proposed Development

Technical Requirements

- 2.9 The existing radio base station as a 20.0m Phase 4 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.

- 2.10 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

- 2.11 A key factor in the options considered for the development is the height of the proposed mast. This is 20.0m, which is the same as the existing pole. The reasons for the choice of design are set out in App 5. This 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.
- 2.12 The location for the replacement base station ensures that there are limited direct views of the monopole from the surrounding area. A limited number of properties directly opposite the site will have views towards the proposed monopole but views of the monopole will be partially mitigated by the nearby mature trees which will provide vertical context. Most other properties on the northern side of Victoria Road will have views at an oblique angle only, with the nearby trees providing partial screening and context. All views from the northern side of the road have the backdrop of the commercial units on the southern side of the road. Victoria Road is a major transport corridor which carries large volumes of traffic, including substantial numbers of heavy vehicles serving the adjacent Ruislip Retail Park and industrial area. The road has numerous existing vertical elements including street lights, commercial signage, large scale commercial retail and other buildings, bus stop shelters as well as intermittent mature trees (including those adjacent to the appeal site).
- 2.13 The closest dwellings to the proposed new base station are numbers 867 and 869 Victoria Road which are 28m from the proposed monopole. Although these have a direct view of the proposed base station it would be seen from across Victoria Road which, as noted above, is very busy with traffic including numerous lorries and buses. Views of the base station from those travelling along Victoria Road will be seen in the context of the commercial nature of this road, the existing street furniture (including lighting columns) and the screening provided by the existing mature trees.
- 2.14 It is therefore contended that the proposed monopole will be easily assimilated into an environment with other vertical elements in the street scene, in an active urban location on the edge of a retail park.
- 2.15 The proposed new cabinets are grouped in a linear arrangement close to the proposed new monopole. All of the cabinets (existing and proposed) are located in the verge between the pavement and (now blocked off) former feeder road located to the front of the Wickes DIY store. They will not, therefore, interfere with pedestrian access. The cabinets are all relatively small – typically they are 1.5m high x 1.1m long and 0.5-0.8m deep. The new base station would comprise 8 no. new cabinets (not 7 as stated in the description – see App 4E, albeit that one cabinet is attached to the base of the monopole). It should be noted that one of the cabinets at the existing base station at Stonefield Way would no longer be required and this would be removed in accordance with the requirements of the GPDO regulations. Details are set out in the proposed drawings (Apps 4D, 4E, 4F and 4G). 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 required for two operators.

Alternatives Considered

- 2.16 Before considering the current proposals for the upgraded base station at Victoria Road the applicants considered a number of alternative options, adopting a sequential approach to identify an appropriate location for site sharing. An outline of the review of alternatives was set out on pp13-14 of the Supplementary Information (App 5). Further comment on the approach to identifying alternatives is set out here.

- 2.17 In assessing potential alternatives, a number of factors need to be taken into account. These include:
- the technical requirements for ensuring network coverage (including physical capacity to accommodate the required antenna, local topography, location of other base stations and local structures and buildings);
 - environmental concerns (including impact on views and amenity of dwellings, relationship to specially protected areas including, for example, conservation areas, Green Belt, protected landscape/townscape, and flood risk);
 - engineering constraints (e.g. structure for accommodating antenna, existing utilities); and
 - other planning constraints.
- 2.18 The appellants' preferred option would be to re-use or redevelop the current base station at Stonefield Way. This option was identified in the appraisal undertaken by the appellants (App 5 p13) but had to be rejected. The sequential approach in identifying alternatives adopted by the appellants was, therefore, as follows:
- 2.19 **1A. Existing Base Station.** 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. This is the "Existing Mast" site identified in the table on p13 of App 5. Furthermore, additional coverage and capacity is required in this location, in part due to the on-going COVID-19 emergency and changes in working patterns that have resulted.
- 2.20 **1B. Other Existing Masts.** There are no other masts within the vicinity of the site suitable to accommodate the required equipment for two additional operators providing 2G to 5G services.
- 2.21 **2. Redevelopment of Existing Base Station Site.** This is the second option i.e. to provide a new monopole and base units to accommodate the full range of 2G-5G services as a direct replacement of the existing base station. This has been considered but the key issue is that, given the high demand for mobile services at the current time during the COVID-emergency and the need to provide network capacity dedicated to the emergency services, it is not possible to provide the minimum required network capacity from a single base station at this location at the current time. Furthermore, it would not be possible to redevelop the site in exactly the same location due to the presence of underground services. However, as noted earlier, should the existing base station no longer be required this will be removed in line with the legal requirements imposed through the GPDO (see para 1.14 above).
- 2.22 **3. Tall Buildings.** The area surrounding the appeal site comprises residential buildings to the north and mixed retail warehouse and industrial buildings to the south. 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 structurally capable of accommodating a large stub tower which, as highlighted above, 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 reason a large stub tower would be necessary is due to the scale and extent of the buildings within the retail park and even a stub tower of 8-10m in height on these buildings would be likely to result in clipping (i.e. signal distortion) which would not provide the required level of service and may result in the need for an additional mast to offset any gaps in coverage. In any event, 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.
- 2.23 **4. Greenfield Sites.** The appeal site is located within an extensive urban area and is not located close to any greenfield areas. Consideration has been to potential locations along Victoria Road identified on p13 of Appendix 5. There is a broad area of highway verge located to the front of the Lidl foodstore which has a similar relationship to housing as the appeal site does but it does not benefit from the screening provided by the mature trees. A 20m monopole in this location would therefore have more impact on the character and appearance of the area than on the proposed site, as there is limited vertical context, unlike the proposed site. Areas of private and public open space are located to the north east (rear of Brackenbridge House) and north west (Deane Park) but both of these are located too far to effectively meet network requirements and would also have significant impacts on local amenity affecting the character of these areas of open space. Within the retail park a number of sites were also investigated along Stonefield Way, but were found to be unsuitable due

to the existence of underground services. Even if a site had been found it is a likely that a 30m+ mast would be required within the estate, due to the scale and extent of the surrounding buildings within the estate. Such a structure would be likely to have more impact on the area than the proposed 20m slimline monopole.

- 2.24 Since the establishment of the original base station at Stonefield Way in 2001 (under reference 55974/APP/2001/214) 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 approach adopted by the appellants for the identification of a suitable replacement is consistent with the principles of sustainable development. The existing 20m mast was granted permission in November 2018 and as such a mast similar to that proposed has existed in the locality for approximately 2 years. Before that a 17.5m monopole existed, originally granted in 2012 under ref 68737/APP/2012/2125.
- 2.25 The proposed base station ensures 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 upgraded base station will be shared by two network operators further mitigating visual impacts through avoiding unnecessary proliferation of base stations and telecommunications masts.
- 2.26 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 has the least adverse impact on the environmental and amenity concerns. 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; significant screening and backdrop afforded by existing mature trees adjacent to the proposed base station, and other important environmental and planning constraints.

Impact on Character and Appearance of the Local Area

Matters to be considered for Prior Approval Applications

- 2.27 The current appeal is against refusal of Prior Notification. The appeal decision set out in Appendix 17 confirms that the scope of matters that can be considered in the determination of a Prior Approval appeal are limited solely to siting and appearance (App 17 para 3). In terms of impact on views along Victoria Road and the amenity of neighbours, consideration must, therefore be restricted solely to the siting and appearance of the proposed development.
- 2.28 The Reason for Refusal states that the proposal “*would create an obtrusive form of development which would add to visual clutter to the street scene. As such, the proposal would not harmonise with the character of the area and would be detrimental to local visual amenities...*” The same comments are made in the Delegated Report however, no further explanation is provided to justify this assertion. It is considered that this view substantially overstates the impact that the proposal will have on the character and appearance of local area. Consideration needs to be given to the visual impact of the monopole as well as the base cabinets.

Proposed Mast/Monopole

- 2.29 It is accepted that the proposed mast is, at its upper levels, bulkier than the existing mast at Stonefield Way but it would be the same height (20m). 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 located adjacent to the appeal site, and would be viewed in the context of other vertical features within the road including numerous lighting columns and the commercial character of the south side of Victoria Road. The photomontages set out in App 20 illustrate these effects clearly.
- 2.30 Attached with this appeal are two recent appeal decisions which concern directly comparable 5G monopole proposals (both similar design at 20m height with apertures at the same height) in sensitive 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 19) 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*'. In another recent appeal decision under ref APP/N5090/W/20/3245093 (App 18) 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 18 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.

- 2.31 In conclusion, it is submitted that, although the new mast would be seen from a limited area immediately local to the appeal site, it would be viewed in the context of nearby mature trees, its location adjacent to a busy arterial route with numerous existing vertical features and the commercial/industrial character of the area on the south side of Victoria Road. These factors will all mitigate the visual impact of the proposal. As a result, it is concluded that the siting and appearance of the monopole would be acceptable in this location.

Cabinets

- 2.32 The location of the proposed cabinets is shown in the proposed layout and elevation drawings (App 4E & 4G). The proposed development results in 8 no. cabinets. All cabinets are relatively modest in size and, given the context of the location, it is considered that these cabinets will not have an unacceptable visual impact on the appearance of the local area.
- 2.33 The application does not specify the proposed colour of the cabinets or the proposed monopole and it had been assumed that these would be the same as the existing base station (i.e. light grey). However, it is confirmed that, should the Inspector consider it appropriate, that the appellants would accept a condition specifying the colour of the cabinets (e.g. dark green) or that this colour should be agreed by the local planning authority prior to development commencing.
- 2.34 In summary, taking all these factors together, it is considered that the proposed cabinets would not be visually harmful, not result in excessive visual clutter and would not have a significant detrimental impact on the visual amenity or appearance of the local area.

Conclusion: Impact on Character and Appearance

- 2.35 The visual impact on the appearance and character of the local area arising from the proposed development is not considered to be excessive. The proposed monopole would be seen in the context of existing mature trees adjacent to the appeal site. Victoria Road is a busy road with numerous vertical elements including street lighting and road signs as well as the mature trees and bushes located along it.

Impact on Trees

- 2.36 Impact on trees is not identified as an issue of potential concern in the Delegated Officer Report (App 12A).

Impact on Residential Amenity

- 2.37 The proposed base station is located approximately 28m from the nearest dwellings on Victoria Road. It is considered that the impact of the proposed base station on the amenity and views from these properties will not be significant:
- Only two dwellings have direct views of the proposed base station – these views would be 28m from the base station and would be across a very busy arterial route (i.e. Victoria Road) with a backdrop of large commercial units – see Delegated Report Section 7.1 (App 12A).
 - Other dwellings: are located further from the base station; would also view the base station across Victoria Road; have oblique views (rather than straight on); and views are partially screened by the existing mature trees, again with a similar backdrop.

- 2.38 The Delegated Report identifies that the proposed base station would not result in any material loss of amenity to nearby dwellings (App 12A section 7.1) and no residents objected to the proposed development.

Impact on Other Issues

- 2.39 Additional matters referred to in the Delegated Report are as follows:

- **Impact on Health.** The Delegated Report acknowledges that a valid ICNIRP certificate has been provided and therefore accepts Government advice that there would not be a direct health impact from the proposal. See also, for example, the Inspector's comments at App 19 para 12 and NPPF para 116.
- **Impact on Access and Pedestrian Safety.** The consultation response from LBH Highways confirms that the proposal would not impede pedestrian movement and that there is no highways objection to the proposed development.

Summary

- 2.40 The proposed development provides an important upgrade to telecommunications infrastructure in this part of Ruislip 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.
- 2.41 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 have a significant adverse effect on the local area including its visual character and residential amenity and it has been demonstrated that appellants have adopted a sequential approach to the location of the development.

3.0 REVIEW OF PLANNING POLICIES

- 3.1 The reason for refusal identifies that the proposal would be contrary to the following policies:
- National Planning Policy Framework
 - Policy BE1 of the Hillingdon Local Plan Part 1
 - Policies DMHB11, DMHB12, and DMHB21 of the Hillingdon Local Plan Part 2
- 3.2 In addition, other policies relevant to the proposed development, including all those identified in the Delegated Report, are:
- Policies 4.10, 4.11, 7.1, 7.4, 7.5 and 7.6 of the London Plan
 - Vision and CI1 of the Hillingdon Local Plan Part 1
 - Policies DMHB14, DMEI 6 and DMT2 of the Hillingdon Local Plan Part 2
 - Policies D3, D8, E8, SI6 and SI12 of the emerging London Plan

Government Priority for 5G and Planning

- 3.3 Before considering the specific policies set out in the existing Development Plan and NPPF for telecommunications development it is important to highlight that the rapid development of 5G and related communications infrastructure is given the highest priority by Government. This is summarised best in the Government's response to the consultation on proposed reforms to PD rights for 5G deployment published last month (July 2020) (App 15).
- 3.4 This notes that the Government is investing £200m in the current programme of 5G testbeds (of which this appeal proposal forms part) (App 15 Exec Summ para 1), that the case for 5G is "compelling" (ES para 2) and that the Govt is *committed to ensuring that the UK receives the coverage and connectivity that it needs* (ES para 3). Reflecting this, and the responses to the Consultation, the Government is proposing amendments to permitted development rights that would support the deployment of 5G which will include greater permitted development rights for both wider and taller masts (ES para 6).
- 3.5 One specific proposal is to allow an increase in the width of ground-based masts by more than one third to support 5G deployment. The responses to this proposal were set out on page 19 of App 15 and, although there was significant opposition to the proposals, primarily from parish/town councils and personal respondents, the following responses are notable:
- 43% of LPAs were *supportive* of this proposal on the grounds that it would incentivise use of existing sites as preferable to proliferation of new sites.
 - Respondents from the industry saw this as *essential* for 5G deployment since it would remove a barrier to maximising use of existing sites.
 - Representatives of airports noted concerns regarding interference with navigation aids. This is, of course, a very important concern but would not be relevant to the appeal site.
- 3.6 The Government's response highlights the importance attached to rolling-out the 5G network and the Government is now committed to undertaking a detailed technical consultation on the detail of the proposals following which it will make amendments to Part 16 of the GPDO through secondary legislation.

National Planning Policy Framework 2019

Telecommunications and Economic Development

- 3.7 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 p16). 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.
- 3.8 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.
- 3.9 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.
- 3.10 **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.

Design and Environmental Matters

- 3.11 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.
- 3.12 Given the focus of this appeal on siting and appearance the following should be noted:
- The proposal maximises the potential of the site – it provides an upgraded base station which is shared by two operators and will result in the eventual removal of the existing base station when this is no longer needed. It therefore avoids the proliferation of base stations in the local area.
 - The proposal is well related to existing mature trees and is located where there are strong existing vertical elements in the street-scene.
- 3.13 **Conclusion:** the proposed development is strongly supported by and supports the principles set out in the NPPF.

The London Plan 2016

Economy

- 3.14 **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.

- 3.15 **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

- 3.16 **Policy 7.1 Lifetime Neighbourhoods.** This policy is concerned with providing an environment that supports an active and supportive local community. In terms of planning decisions, it refers to the need for the form of development to improve people's access to social and community infrastructure including green spaces (Part B), development should support people to live healthy and active lives (Part C) and design should reinforce/enhance the character of local area and to support accessibility (Part D). The current proposal enhances the accessibility of all members of the local community to gain access to services and facilities through enhanced access to mobile communications.
- 3.17 **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). It has been demonstrated that the proposal will have limited impact on the overall character of the area. The reason for refusal does not identify that the proposed development is contrary to this policy.
- 3.18 **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). The proposed development at the appeal site will not affect pedestrian accessibility. The reason for refusal does not identify that the proposed development is contrary to this policy.
- 3.19 **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 will provide an enhanced level of service for users in the vicinity of Victoria Road, which will benefit the local area more generally. The reason for refusal does not identify that the proposed development is contrary to this policy.

London Plan – Summary

- 3.20 In summary, it is the appellants position that the proposed development is strongly supported by the policies set out in the London Plan and that the impacts of the development in terms of character of the area is limited and significantly outweighed by the benefits of the proposal.

Emerging London Plan

- 3.21 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. The reason for refusal does not identify that the proposed development is contrary to any of the policies set out in the emerging London Plan.
- 3.22 **Policy D3 Optimising Site Capacity – Design-led Approach.** This policy requires all development to follow a design-led approach and sets out a range of design requirements for proposals including form and layout, the experience of the environments created and the quality/character of the development. The information in this appeal statement and in the Supporting Information submitted with the application set out in detail the key considerations for the design of the base station which are driven, primarily, by the technical operational requirements for the base station. It also identifies the alternatives that have been considered and the reasons for the selection of the proposal. Insofar

as the design principles set out in this policy are relevant it is considered that the appeal proposal is fully compliant with the requirements of Policy D3.

3.23 **Policy D8 Public Realm.** This policy is concerned both with the creation of new areas of public realm as part of developments and a range of considerations to be addressed in terms of the relationship between developments and the existing public realm. These factors have been addressed in response to Policy 7.5 of the adopted London Plan above.

3.24 **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.

3.25 **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.

3.26 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 LB Hillingdon.

Emerging London Plan – Summary

3.27 In summary it is the appellants position that the proposed development is strongly supported by the policies set out in the emerging London Plan and that the visual/amenity impacts of the development are limited and significantly outweighed by the benefits of the proposal.

Hillingdon Local Plan – Parts 1 and 2

Part 1: Vision for Hillingdon

3.28 The Vision for Hillingdon identifies a range of aims that would be achieved over the life of the Local Plan, including:

- *Improved environment and infrastructure in supporting healthier living and helping the borough to mitigate and adapt to climate change.*
- *Improved accessibility to local jobs, housing and facilities is improving the quality of life for residents.*

3.29 The proposed development would significantly enhance mobile digital communications in this part of Ruislip. This will improve access to information, services and facilities, and improve potential access to employment and recreation for the whole community. This has significant potential to contribute to these aims for the Local Plan.

Part 1 – Policy BE1: Built Environment

3.30 This identifies a range of design requirements to be met by 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, achieves a high quality of design that fully respects the characteristics of its location and, through sharing the base station by two, otherwise competing, operators avoids the proliferation of base stations in the locality.

2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views and to protect local amenity. *Response: it has been demonstrated that the proposed base station fully respects the context of the local area. The photomontages demonstrate that the proposal will not have an adverse impact on local views and will not unduly affect the amenity of residents, pedestrians or other uses of this section of Victoria Road.*
7. Improve the quality of the public realm. *Response: the proposed development will have a minimal impact on the existing public space along this section of Victoria Road. The location of the proposed monopole and cabinets these within the verge adjacent to mature trees, with a backdrop of large commercial units, will minimise impacts while, at the same time, securing a significant enhancement of digital mobile connectivity.*

Part 1 – Policy CI1: Community Infrastructure Provision

- 3.31 This Policy identifies a range of measures by which community and social infrastructure caters for the needs of the existing community and future population. Improvements to digital communications are an important component of social infrastructure supporting enhanced communications between individuals and groups for a wide range of purposes. The current proposal will, therefore, support this Policy.
- 3.32 Linked to this policy is Strategic Objective 6 which seeks to promote social inclusion through equality of opportunity and access to a wide range of facilities. The proposed development will enhance digital connectivity for all which will support this objective.

Part 2 – Policy DMHB 11: Design for Development

- 3.33 Part A of 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.
- 3.34 *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 for the proposal; it allows the sharing of facilities by two, otherwise competing, service providers (thereby avoiding proliferation of base stations); its visual impact is effectively mitigated by its location adjacent to tall mature trees, and location and within a major transport route and commercial area. The photomontages demonstrate the visual impacts are limited which, in part, reflects the characteristics of the site's location adjacent to Victoria Road.*
- 3.35 Part B notes that developments should not affect amenity, biodiversity and green infrastructure. *It has been demonstrated that none of these are affected by the proposed development.*
- 3.36 Parts C and D are not relevant to the proposal.

Part 2 – Policy DMHB 12: Streets and Public Realm

- 3.37 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 Victoria Road and does not affect pedestrian movement along the pavement.

Part 2 – Policy DMBH 14: Trees and Landscaping

- 3.38 This policy requires:
 - A) Developments to retain/enhance existing landscaping, trees etc. *Response: the proposal has no impact on existing trees/landscaping.*

- B) Provision of a landscape scheme appropriate to the character of the area. *Response: Given the need to ensure access to the cabinets and extent of underground utilities required to serve the development, the provision of additional landscaping would be inappropriate in this instance.*
- C) *Not relevant*
- D) Provision of accurate tree survey where proposals affect existing trees. *Response: No trees are affected by the development proposal.*

3.39 The reason for refusal does not identify that the proposed development is contrary to this policy.

Part 2 – Policy DMHB 21: Telecommunications

3.40 This policy sets out 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 are no significant detrimental impacts arising. This reflects the location of the site adjacent to mature trees, the character of this part of Victoria Road, and numerous existing vertical elements in the street scene and existing street furniture together with the backdrop of large commercial buildings.*
- ii) Not have a detrimental impact on visual amenity, character or appearance of the building or local area. *Response: the proposal does not have any undue impact on residential amenity as a result of separation from nearest residential properties by Victoria Road, the presence of mature trees and the character of the local area. Only a couple of residential properties will have direct views towards the proposed monopole. Other adjacent properties will have views at an oblique angle only, with a backdrop of large commercial properties. Impact on the character of the local area has been addressed above in response to i) above.*
- iii) Demonstrated that there is no possibility for use of alternative sites, mast sharing and the 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 that the current proposal would be shared by two operators.*
- iv) There is no impact on areas of natural history and heritage interests. *Response: the proposal has no impact on these interests.*
- v) It includes the appropriate ICNIRP certification. *Response: ICNIRP certification has been provided.*

Part 2 – DMT 2: Highways Impacts

3.41 This policy sets out transport and access requirements for development proposals. The proposed development has no impact on pedestrian access nor parking or other transport implications. There are no objections to the proposed development on highways or accessibility grounds and the Reason for Refusal does not identify that the proposed development is contrary to this policy.

Summary

3.42 The above review demonstrates that the proposed development supports, and is supported by, the provisions of the development plan and other material considerations.

Summary and Conclusions

3.43 This section has reviewed the provisions of the development plan and material considerations relevant to the proposed development for upgrading the existing telecommunications base station at the appeal site. It has considered, in some detail, the policies identified in the reasons 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 in this part of Ruislip that would support the upholding of this appeal. In particular it has been demonstrated that:

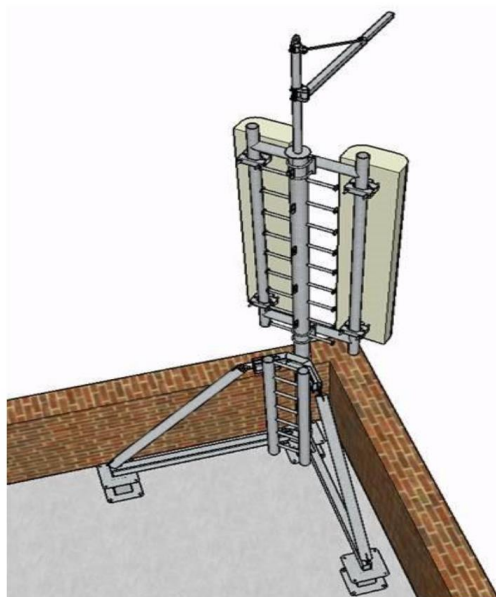
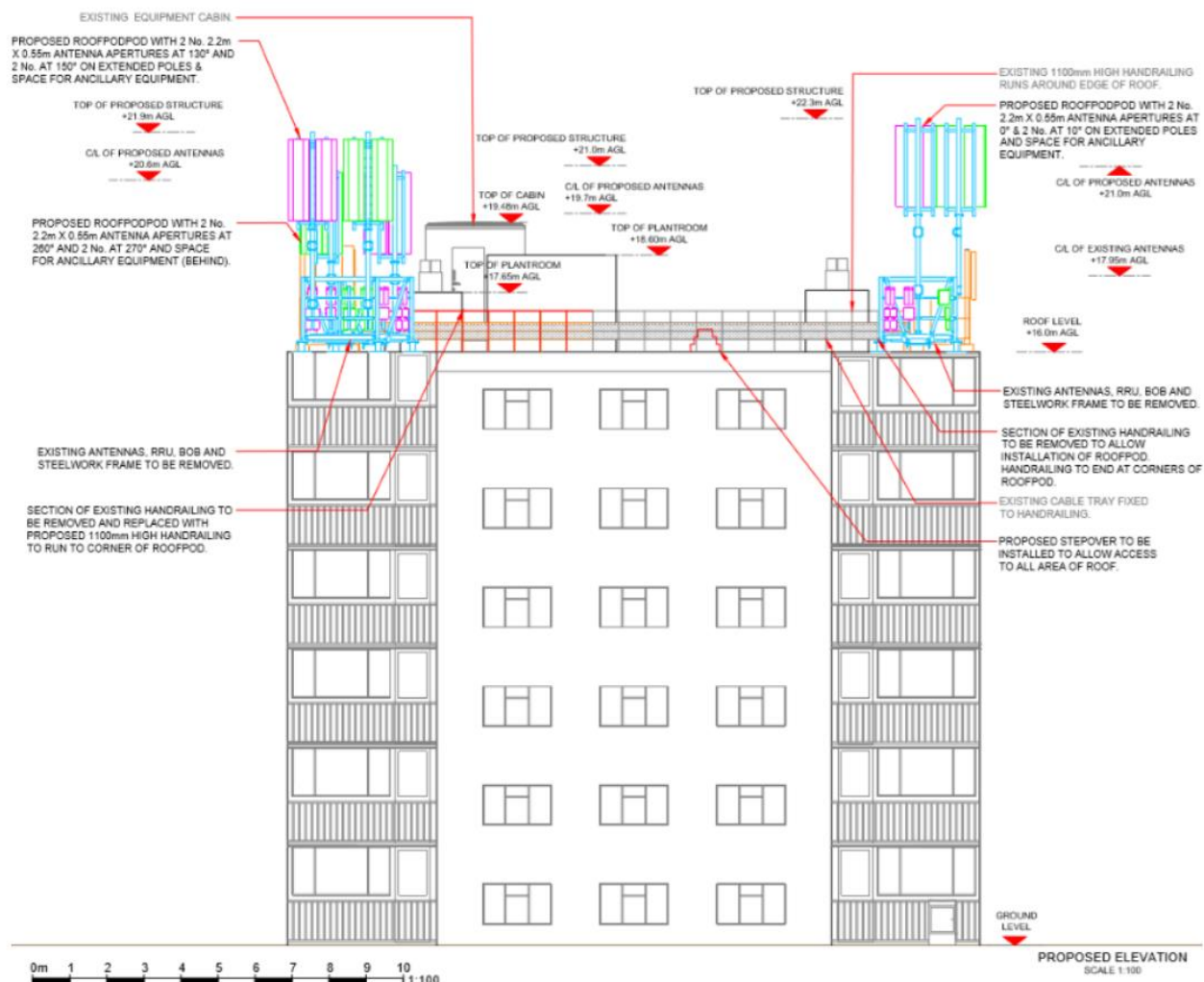
- Visual impacts of the development on the surrounding urban area are limited and local to the site. The proposal is mitigated by its location with adjacent mature trees and the character of Victoria Road which significantly reduce the visual impact of the proposal.
- The proposal will not affect the amenity of nearby premises.
- 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. Changes in working patterns are also likely to have some longer term impact on network requirements.

3.44 When these matters are considered, together with the significant benefits that arise from the proposed development, the conclusion is that there is no merit in the LPA's decision to refuse planning permission for the proposed development.

4.0 CONCLUSION

- 4.1 This appeal concerns the refusal of Prior Approval by LB Hillingdon of a new digital telecommunications base station comprising 20m mast and associated equipment at Victoria Road, Ruislip. This statement has shown:
- The proposal provides an important upgrade to the digital telecommunications in this part of Ruislip 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 the existing base station and screening afforded by existing mature trees in this location.
- 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 policies within the development plan and other material considerations.
- 4.3 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