Residents Services

APP. REF. NO: 75575/APP/2020/1478

DELEGATED DECISION

- *Please select each of the categories that enables this application to be determined under delegated powers*
- *Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.*

APPROVAL RECOMMENDED: GENERAL	Select Option
1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2. Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3. There is no Committee resolution for the enforcement action	☐
4. There is no effect on listed buildings or their settings	☐
5. The site is not in the Green Belt (but see 11 below)	☐
REFUSAL RECOMMENDED: GENERAL	
6. Application is contrary to relevant planning policies/standards	☐
7. No petition of 20 or more signatures has been received	☐
8. Application has not been supported independently by a person/s	☐
9. The site is not in Green Belt (but see 11 below)	☐
RESIDENTIAL DEVELOPMENT	
10. Single dwelling or less then 10 dewlling units and/or a site of less than 0.5 ha	☐
11. Householder application in the Green Belt	☐
COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT	
12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses	☐
13. Refusal of change of use from retail class A1 to any other use	☐
14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐
CERTIFICATE OF LAWFULNESS	
15. Certificate of Lawfulness (for proposed use or Development)	☐
16. Certificate of Lawfulness (for existing use or Development)	☐
17. Certificate of Appropriate Alternative Development	☐
CERTIFICATE OF LAWFULNESS	
18. ADVERTISMENT CONSENT (excluding Hoardings)	☐
19. PRIOR APPROVAL APPLICATION	☐
20. OUT-OF-BOROUGH OBSERVATIONS	☐
21. CIRCULAR 18/84 APPLICATION	☐
22. CORPSEWOOD COVENANT APPLICATION	☐
23. APPROVAL OF DETAILS	☐
24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval	☐
25. WORKS TO TREES	☐
26. OTHER (please specify)	☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

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

Address COLUMBUS VICTORIA ROAD RUISLIP

Development: Installation of a 20m monopole, 12 antenna apertures, 7 equipment cabinets and development ancillary thereto.

LBH Ref Nos: **75575/APP/2020/1478**

Drawing Nos: 785417_HGN031_70282_HA0133_M003C
785417_HGN031_70282_HA0133_M003_1
785417_HGN031_70282_HA0133_M003_3
785417_HGN031_70282_HA0133_M003_5
Connected Growth Manual
MBNL 5G and Future Technology
Mobile UK 5G QA Information Paper
Mobile UK Councils & Connectivity
Collaborating for Digital Connectivity
785417_HGN031_70282_HA0133_M003C
785417_HGN031_70282_HA0133_M003C

Date Plans received : 07/05/2020 **Date(s) of Amendment(s):**

Date Application Valid: 07/05/2020

1. SUMMARY

The proposal is for Installation of a 20m monopole, 12 no. antenna apertures, equipment cabinets and development ancillary thereto.(General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance)

The proposal is considered to be an obtrusive form of development which would add visual clutter to the street scene. The proposal would not harmonise with the character of the area and would be detrimental to local visual amenities. As such, fails to comply with Policy DMHB 11 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020) and the National Planning Policy Framework (2019).

This application is recommended for Refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

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).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE 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 REFUSE 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 I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

The Council has however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reason for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is to the front of a two storey building currently used as Wickes DIY store, located adjacent a major roundabout where Victoria Road turns into Field End Road. It is located on the grass verge just off Victoria Road, the site is located just outside of the Ruislip Retail Park and Wickes located South- East. To the North and East of the proposed cell, the area is occupied by residential dwellings, to South of the proposed cell remain large scale industrial units which dominate the majority of the site area.

Upon entering the Industrial Estate, along Stonefield Way there is an existing mast, in the form of a monopole with an open headframe, a similar structure to the additional cell being proposed on Victoria Road. Lighting columns, mature trees and bus stops provide context to the character of the area. The proposed cell is located between two mature trees.

3.2 Proposed Scheme

The proposal is for Installation of a 20m monopole, 12 no. antenna apertures, 7 no. equipment cabinets and development ancillary thereto.(General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance).

3.3 Relevant Planning History

74160/APP/2018/3363 Land Opposite Chancerygate Business Centre Stonefield Way Ruislip

Removal of existing 14.7m high telecommunications monopole with diplexor box at base, and installation of 20m high slimline telecommunications monopole with feeder cabinet at base and two 0.6m diameter dishes, installation of an equipment cabinet and ancillary development (Application under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance)

Decision: 09-11-2018 Approved

Comment on Planning History

There is no specific history related to the site on Victoria Road.

However, in 2018, consent was given nearby in Stonefield Way, under the Prior Approval Scheme, for removal of existing 14.7m high telecommunications monopole with diplexor box at base, and installation of 20m high slimline telecommunications monopole with feeder cabinet at base and two 0.6m diameter dishes, installation of an equipment cabinet and ancillary development. This has been implemented.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consultation

None received

6. 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

In addition: Hillingdon Development Plan

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan: Part 2 - Development Management Policies (2020)
The Local Plan: Part 2 - Site Allocations and Designations (2020)
West London Waste Plan (2015)
The London Plan - Consolidated With Alterations (2016)

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:
(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2019)
The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

The Mayor has considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required. These are set out at Annex 1 of the response, however the letter does also state that if the Mayor can suggest alternative changes to policies that would address the concerns raised, these would also be considered.

More limited weight should be attached to draft London Plan policies where the Secretary of State has directed modifications or where they relate to concerns raised within the letter. Greater weight may be attached to policies that are not subject to modifications from the Secretary of State or that do not relate to issues raised in the letter.

Other
Principle of Development:
Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states:

Permitted development
A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of -

(a) the installation, alteration or replacement of any electronic communications apparatus,
(b) the use of land in an emergency for a period not exceeding 6 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
(c) development ancillary to radio equipment housing.

Development not permitted: ground-based apparatus
A.1 - (1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if -

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of -
(i) 25 metres above ground level on unprotected land; or
(ii) 20 metres above ground level on article 2(3) land or land which is on a highway; or

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced -
(i) exceed the greater of the height of the existing mast or a height of -
(aa) 25 metres above ground level on unprotected land; or
(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; or
(ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height.

Case Officer's Comments:
The proposed overall height of the monopole is 20m hence it is in accordance with Condition A.1 - (1), (c)(iii) of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Development not permitted: radio equipment housing
(9) Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if -

(a) the development is not ancillary to the use of any other electronic communications apparatus;
(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or
(c) on any article 2(3) land, or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

Case Officer's Comments:
The proposal is in accordance with Condition A.1 - (9)(b) of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

CONCLUSION
The principle of development is in accordance with the criteria set under the the Town and and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The decision on whether prior approval is required is subject to the siting and appearance considerations being acceptable, which are addressed in the body of this report.

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.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020) seeks to ensure that developments do not adversely impact on the amenity of residential properties.

The site is within a commercial area but directly opposite a residential area generally comprising two storey semi-detached dwellings. The nearest dwelling is approximately 28 metres away. Whilst it is not considered that any material loss of amenity could be demonstrated, the siting and scale means that the development would be visible from a number of properties.

7.3 Traffic Impact / Pedestrian Safety

Highways Officer - This is an application for a mast and related communication equipment on a serviceway footway along Victoria Road. The proposed location is on a footway alongside a service road in an industrial area. The path can accommodate both the equipment and space for pedestrian movements, which in this area would be low as there is another pavement adjacent to the service road which is on the main desire line. Therefore, there will be limited impact on the pedestrian routes in the area. The equipment can be maintained easily from the service road where there are no parking restrictions. There are no highway objections to this application.

7.4 Carparking & Layout

Not applicable

7.5 Urban Design, Access and Security Considerations

Covered in other sections of the report.

8. 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

Contact Officer: Cris Lancaster **Telephone No:** 01895 250230