

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 than 10 dwelling 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. ADVERTISEMENT 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	SW ADJACENT JUNCTION PUMP LANE/ SILVERDALE RD HAYES
Development:	Proposed 15.0m Phase 8 Monopole C/W wraparound cabinet at base, 3 cabinets and associated ancillary works (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance)
LBH Ref Nos:	76044/APP/2020/3862
Drawing Nos:	Developers Notice - LPA Developers Notice - Cllrs Townfield Ward Developers Notice - Heathrow Aerodrome Safeguarding Arboricultural Impact Assessment dated January 2021 GPDO Covering Letter 19th November 2020 Site Specific Supplementary Information Declaration of Conformity with ICNIRP Public Exposure Guidelines Letter to Site Provider - Highways LBH Developers Notice 002 Site Location Plan Issue C 100 Existing Site Plan Issue C 150 Existing Elevation Issue C 210 Proposed H3G Site Plan Issue C 260 Proposed H3G Elevation Issue C 303 Proposed H3G Antenna Schedule & Line Configuration Issue C 305 Equipment Schedule & Support Structure Details Issue C

Date Plans received : 30/11/2020

Date(s) of Amendment(s):

Date Application Valid: 30/11/2020

1. SUMMARY

This application seeks Prior Approval for a 15m Phase 8 Monopole C/W wraparound cabinet at base, 3 cabinets and associated ancillary works (General Permitted Development) Order 2015. The purpose of the proposal is to provide improved coverage and capacity including 5G services to the surrounding area for Hutchison 3G UK Limited (H3G).

The application site is located in proximity of an existing street tree along Pump Lane. The Council's Trees/Landscape Officer was consulted and raise objection to the proposal. The proposed monopole C/W wraparound cabinet will be located within the Root Protection Area (RPA) and would adversely impact the medium to long term health of the tree. It is emphasized that there are concerns for the root structure of the tree, as the proposal requires deep excavation and foundation for the monopole and pruning would be required. The officer has noted that it would result in the unbalance of the crown of the tree and would spoil its form. There are also concerns of the future maintenance of the public asset as it is stated in the Arboricultural Impact Assessment that future pruning would be required which the applicant has not addressed.

As such, given the above concerns this application is recommended for refusal on the basis that the proposal would introduce urban clutter to the footway and otherwise attractive landscape feature which would be detrimental to the character, appearance and visual amenities of the street scene and the wider area and has fail to demonstrate

that the development will safeguard the existing trees and the long-term future of the tree, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, DMHB 14 and DMHB 21 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020).

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development, by reason of the quantity, size, scale and siting of the equipment cabinets, would introduce urban clutter to the footway and otherwise attractive landscape feature which would be detrimental to the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020).

2 NON2 Non Standard reason for refusal

The application has failed to demonstrate that the development will safeguard existing trees on/adjacent to the site and further fails to safeguard the long-term future of trees of merit in the public realm. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12, DMHB 14 and DMHB 21 of the adopted 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 21 Telecommunications

DMHB 14 Trees and Landscaping

DMT 5 Pedestrians and Cyclists

LPP SI6 (2021) Digital connectivity infrastructure

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.

We have 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 reasons for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the south side of Pump Lane in front of Trinity Trading Estate, Unit 1 Pump Lane adjacent to the front elevation car parking. The proposed equipment is to be located on the pedestrian footpath west of to an existing street tree.

The immediate surrounding to the site is commercial/industrial in nature, mainly 2 to 3 storeys high warehouse units and office buildings. The site is located within the Hayes Housing Zone and Strategic Industrial Location: Sites located near Hayes Town Centre.

3.2 Proposed Scheme

The application seeks prior approval for the installation of a 15.0m Phase 8 Monopole C/W wraparound cabinet at base, 3 cabinets and associated ancillary works (General Permitted Development) Order 2015 for determination as to whether prior approval is required for siting and appearance).

The proposed cabinet dimensions:

- 1900mm (W) x 600mm (D) x 1752mm (H)
 - 640mm (W) x 480mm (D) x 1200mm (H)
 - 600mm (W) x 520mm (D) x 1585mm (H)
 - 1800mm (W) x 750mm (D) x 1600mm (H)
- (Volume of housing equipment = 5.02 cubic metres)

Material:

Monopole - Phase 8 pole, Galvanised with wraparound cabinet, Root Foundation
Equipment Housing - Steel, Grey

3.3 Relevant Planning History

75730/APP/2020/2219 Land At Pump Lane Hayes

Proposed 20m Phase 8 Monopole C/W wraparound Cabinet at base, 3 cabinets and associated ancillary works (Application under Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for determination as to whether prior approval is required for siting and appearance)

Decision: 03-09-2020 Refused

Comment on Planning History

Planning application under reference 75730/APP/2020/2219 was refused dated 4-09-20 for the installation of a 20m Phase 8 Monopole C/W wraparound Cabinet at base, 3 cabinets and associated ancillary works (Application under Part 16 of Schedule 2 to the

Town and Country Planning (General Permitted Development) Order 2015 (as amended) for determination as to whether prior approval is required for siting and appearance). The reason of refusal includes:

1. The proposed development, by reason of the siting, size, scale, height and design of the proposed monopole and the quantity, size, scale and siting of the equipment cabinets, would create an obtrusive form of development which would be detrimental to the character, appearance and visual amenities of the street scene and the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020).

2. In the absence of a Tree Survey and Arboricultural Implication Assessment to BS5837:2012 standards, the application has failed to demonstrate that the development will safeguard existing trees on/adjacent to the site and further fails to demonstrate protection for and long-term retention of the trees. The proposal is therefore detrimental to the visual amenity of the street scene and the wider area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 11, DMHB 12 and DMHB 14 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020).

3. The proposed development, by reason of the siting of the equipment cabinets would result in the reduction in width of the pedestrian footway, leaving insufficient space for all pedestrians, not least wheelchair and mobility scooter users, blind and visually impaired persons. The proposal would therefore be detrimental to pedestrian safety and contrary to DMHB 12, DMHB 21 and DMT 5 of the adopted Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policy 7.2 of the London Plan (2016).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- 17th January 2021

4.2 Site Notice Expiry Date:- Not applicable

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 21 Telecommunications

DMHB 14 Trees and Landscaping

DMT 5 Pedestrians and Cyclists

LPP SI6 (2021) Digital connectivity infrastructure

NPPF- 10 NPPF-10 2018 - Supporting high quality communications

In addition: 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 monopole is 15m and is not located within article 2(3) land or land which is on highway. As such, it is in accordance with Condition A.1 - (1)(c)(i) 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 total accumulative radio equipment housing would be 5.02 cubic metres, therefore the proposal is in accord 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).

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.

Chapter 10 of the National Planning Policy Framework (2019) stresses the importance of advanced, high quality and reliable communications infrastructure 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.

The aim of this application is to provide improved coverage and capacity, including 5G services for H3G. According to the site supplementary document, a total of 9 site were discounted in the the site search and the current site submitted as part of this application was selected.

A signed Declaration of Conformity has been provided as part of this submission.

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 adjacent properties, and seeks to protect outlook for residents, defined as the visual amenity enjoyed by occupants when looking out of their windows.

The nearest neighbours are located 51m away from the application site on the north. Due to the overall height of the monopole, it will be visible from the adjacent residential dwellings. However, based on the distance and that there is an existing premise located between the residential area and proposal, the telecommunications mast would not directly impact on neighbouring properties.

7.2 Impact on Street Scene

Policy DMHB 11 of the 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.

Policy DMHB 12 of the The Local Plan: Part 2 - Development Management Policies (2020) states that development should be well integrated with the surrounding area and accessible. It should: i) improve legibility and promote routes and wayfinding between the development and local amenities; ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area; iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space; iv) provide safe and direct pedestrian and cycle movement through the space; v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard; vi) where appropriate, include the installation of public art; and vii) deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.

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 new mast is 15m high with 3 cabinets located alongside the pedestrian footway. The cabinets range in height from 1.2 to 1.7 metres and have an overall footprint of 5.02 cubic metres.

The site is set back from the highway backing onto a 2 storeys high industrial unit (overall height 10m). The context of the site is considered to be mainly commercial/industrial in nature and consists of mixture of warehouse/industrial units, car parks and offices. It is noted that there are existing vertical features within the immediate area, including road signage, signage, street cabinets and street lighting columns (7.3 metres high).

The proposed 15m monopole would appear a prominent feature to the area however

given its site context, there would be limited impact on the character and appearance of the area. However, the location of the cabinets is considered inappropriate and will introduce urban clutter to the footway and otherwise attractive landscape feature.

Whilst the mast is to provide improve existing coverage and to provide 5G services, in addition to the existing street furniture and landscaping in the immediate area, the proposal will add undue clutter to the streetscene. It would therefore be contrary to Policy BE1 of The Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHB 11, DMHB 12 and DMHB 21 of The Local Plan: Part 2 - Development Management Policies (2020).

7.3 Traffic Impact / Pedestrian Safety

The Council's Highway's Officer has commented on this application and no objections has been raised. The application site is set back from the highway, therefore it would not impact on the highways or pedestrian safety.

7.4 Carparking & Layout

Not applicable to this application.

7.5 Urban Design, Access and Security Considerations

Refer to Section 7.2 of this report.

7.6 Other Issues

AIRPORT SAFEGUARDING:

Policy DMAV 1 of The Local Plan: Part 2 - Development Management Policies (2020) states that proposals that may be hazard to aircraft safety will not be permitted.

The site is located 2.6km away from Heathrow Aerodrome Safeguarding, therefore Heathrow and NATS was consulted. No objections are raised subject to a crane and 5G aviation informative.

TREES, LANDSCAPE AND ECOLOGY:

The application site is located on the paved pedestrian footpath and there is a tree located 3.47m to the east of the monopole with a base cabinet. According to the Arboricultural Impact Assessment, the monopole with the base cabinet is located within the root protection area (RPA) of the tree, referred as T3. The report states that the tree is a common lime with a height of 10m in good condition (category B1 under BS 5837) with estimated remaining contribution as long.

In order to accommodate for the telecommunication equipment, the proposed development would involve the tree to be prune by not more than 1.4 m on the western side and that pruning may be required to maintain distance away from the mast in the future as the tree increases in size. However, the applicant has fail to mention any long-term implementation of maintenance.

The report also states that the "installation of the foundations for the equipment would include some works at the edge of the Root Protection Area of T3, these are expected to be tolerable to the tree because of its age, the distance from the tree, and the availability of better rooting space in the soft verge than beneath the pavement". Based on the plan provided, it shows nearly the entirety of the monopole with the base cabinet is within the Root Protection Area.

The Council's Trees/Landscape Officer have assessed this application and raised objection to the proposal. Due to the close proximity and cabinet's location within the Root Protection Area, concerns are raised on the existing root structure and the plan indicates

that this will unbalance the crown of the tree and spoil its form. The officer has emphasized that until excavation takes place, the full impact of the proposal on the existing root structure cannot be known. Given the above, the existing street tree would be unsustainable with several details which could adversely affect the tree in the medium to long term and will jeopardize the future of a public asset.

DISABLE ACCESS:

The proposed location is on the pedestrian footpath on Pump Lane and near the corner to Silverdale Road. The Council's Access Officer has assessed this application and considers the proposal to be acceptable and there are no accessibility concerns.

HEALTH:

In terms of potential health concerns, the applicant has confirmed that the proposed installation complies with the ICNIRP (International Commission 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. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
National Planning Policy Framework (2019)
The London Plan (2021)
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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