

WHP Telecoms

Appeal against the decision of LB Hillingdon Council to refuse planning permission (ref: 76044/APP/2020/3862) for a proposed 15.0m Phase 8 Monopole C/W wrapround cabinet at base, 3 cabinets and associated ancillary works.

At the Junction of Pump Lane / Silverdale Road, Trinity Trading Estate, Hayes, UB3 3LP

APPEAL STATEMENT OF CASE

Date: 19/03/2021

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Agents Ref: HGN13147

Hutchison 3G UK Ltd (Three UK)

**Proposed 15.0m Phase 8 Monopole C/W wrapround cabinet at base,
3 cabinets and associated ancillary works at the Junction of Pump
Lane / Silverdale Road, Trinity Trading Estate, Hayes, UB3 3LP**

Appeal Statement of Case

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1.0 **Introduction:**

1.1 This Appeal seeks the Inspector to consider the proposal for the siting and design of a proposed telecommunications installation: proposed installation of a 15 metre Phase 8 Monopole C/W wraparound Cabinet at base with associated ancillary works. This appeal seeks the Inspector to gauge if the proposal could be to the detriment of the amenity of the area, the protection of trees and the safe and free flow of pedestrian traffic along this section of Pump Lane when, weighed against the benefits the development would deliver in terms of sustainability and provision of enhanced digital communication for residents and businesses in the cell search area.

1.2 The Appellant wishes to pursue the written representations appeal procedure.

1.3 In the reasons for refusal, as given by LB Hillingdon Council in their decision notice 76044/APP/2020/3862 of the 12th March 2021, they state that:

“1. 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. 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).”

1.4 The justification, reasoning and decision for the refusal of the Planning Application, by LB Hillingdon Council are the subject of this appeal.

1.5 The Grounds for Appeal are:

- The proposal is in accordance with the National Planning Policies (NPPF)
- The proposal is in accordance with Policies BE1, DMHB11, DMHB12, DMHB14 and DMHB21 of the Development Plan.
- As outlined in this supporting statement the applicant is confident that the proposed telecommunications monopole and ancillary infrastructure would not, by virtue of its design, be detrimental to the free flow of pedestrians, amenity would be maintained (with the height of the monopole proposed having been reduced by 25% from 20m to 15m) and that suitable and robust evidence has been provided to demonstrate the proposal would not affect the nearby trees (including the moving of the 2 x H3G Cabinets from east side of the monopole, to the west side of the monopole (and away from the tree that was of original concern)).

Key Issue/s

1.6 It is considered that the key issues for this appeal are:

- Whether the benefits of the appeal proposals outweigh the perceived impact upon the free flow of pedestrians, trees and character of the area (by virtue of its scale and position)
- 1.7 In addition to the above it is respectfully requested that the appointed Inspector, as an independent adjudicator on applications / appeals, consider the fact that following the previous refusal (as appended to this Statement) the scheme has sought to address the reasons for refusal with the reduction in the height of the monopole to 15m high, the retention of sufficient pedestrian passing space (in accordance with the guidelines published and followed by Transport for London (TfL), and the repositioning of cabinets away from potential root protection areas..

Technical Considerations

- 1.8 The published online comments record does not identify any evident consultee comments being available for view or having been made.

2.0 **Procedural Matters**

- 2.1 This appeal follows written pre-application requests for feedback with the LPA and key Stakeholders, of which none were received prior to the submission of the Application. The local Ward Councillors and the LPA were consulted with prior to the submission of this application. Pre-application was undertaken for the scheme with no responses by the LPA or Ward Councillors prior to the submission of the application.
- 2.2 It should be noted that the application that is the subject of this appeal has a monopole height of 15m, being 25% lower than that of the previously refused scheme at the same site. In addition, the position of the cabinets that were of concern on the original application have now been moved to the west of the monopole, away from the tree of concern.
- 2.3 Three UK are in the process of building out the UK's fastest 5G network. Three UK has 140MHz of 5G spectrum (and 100MHz of it contiguous), which means their service will be much faster and able to handle more data. To bring this new technology to the people Three UK will need to provide a mix of upgrades to existing sites and the building of new sites. New sites will be needed for many reasons, including the fact that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.
- 2.4 It should be noted however, that the nature of 5G and the network services it provides, means the equipment and antennas required are quite different to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

Future Telecoms Infrastructure Review

- 2.5 In 2018, the Government published its Future Telecoms Infrastructure Review, which outlined plans to extend full-fibre broadband coverage across the country by 2033 and for the majority of the population to have access to 5G mobile coverage by 2027. The Government's policies within this document are based on the fact that the existing telecoms infrastructure requires investment. Now that the UK has left the European Union, there is a significant focus from the Government on boosting the UK's productivity, and the Government has signalled 'levelling up' digital connectivity as pivotal to their plans. The approval of this Appeal, and other similar applications, will assist the Government in achieving their aspirations regarding the 5G network.

Public Benefits

- 2.6 As well as the Appeal proposals being in line with Government aspirations, there are also clear and demonstrable public benefits arising from the provision of a 5G network in the proposed location. Figure 3 below (extrapolated from the Government Published 'Future Telecoms Infrastructure Review') summaries the economic and social benefits that 5G coverage can generate, at both a macro and micro scale.

Figure 3:

Figure 3: Examples of potential benefits arising from 5G²¹

	Improved connectivity: Faster and more reliable 5G connectivity for users in a range of environments, including on road and rail networks, in dense areas and even at home. • Potential benefits: Increased consumer value and productivity gains
	New consumer devices and services: Smart devices and services enabled by 5G, from immersive media and entertainment through new healthcare wearables to connected and autonomous vehicles • Potential benefits: A variety of consumer and business benefits driven by innovation
	New IoT solutions: Opportunities for more advanced asset tracking, remote control, predictive maintenance and sensor-enabled optimisation of processes across sectors • Potential benefits: Increased productivity
	Smarter infrastructure and public services: Street lighting, traffic management systems, energy grids and other areas could be enhanced by 5G connectivity • Potential benefits: More efficient and secure service delivery, environmental benefits

Source: Deloitte (2018), 'The impacts of mobile broadband and 5G: A literature review'

3.0 **The Appeal Site / Context:**

- 3.1 The proposed site on highways land adjacent to Pump Lane, at the junction of Silverdale Road, on the Trinity Trading Estate, Hayes, UB3 3LP. This planning application, which is the subject of this appeal, is purely to improve digital coverage within this area with new equipment to facilitate 5G coverage. The original proposal sought to involve the installation of a 5G 20m monopole and associated works. The application that is the subject of this appeal offers a reduced height of a monopole, to 15m, together with the maintenance of suitable pavement width and positioning away from trees.
- 3.2 It is proposed that the installation is to provide comprehensive digital coverage with a 5G installation, to facilitate significantly improved connectivity. Three UK utilise approved equipment and thus these installations are fully compliant with the NPPF.
- 3.3 The target coverage area includes Hayes Town however, the site has been carefully selected is a position capable of providing the required essential coverage whilst being as far away as possible from more sensitive receptors, yet remain within the constraints of the cell search area (the cell search area is very constrained geographically (as evidenced in the submitted SSSI and is a predominantly residential area (to the west and north, and beyond that of the appeal site which is commercial / industrial)). The appeal site is situated on highways land, close to tall existing street furniture (streetlights). The site has been selected in location as feasibly distant as possible from houses and lines of sight from windows to minimise any encroachment on residential amenity. The site has also been carefully selected in a position capable of providing essential new 5G coverage and associated internet provision for the area whilst being situated as far away as technically possible from the views of residential receptors (residential use dominates the cell search area to the west and north).
- 3.4 The location and position of the proposal is not identified as sensitive (e.g. Article 2 (3) land or in close proximity to any listed buildings, and the area is urban in character (the location and wider cell search area is dominated by residential uses, but the appeal site area is heavily commercial / industrial). The site is located on highways land adjacent to Pump Lane, close to tall existing street furniture (streetlights) and trees. Beyond the commercial / industrial character of the area, to the north and west are residential uses. The site is set on highways land and is partially screened from views beyond the site by existing buildings. The location of the proposal could not be more suitable given the partial screening that surrounds the site and that there is only limited scope for negative residential amenity.
- 3.5 The associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval and should not be considered as a reason for refusal. Notwithstanding this it is important to note that the equipment has been positioned on the pavement on adjacent to Pump Lane such that it minimises visual impact and ensures more than sufficient amounts of space for safe pedestrian flow. If the Inspector is minded to approve the installation, the colouring of the equipment can also be specified as deemed appropriate to enhance any merging effects with the existing street scene
- 3.6 It is considered that facilitating the delivery of what is seen by Government as a key part of the economic growth strategy for the UK would in this instance amount to special circumstances, and any refusal on the grounds that the development would not constitute special circumstance would delay and inhibit the delivery of this key driver of the wider UK economy. The investment in mobile infrastructure will continue and it will evolve. Just as the use of 4G mobile technology becomes widespread, the adoption

and use of 5G mobile technology needs to be planned and implemented. Getting this right is important for three reasons:

1. Mobile connectivity is essential to the future success of the economy. The combined value of 4G and 5G mobile connectivity is estimated to add £18.5bn to the economy by 2026
2. Mobile connectivity is essential to creating a better society. Digital inclusion can help people gain employment, become more financially secure and improve health and well-being.
3. Mobile connectivity is essential to fulfilling the potential of new technologies. Innovations such as Artificial Intelligence and connected cars will change how we work, spend our leisure time and run our public services. The mobile industry has been able to enhance mobile connectivity across most of the country, but there is more to be done.

- 3.7 A slimline street pole design has been specified due to the target coverage area including a high density of residential users with a view to minimising visual intrusion or conflicting with the character of the area (the submitted plans of the amended scheme detailing a 25% reduction in height of the originally refused proposal, down to 15m in height). It is important to note that a shared 5G structure would require multiple levels of open antenna headframes on a considerably more bulky and intrusive support structure and therefore the least intrusive equipment configuration has been specified. The proposal is essential for the Operator to bring optimum telecommunications / mobile broadband services to the area.
- 3.8 As stated previously robust pre-consultation was conducted by the applicants' agent. This process included pre-application with the LPA and further consultation with the local Ward Councillors. The pre-application process invites LB Hillingdon Council and other key stakeholders to meet to discuss the application prior to submission. In this instance no comments were received from LB Hillingdon Council following the original pre-application submission. Pre-application was undertaken for the site with no responses by the LPA or Ward Councillors prior to the submission of the application.
- 3.9 In relation to perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.
- 3.10 The need for the pole to be a minimum of 15 metres high is essential (20m high is optimal but has been reduced to 15m high as detailed in this appeal). The height of the monopole must be sufficient to enable local provision and clear surrounding building. The monopole with 5G ideally needs to be 20m to clear ICNIRP guidelines, but following Radio Engineer review there was scope to lower the monopole to 15m high to accommodate the concerns of the Planning Department at the London Borough of Hillingdon. The proposal has been designed to remain as discreet as physically possible yet still facilitate multiple 'sharers'. The installation must be high enough to ensure suitable coverage within the cell and provide connection between these cells. In this instance the height is required to clear surrounding clutter. If the pole were to be lower than that proposed, there would be significantly limited coverage as the cell could not effectively communicate with other cells and the wider network, meaning the level of service expected would be compromised. To clarify, the Local Planning Authority is required to undertake a balancing exercise. The balance is the visual impact (and perceived harm to amenity) / claimed imposition on pedestrian flow and trees, weighed against the need and technical requirements of the installation and availability of a suitable and available site. This balance is a well-known and most important matter for the determination of telecommunications applications and

appeals. Had the Case Officer weighed perceived levels of harm to amenity against public benefit, as required by NPPF, they would ordinarily have concluded the balance was overwhelmingly in favour of support for such development.

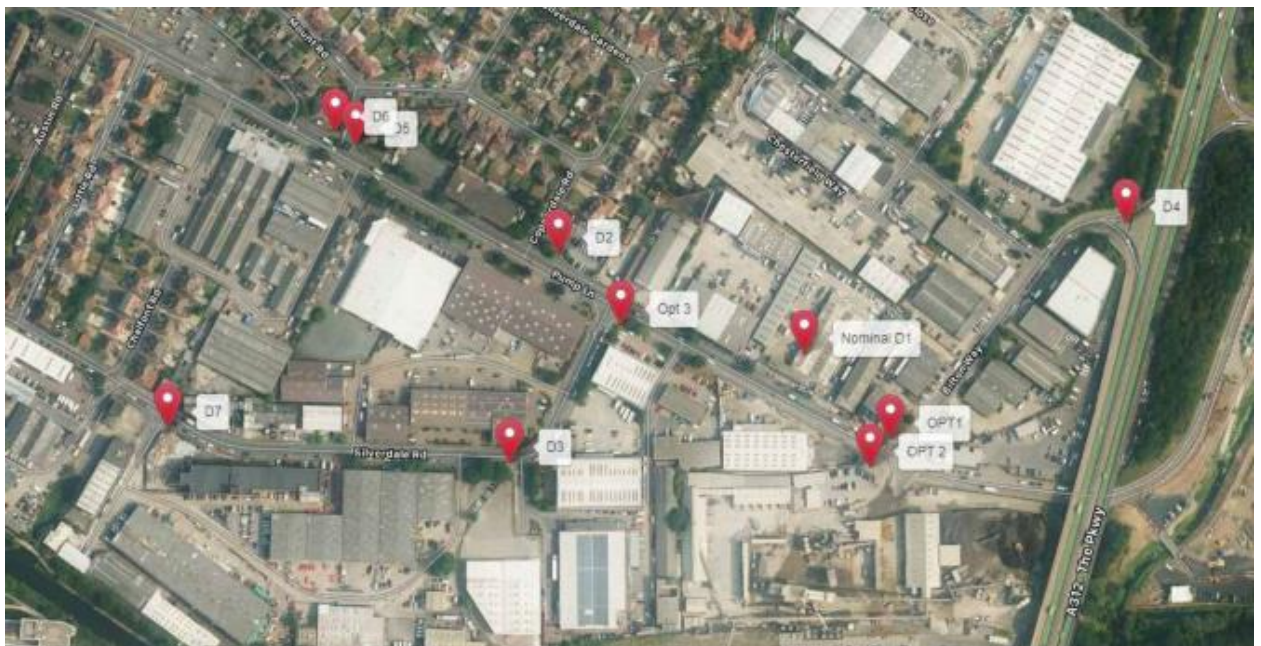
- 3.11 The current (amended) scheme, to 15m high, detailed in this appeal has sought to mitigate any perceived detrimental effects with its position that would benefit from screening by surrounding buildings and trees. In the reasons for refusal the Council is concerned that the installation would, in essence, have a detrimental impact on the character and visual amenity of the area, pedestrian flow and trees. In accordance with published guidance, this site is the only viable solution and is in the most appropriate location (as evidenced in the 'Discounted Options' section of the SSSI – the cell search area is extremely constrained geographically). Discounted Options are repeated below for ease of reference:

(Designated Search Area) covers this densely packed urban area. There is no scope to pull the mast outside of this area and give the cell 5G coverage.

- D1 - Private Property;
- D2 - Residential Amenity;
- D3 - Highway Safety / Visibility Lines of Sight Issues;
- D4 - Highway Safety / Visibility Lines of Sight Issues;
- D5 - Residential Amenity;
- D6 - Residential Amenity;
- D7 – Too far from Nominal

The cell search was extremely difficult, thus why only a handful of potential locations were investigated.

Map 1 – Discounted Options:



- 3.12 In accordance with the sequential approach outlined in the National Planning Policy Framework (NPPF) the following search criteria have been utilised. Firstly, consideration is always given to the possibility of erecting antennas on an existing

building, mast or other structure. The proposal is from a site selection perspective the sequentially optimum solution.

3.13 This sequential approach is outlined below:

1. Upgrading an operator's own existing base station(s);
 2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
 3. Co-location or site sharing alongside existing telecommunications development;
 4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is
5. Erection of a new ground-based mast in street environment.

3.14 In compliance with its licence and the sequential approach outlined in the NPPF all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed. As identified in the submitted documents that accompanied the planning application, no opportunities for site sharing are available, resulting in Option 5 of the sequential approach being the only viable route that would ensure delivery of the requisite digital service. As such, the sequential site selection process has been adhered to.

3.15 The cell search area is illustrated below and is extremely constrained with the only viable option having been put forward. Figure 4 below illustrates the parameters of the search area showing the coverage requirement between a cluster of existing cells. It can be seen that the coverage 'hole' extends into the commercial / industrial area however the site has been carefully selected in a position as far away as possible from the views of residential properties and other sensitive receptors. Often the proposal has been pulled marginally outside of the cell search area due to residential amenity, pavement width, underground services and planning issues. There are also build constraints to take into account as the site must be selected in a position where the mast can be physically constructed and existing underground services continue to be a significant obstacle to the deployment of this roll out. As with all 5G cells the search area is highly constrained covering a small radius with extremely limited availability of options and the only viable solution from a planning and radio coverage perspective has been put forward.

Figure 4: Cell Search Area Map (yellow dot HGN13147)



- 3.16 This is a standalone facility as opportunities for sharing have been investigated and exhausted. Ordinarily a new additional mast to facilitate the digital coverage upgrade would not be in line with NPPF, but due to technological constraints and roll out delivery requirements this is the only option available.

4.0 **Consideration / Justification:**

Policy / Guidance Consideration:

4.1.0 **Local Plan Policy:**

4.1.1 The decision notice as issued by LB Hillingdon Council states: *“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”* and that *“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.”*

4.1.2 The decision notice has cited Policies BE1, DMHB11, DMHB12, DMHB14 and DMHB21 of the Development Plan and these are detailed below.

4.1.3 **Policy BE1 reads:**

Built Environment

The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should:

1. Achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place;

2. Be designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties;

3. Be designed to include “Lifetime Homes” principles so that they can be readily adapted to meet the needs of those with disabilities and the elderly, 10% of these should be wheelchair accessible or easily adaptable to wheelchair accessibility encouraging places of work and leisure, streets, neighbourhoods, parks and open spaces to be designed to meet the needs of the community at all stages of people’s lives;

4. In the case of 10 dwellings or over, achieve a satisfactory assessment rating in terms of the latest Building for Life standards (as amended or replaced from time to time);

5. Improve areas of poorer environmental quality, including within the areas of relative disadvantage of Hayes, Yiewsley and West Drayton. All regeneration schemes should ensure that they are appropriate to their historic context, make use of heritage assets and reinforce their significance;

6. Incorporate a clear network of routes that are easy to understand, inclusive, safe, secure and connect positively with interchanges, public transport, community facilities and services;

7. Improve the quality of the public realm and provide for public and private spaces that are attractive, safe, functional, diverse, sustainable, accessible to all, respect the local character and landscape, integrate with the development, enhance and protect biodiversity through the inclusion of living walls, roofs and areas for wildlife, encourage physical activity and where appropriate introduce public art;

8. Create safe and secure environments that reduce crime and fear of crime, anti-social behaviour and risks from fire and arson having regard to Secure by Design standards and address resilience to terrorism in major development proposals;

9. Not result in the inappropriate development of gardens and green spaces that erode the character and biodiversity of suburban areas and increase the risk of flooding through the loss of permeable areas;

10. Maximise the opportunities for all new homes to contribute to tackling and adapting to climate change and reducing emissions of local air quality pollutants. The Council will require all new development to achieve reductions in carbon dioxide emission in line with the London Plan targets through energy efficient design and effective use of low and zero carbon technologies. Where the required reduction from on-site renewable energy is not feasible within major developments, contributions off-site will be sought. The Council will seek to merge a suite of sustainable design goals, such as the use of SUDS, water efficiency, lifetime homes, and energy efficiency into a requirement measured against the Code for Sustainable Homes and BREEAM.

These will be set out within the Hillingdon Local Plan: Part 2- Development Management Policies Local Development Document (LDD). All developments should be designed to make the most efficient use of natural resources whilst safeguarding historic assets, their settings and local amenity and include sustainable design and construction techniques to increase the re-use and recycling of construction, demolition and excavation waste and reduce the amount disposed to landfill;

11. In the case of tall buildings, not adversely affect their surroundings including the local character, cause harm to the significance of heritage assets or impact on important views. Appropriate locations for tall buildings will be defined on a Character Study and may include parts of Uxbridge and Hayes subject to considering the Obstacle Limitation Surfaces for Heathrow Airport. Outside of Uxbridge and Hayes town centres, tall buildings will not be supported. The height of all buildings should be based upon an understanding of the local character and be appropriate to the positive qualities of the surrounding townscape.

Support will be given for proposals that are consistent with local strategies, guidelines, supplementary planning documents and Hillingdon Local Plan: Part 2- Development Management Policies.

Policy DMHB11 reads:

Design of New Development

A) All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;
- building plot sizes and widths, plot coverage and established street patterns;

- *building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;*
 - *architectural composition and quality of detailing;*
 - *local topography, views both from and to the site; and*
 - *impact on neighbouring open spaces and their environment.*
- ii) ensuring the use of high quality building materials and finishes;*
 - iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;*
 - iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and*
 - v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.*

B) Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

C) Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.

D) Development proposals should make sufficient provision for well-designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Policy DMHB12 reads:

Streets and Public Realm

A) 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.*

B) Public realm improvements will be sought from developments located close to transport interchanges and community facilities to ensure easy access between different transport modes and into local community facilities.

Policy DMHB14 reads:

Trees and Landscaping

A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.

C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.

D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

Policy DMHB21 reads:

Telecommunications

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;*
- v) 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*
- vi) it includes a Declaration of Conformity with the International Commission on Non Ionizing Radiation.*

- 4.1.4 In accordance with the requirements of the Development Plan and policy requirements the site has been carefully selected in a position as far away as technically possible from the views of residential properties in a position benefitting from partial masking effects associated with some of the surrounding trees. Views to the site from beyond the Pump Lane area are extremely limited (even more so with the reduction in height of the proposed monopole to 15m), with a resultant visual impact being limited. The site has also been selected nearby to numerous elements of street furniture with similar vertical lines that will allow the proposal to visually assimilate with its surroundings.
- 4.1.5 The site has been carefully selected to provide the required essential new 5G coverage whilst protecting the amenity of the residents further afield and any perceived harm will be considerably outweighed by the tangible public benefits the scheme will deliver. The proposed installation is required to deliver new 5G coverage within the Hayes Town area and given the build and technical coverage constraints the least visually intrusive design solution available has been put forward. .

- 4.1.6 The position of the site infrastructure (with a suitable and sympathetic design (and as improved with the amended plans reducing the height down to 15m)) and ancillary infrastructure (repositioned to avoid effect on the root protection area of the tree to the east), as detailed in the submitted Planning Application, is to facilitate the provision of enhanced digital connectivity and rollout of the 'Next Generation' of telecommunication services and mobile broadband. The applicant appreciates that although the proposal is taller than the nearby street furniture with similar vertical lines however, there is no scope to lower the new 5G installation and the specified height will not be to the determinant of the immediate or wider locale. The applicant appreciates that the monopole would qualify as change, but not to the detriment of the aesthetics or character of the area (the area being of a non-descript commercial / industrial character).
- 4.1.7 The 5G installation is required to ensure mast sharing can be facilitated (as prescribed by policy and guidance) and remove the need for any future additional telecommunications masts in this location at a future date.
- 4.1.8 The opinion of LB Hillingdon Council that the development would be contrary to the objectives of the GPDO as detailed above is challenged.
- 4.1.9 Contrary to the opinion of LB Hillingdon Council, it is considered that the proposed development would accord with all elements of the GPDO, notably in the fact that the design and siting of the installation is one that would not be alien in the existing context. The proposal would appear as a telecommunications installation, in a location where seeing such development would not appear unusual. It is of an appropriate design to ensure service delivery yet is static and a vertical structure that does not visually jar or harm amenity. All efforts to keep the monopole out of and away from potentially sensitive receptors have been adhered to. There would be no tangible loss to existing levels of amenity (in particular with the 15m high monopole as now proposed (although 20m high would have been the optimum) as these would in the main be maintained through screening by buildings around the site (albeit with greatly enhanced digital connectivity). If the Inspector is minded to approve the installation, the colour of the monopole can be coloured to one deemed appropriate to the location (to further minimise its' appearance and any perceived obtrusion on amenity).
- 4.1.8 For the proposal to be 'detrimental' to amenities of the area and for the scheme to constitute 'harm' (overbearing) regarding the character of the area it would need to be 'unpleasant' or 'harmful' to the wider environs. In this instance it is noted that the site is well located with a backdrop of various streetlights and, in part, trees.

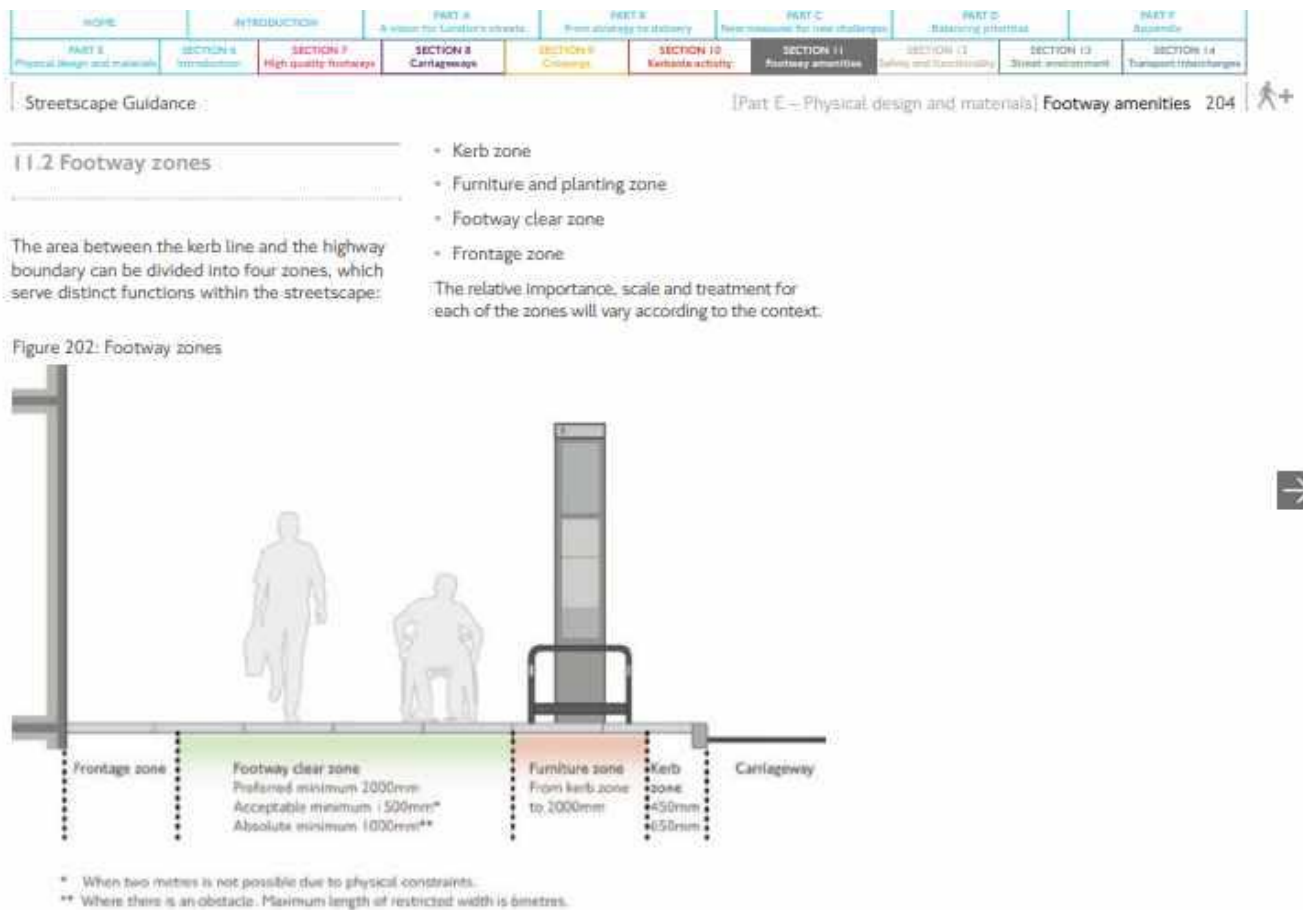
For clarity, the development seeks to minimise the mass and scale of the installation whilst delivering the service and operational requirements associated with providing new essential 5G coverage and future proofing the installation for deployment of other technologies. In addition, the cell area is one of high-density residential concentration (to the north and west). This means that the one installation will be able to provide a vastly improved level of service (access and speed) to a multitude of users (all those properties and businesses in the red shaded area in Fig. 4 above), which by default suggests a very evident and demonstrable public benefit would arise. It is accepted that any development constitutes a change, but in this instance the change proposed would not be unpleasant or harmful, and is suitably distant, and visually separated from sensitive receptors. It would be similar to numerous similar structures in this location (streetlights) and such designs and installations are accepted and regularly seen in comparable locations across the UK.

- 4.1.9 Furthermore, it is worth noting that the site is not in an area with a statutory designation for particular protection for its character (e.g., Conservation Area or World

Heritage Site, SSSI or National Park). As stated throughout this appeal statement all efforts have been made to pull the installation as far away from residential properties, sensitive businesses and sensitive constrained areas as possible whilst still allowing them all the expected levels of digital coverage for day to day life and business.

- 4.1.10 In the reason for refusal it is suggested that the scheme would be to the detriment of pedestrian movement. In this instance, the most relevant guidance relating to acceptable pavement widths is detailed in Section 11.2 of the 'TfL 'Streetscape Guidance' Fourth Edition 2019 Revision'

Fig. 5



- 4.1.11 Section 11.2 clearly states that the preferred minimum 'Footway Clear Zone' is 2 metres. It also states that the acceptable minimum is 1.5 metres.
- 4.1.12 In this instance, with the proposed cabinets and slimline monopole in situ, the pavement width on Pump Lane, where there would be no infrastructure, would still be 2.0 metres. This is in considerable excess of the Preferred Minimum Width as stated by TfL.
- 4.1.13 As the scheme would ensure pavement width is greater than the preferred minimum pavement width it is argued the scheme would accord with TfL Guidance and Policy and as such could not in itself be to the detriment of pedestrian safety / movement, and as such would accord with Policies of the Development Plan.

- 4.1.14 For clarity, the development seeks to minimise the mass and scale of the installation as much as possible, yet still deliver the service and operational needs of future site sharing. In addition, the cell area is one constrained by residential uses. This means that the one installation will be able to provide a vastly improved level of service (access and speed) to a multitude of users, which by default suggests a very evident and demonstrable public benefit would arise from the proposed enhancement of this cells coverage.
- 4.1.15 The applicant is confident that with the design proposed the character of the area is maintained (even more so with the amended scheme detailing a 15m high monopole (that is the subject of this planning appeal), and suitable pavement width remains to ensure the safe flow of pedestrians. As stated above there is no scope to move the proposed site to an alternative location (see discounted options and reasons), given the extremely limiting constraints within which the proposal strives to achieve improved digital delivery. Any move from this location could place the mast closer to other more sensitive receptors.
- 4.1.16 In light of the above reasoning, it is suggested that the development does accord with the requirements of Policy and other policies of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users. It is imperative to emphasise the benefits of this singular structure as it would provide an enhanced level of electronic communication service for transient users, businesses and residents alike. The supporting statement gives further details on the benefits of the proposal.
- 4.1.17 Provision of this infrastructure, in an area identified as one lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor access to digital services to the detriment of local residents and businesses. It is vital to consider that a new 5G option is required in this location.
- 4.1.18 The development seeks to minimise the mass and scale of the installation as much as possible (and even more so with the reduced height monopole to 15m), yet still deliver the service and operational needs of future site sharing. In addition, the cell area is one constrained by residential uses. This means that the one installation will be able to provide a vastly improved level of service (access and speed) to a multitude of users, which by default suggests a very evident and demonstrable public benefit would arise from the proposed enhancement of this cells coverage.
- 4.1.19 The applicant is confident that with the design proposed the character of the area is maintained. As stated above there is no scope to move the proposed site to an alternative location (see discounted options and reasons), given the extremely limited constraints within which the proposal strives to achieve improved digital delivery. Any move from this location could place the mast closer to other more sensitive receptors or require a monopole of increased height.
- 4.1.20 In light of the above reasoning, it is suggested that the development does accord with the requirements of Policy and other policies of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users. It is imperative to emphasise the benefits of this singular structure as it would provide an enhanced level of electronic communication service for transient users, businesses and residents alike. The supporting statement gives further details on the benefits of the proposal.
- 4.1.21 Provision of this infrastructure, in an area identified as one lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor

access to digital services to the detriment of local residents and businesses. It is vital to consider that a new 5G option is required in this location.

- 4.1.22 As stated above from a planning perspective the sequential approach should be followed for all telecoms sites regardless of their location and this has been rigidly adhered to with this proposal. Operators are committed to provide coverage and improve capacity. Operators' need for a new base station derives from a sequential approach to a site selection process.
1. Upgrading an operator's own existing base station(s);
 2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
 3. Co-location or site sharing alongside existing telecommunications development
 4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is
5. Erection of a new ground based mast in street environment.
- 4.1.23 In this instance the possibility of fulfilling the requirement by upgrading an existing site is not available hence the provision of the proposed standalone installation. However it still accords with the sequential approach (as demonstrated within the supporting statement the cell search area is extremely contained and the only viable option has been put forward). Furthermore, the LPA had an opportunity to offer alternatives at the point of pre-application consultation but chose not to take up this chance to guide development in a way they saw as appropriate.
- 4.1.24 The type of installation that the applicant has proposed is the optimum design solution for deploying 5G technologies and the height at 15m is one that still works effectively for the Operator. Given the siting preference, the proposed location is deemed acceptable and appropriate. If the height of the monopole were to be reduced below 15m then the installation would not be able to provide the requisite coverage for the Operator (and that still accords with ICNIRP requirements but doesn't quite provide the coverage they had hoped for)). The cabinets are required to serve the Operator and these have been kept to a minimum. The cabinets should not form part of the planning application process or this appeal as they are Permitted Development (without Prior Approval) however; all efforts are taken to keep these to an absolute minimum. Both the original planning submission and this appeal statement robustly assess how the proposal fits within the surrounding area including its planning designations and assesses the local and national policies. The National Policy section is assessed again below.
- 4.1.25 In relation to the cabinets, it should be noted that the position of the 2 x H3G Cabinets was altered to ensure no conflict with the trees of previous concern. The submitted Arboricultural Impact Assessment (AIA) that supported the planning application identified tree 'T3' as the one at most possible risk from construction works.
- 4.1.26 In this instance the AIA, in its section on mitigation, provides evidence of an appropriate workings scheme to avoid detrimental effects on the tree, that would allow for the development to be constructed in a safe and considerate way (in accordance with the proposed Method detailed in Section 4 of the AIA), without impacting tree 'T3'. This evidences the fact that the proposal accords with adopted policy.
- 4.2.0 National Policy / Guidance – National Planning Policy Framework (NPPF)**
- 4.2.1 National policy with regard to Telecommunications development is found within the NPPF. Contained within the NPPF, the following is of importance during deliberations:

4.2.2 Paragraph 112 states that:

Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

The improved service the proposed monopole would deliver would result in a direct contribution to the delivery of economic growth, in a sustainable way, as well as enhancing local facilities and services (via better connectivity and communication).

4.2.3 Paragraph 113 states that:

The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

The proposed development would utilise a site to provide for future technologies, so negating the need for subsequent new installations in the area and ensuring accordance with the objectives of the NPPF. The proposal would very much accord with this objective and negate the need for a demonstration ‘to the satisfaction of the Council’ in relation to the search for other sites.

The attempt to provide discreet development at the site, using the recommended sequential approach (as evidenced in the original submission) which accords with the objectives of paragraph 113 of the NPPF, demonstrates the operator’s attempts to address the lack of requisite cell coverage in the area, which would if allowed improve network coverage considerably with minimal negative effect on the visual amenity of this residential location.

4.2.4 In addition to the consideration given to the reasons for refusal, it is also noted that material consideration should be given to developments that contribute to the delivery of sustainability (which these cabinets and monopole would do). Such an objective needs to inform decisions, and is a requirement detailed in the ‘Letter to Chief Planning Officers: Planning for Growth’ dated 31st March 2011.

5.0 **Conclusion and Planning Balance**

5.1.0 Reasoning and Summary

- 5.1.1 It is considered that the installation of the cabinets and monopole would not be contrary to but would contribute to the achievement of the Policy objectives of LB Hillingdon Councils Development Plan and the NPPF. The proposal would not be to the detriment of visual amenity or result in harm to the character of the area. Furthermore pedestrian movement would be unhindered, and trees of merit would be protected. The proposal would further the delivery of sustainable development through intelligently managed and considered change. As stated throughout this statement it is vital to consider that the proposal relates to an upgrade of digital connectivity to address a 5G coverage hole in the area and all efforts have been applied to the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected and pedestrian flow would be unimpeded. The proposed location benefits from the partial screening effects associated with a backdrop of commercial properties with no tangible or long lasting detrimental impact on amenity or character, and no effect on pedestrian safety.
- 5.1.2 We consider the development complies with Government guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of business and the community while minimising visual impact.
- 5.1.3 On balance, we consider any perceived impact on amenity or character the site may have will be outweighed by the considerable positive benefits that telecommunications bring to the economy and community (as evidenced in the Government-published Future Telecoms Infrastructure Review'). There would be no impact on the character of the area or pedestrian safety. As detailed above, the development meets the requisite criteria and standards and accords with the 'Planning for Growth' objectives.
- 5.1.4 As such, it is respectfully requested that the appeal be allowed. If the Inspector deems that conditions on approval are required these will be welcomed (e.g. amending the colour scheme).

- 6.0 **Appendices – Amended Drawings; E-mail Correspondence re: Amended Plans**
- 6.1 Decision Notice: 75730/APP/2020/2219
- 6.2 Drawing Numbers: Prefix: 'HGN13147_M001'; Suffix: 002A; 100A; 150A; 210A; 260A; 303A; 305A