

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	GRASS VERGE FRONTING, 209 SWAKELEYS ROAD ICKENHAM
Development:	Installation of a new 20m monopole supporting 6 antennas with a wrap-around equipment cabinet at the base of the column, 4 new equipment cabinets and ancillary development thereto (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)
LBH Ref Nos:	76204/APP/2021/555
Drawing Nos:	Permitted development notice Covering Letter Allaying health concerns regarding 5G and exposure to radio waves 5G and Future Technology Supplementary Information Agent's Email 25.3.21 - Existing equipment to be decommissioned when no longer required 002 Site Location Plan Issue E 100 Existing Site Plan Issue E 150 Existing Site Elevation A Issue E 215 Maximum Configuration Site Plan Issue E 265 Maximum Configuration Site Elevation Issue E Declaration of conformity with ICNIRP Public Exposure Guidelines Northolt Jet Centre pre-application consultation LPA pre application consultation letter INT2019/11842/DC November 2019 5G - The Next Mobile Generation A councillor's guide to digital connectivity

Date Plans received : 11/02/2021

Date(s) of Amendment(s):

Date Application Valid: 11/02/2021

1. SUMMARY

This application seeks prior approval for a telecommunications installation under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The proposal is for the installation of a new 20m monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, installation of 4 no. new equipment cabinets and ancillary development thereto. The new mast is to provide the latest 4G and new 5G coverage for EE and Hutchison 3G UK Limited (H3G) to the Uxbridge area. There is an existing telecommunication street pole located 16m away from the proposed site that is shared by both EE and H3G and provides 2G/3G/4G coverage which has been confirmed will be decommissioned and removed when the equipment is no longer required and once the proposed development is fully operational.

The proposal is considered to be an obtrusive form of development which would add visual clutter to the street scene. As such, it fails to comply with Policies DMHB 11, DMHB 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 development, by reason of the size, design and siting of the proposed monopole and the quantity, size, scale and siting of the equipment cabinets, would create an obtrusive form of development which would add visual clutter to the detriment of the character, appearance and visual amenities of the street scene. 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 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

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-west corner of the round-about and junction of

Swakeleys Road and Harvil Road. The site is a grass verge situated to the side of no. 12 Lodore Green. The property at no. 12 Lodore Green has a Tree Protection Order 588a, however the site is not within the TPO boundary.

The surrounding area is predominately residential in nature with mainly 2-storey detached housing. Street furniture and soft landscaping is obvious in the area, for instance, street lights are 12 metres and existing trees are estimated to be 13 metres high.

The site is located within the Colne Valley Archaeological Priority Area and within 3km from the perimeter of the Northolt RAF safeguarding aerodrome.

The existing telecommunication street pole and 6 cabinets is located immediately east of the application site on the grass verge, directly opposite to the pedestrian footpath. This existing equipment is shared by both EE and H3G to provide 2G/3G/4G coverage and capacity to the local area.

3.2 Proposed Scheme

This application seeks prior approval for the installation of a new 20m monopole supporting 6 no. antennas with a wraparound equipment cabinet at the base of the column, installation of 4 no. new equipment cabinets and ancillary development thereto.

Cabinet Dimensions:

- 1800mm x 750mm x 1600mm (with monopole above)
 - 1200mm x 600mm x 1600mm
 - 640mm x 540mm x 1225mm
 - 1900mm x 660mm x 1827mm
 - 1230mm x 1542mm x 400mm
- (Total Volume of Cabinets = 6.79 cubic metres)

Material and Finishes:

- Mast - Galvanised steel, Grey RAL 7035
- Equipment Housing - All steel - Green RAL6009

The agent has confirmed in an email dated 25.3.21 that the existing equipment and cabinets are to be decommissioned and removed when the equipment is no longer required and once the proposed development is fully operational.

3.3 Relevant Planning History

75687/APP/2020/1948 Verge Adjacent To Swakeleys Road Ickenham

Installation of 19m monopole supporting 6 antennas with proposed equipment cabinets, and ancillary development (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: 14-08-2020 Refused

Comment on Planning History

There are no planning history available in accordance to Council record however there is an existing telecommunication site present on the grass verge of the application site that is located east of the tarmac footpath. The existing site comprises of a 11.7m high monopole and 6 no. cabinets.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

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

LPP SI6 (2021) Digital connectivity infrastructure

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

In addition: 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 5G network and improve coverage and to support existing mobile network for two operators, EE and H3G in the area. A cell search has indicated that a total of 4 site has been examined

It is noted that the other sites were discounted due to the following reasons:

- Grass verge on Swakeleys Road - a similar development to the proposed under the current submission was refused by council under ref: 75687/APP/2020/1948.

- Agricultural Land to north east of the site - land is very open with little mature trees to screen any proposal, views from the properties adjacent to Harvil Road would be directly onto the monopole or street furniture
- SW to the west of the site on Swakeley Road - existing landscaping has limited height and no more than 7m tall, the mast would not be as well screened as the proposed site and there is no space to the site the mast away from the root system of the trees, which would cause damage to nearby trees.

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

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 new monopole is 20m 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) for the installation of a mast and (d)(i)(aa) for a replacement of a mast 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 6.79 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).

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 application site is located immediately east to no. 12 Lodore Green. The distance to the nearest residential dwelling is 7.3m, measured from the adjacent boundary line. The site is in close proximity to the neighbouring resident however, when viewed from the closest habitable rooms of the dwelling, the monopole would unlikely be visible, as such, the proposal would be considered acceptable and would not adversely impact on outlook of adjacent properties.

It should be noted that in accordance to public comment, concerns are raised in regards to the history of the site having subsidence issues, however this has not been confirmed.

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 20m high with a wraparound cabinet and an additional 4 cabinets located on the grass area near the corner of a prominent round-about. The proposed new cabinets range in height from 0.4 to 1.8m. it should be noted that the proposed scheme is 1m higher and comprises of more cabinets than the previously refused scheme under ref: 75687/APP/2020/1948.

The site is set back from the highway, however it remains fairly exposed similar to the existing mast and is therefore highly visible when viewed from the immediate street scene. There are a row of hedges to the south-west of the site which will partially screen the telecommunication system and equipment when viewed from the west of Swakeleys Road. Due to its proximity to residential dwellings, when viewed from the adjacent streets, the top section of the mast will remain highly visible.

There is an existing 11.7m mast 16m away from the proposed. The agent has confirmed that the existing 11.7m will be decommissioned following the new mast becoming fully operational. Given that there is an existing monopole in proximity to the new proposed location, it could be argued that the appearance of the mast may be in keeping with the existing vertical features along the public highway. However, the overall of height of the proposed would be 20 metres, which is considered significantly taller and the pole would be much wider than any existing equipment in the area in general (8.3 metre taller than the existing monopole). Furthermore, the size, height, and the number of cabinets would result in visual clutter to the area.

Overall, the proposal would appear much more prominent than any of the existing street

furniture and vertical features in the area in general. The proposal would be considered as an obtrusive form of development which would add visual clutter to the street scene and would not harmonise with the character of the area and would be detrimental to local visual amenities, contrary to 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 site is located on the grass verge, therefore will not impact on the footpath, pedestrian or highways safety.

7.4 Carparking & Layout

Not applicable to the consideration of this application.

7.5 Urban Design, Access and Security Considerations

Refer to Section 7.2 of this report.

7.6 Other Issues

TREES, LANDSCAPE AND ECOLOGY:

Policy DMHB 14 of The Local Plan: Part 2 - Development Management Policies (2020) states that all developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.

The application site is not located near any existing trees. The Council's Trees/Landscape Officer has reviewed the application and no objections are raised, the proposal would not affect any trees. As such, the proposal is considered to comply with Policy DMHB 14 of The Local Plan: Part 2 - Development Management Policies (2020).

AIRPORT SAFEGUARDING:

Policy DMAV1 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 situated 2.4km from RAF Northolt Safeguarding Aerodrome. A consultation was sent to RAF Northolt and no objections are raised to the proposed. The development would therefore be considered not to impose any safeguarding 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

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The London Plan (2021)

National Planning Policy Framework (2019)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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