

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 LAND AT JUDGE HEATH LANE HAYES

Development: Proposed 15m Phase 8 Monopole C/W wraparound cabinet at base, 3 equipment 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)

LBH Ref Nos: **75731/APP/2021/1505**

Drawing Nos: Site Specific Supplementary Information
 Covering Letter dated 10th April 2021
 Declaration of Conformity with ICNIRP Public Exposure Guidelines
 Permitted development notice (Highways)
 Permitted development developers notice
 002 - Site Location Plan Issue B
 100 - Existing Site Plan Issue B
 150 - Existing Elevation A Issue B
 303 - Proposed H3G Antenna Schedule & Line Configuration Issue B
 210 - Proposed H3G Site Plan Issue B
 260 - Proposed H3G Elevation Issue B
 305 - Equipment Schedule & Support Structure Details Issue B

Date Plans received : 16/04/2021

Date(s) of Amendment(s):

Date Application Valid: 16/04/2021

1. SUMMARY

This application seeks prior approval for a telecommunication 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 15m Phase 8 Monopole C/W wraparound cabinet at base, 3 equipment cabinets and associated ancillary works. The new mast is to improve existing coverage and capacity and to provide 5G coverage for Hutchison 3G UK Limited (H3G).

The proposed equipment would not cause harm to pedestrian or highway safety, however, 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).

The proposal 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 siting in this open prominent position, size, scale and design of the proposed monopole and the 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), Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (February 2019).

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 north side of Judge Heath Lane in front of Hayes Amateur Boxing Club. The site is located on the pedestrian footpath backing onto a 2-storeys high boxing club. The surrounding area is mainly residential in nature comprising of 2-storeys semi detached housing and 4 storeys high block of flats along Varcoe Gardens on the north and east of Judge Heath Lane.

Approximately 367m to the east is the Hayes Village Conservation Area and 440m to the west is the Green Belt/Grade II Listed Business park Phases 1 and II, & country park &

golf course.

3.2 Proposed Scheme

This application seeks to install a 15m Phase 8 Monopole C/W wraparound cabinet at base, 3 equipment cabinets and associated ancillary works.

The proposed cabinets 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) with 15m Phase 8 Monopole above
- (Total volume of housing equipment = 5.02 cubic metres)

Materials:

Monopole - Phase 8 pole, Galvanised with wraparound cabinet

Equipment Housing - Steel, Grey

3.3 Relevant Planning History

75731/APP/2020/2220 Land At Judge Heath Lane Hayes

Proposed 18m 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 ref: 75731/APP/2020/2220 was refused dated 04-09-20 for the installation of a 18m 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 for refusal:

The proposed development, by reason of the siting in this open prominent position, size, scale and design of the proposed monopole and the 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), Policies DMHB 11, DMHB 12 and DMHB 21 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and the National Planning Policy Framework (February 2019).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consultation

EXTERNAL

A total of 186 neighbouring owners/occupiers were consulted and expired on 14th May 2021. 3 public and 3 councillor objections were received.

Summary of concerns raised:

- This is in front of my home.
- It will be an immense eye-sore and in my opinion, not detrimental to our community.
- There has been one previously installed down the road at barra hall park shops so, therefore, the construction of Phase 8 monopole is an unnecessary occurrence which is sure to cause eye pollution and unnecessary road disruption.
- The road disruption, noise and eye pollution that will occur during and after construction and does not show the benefit of this pole. There are simply not enough benefits to this construction.
- This will be a hideous eyesore i would have to look out at each day it goes against policies : PT1.BE1 BE13 BE19 hillingdon council policies insist: 1:new developments must harmonise with the existing street scene (this will definitely not harmonise with the street scene) 2:new development must improve or complement the character of the area (this will not improve nor complement the area it will stick out like a sore thumb)
- This should be rejected and not allowed to get a planning application again.

Case Officer's Comments:

Concerns in relations to appearance and impact of the neighbours is addressed in the main body of this report. Each application is assessed on its own merits.

HEATHROW AERODROME SAFEGUARDING AIRSIDE OPERATIONS:

We have now assessed the above application against safeguarding criteria and can confirm that we have no safeguarding objections to the proposed development.

However, we would like to make the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

MINISTRY OF DEFENCE:

The application site falls within the Statutory Safeguarding Technical Zone surrounding RAF Northolt.

I can confirm the MOD has no safeguarding objections to this proposal.

I trust this is clear however should you have any questions please do not hesitate to contact me.

INTERNAL

HIGHWAYS OFFICER:

The equipment will be located at the back of the wide footway. Adequate footway space will be maintained. There are no highways objections to this proposal.

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

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

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

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

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The West London Waste Plan (2015)

The London Plan (2021)

Material Considerations

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

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 closest neighbouring residential dwelling is 18.5m away from the application site. The corner dwellings, no. 63 and 65 Judge Heath Lane are positioned on an angle, which would have a direct line of sight to the proposed equipment to the ground floor and upper floor habitable room windows. Furthermore, the residents with habitable room windows to the rear, particularly on the second and third floor of Constantine House on Varcoe Gardens would have a directly view onto the proposed mast. Therefore the proposal would impact on the outlook of the existing residents in the immediate surrounding area contrary to Policy DMHB 11 of The Local Plan: Part 2 - Development Management Policies (2020).

7.2 Impact on Street Scene

Policy DMHB 4 of the The Local Plan: Part 2 - Development Management Policies (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will: A) Require proposals for new development, including any signage or advertisement, to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area. B) Resist the loss of buildings, historic street patterns, important views, trees, landscape and open spaces or other features that make a positive contribution to the character or appearance of the Conservation Area; any such loss will need to be supported with a robust justification. C) Require planning applications to include a Design and Access Statement. This should demonstrate a clear understanding of the impact of the proposals on the significance of any heritage assets that are affected. Proposals will be required to support the implementation of improvement actions set out in relevant Conservation Area Appraisals and Management Plans.

Policy DMHB 11 of the The Local Plan: Part 2 - Development Management Policies (2020) states that A) All development, including extensions, alterations and new buildings will be required to be designed to the highest quality 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 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 site is set slightly back from the footpath to the north. The application site is fairly exposed and is therefore highly visible when viewed from the immediate street scene and the surrounding area. The proposed 15m high telecommunications mast would appear as a prominent feature along Judge Heath Lane and would have a detrimental impact on the openness, character and appearance of the street scene. In addition, due to the open nature and high visibility of the site, the proposed telecommunications installation would appear as an incongruous addition to the neighbourhood.

There is currently no street furniture of this size and height. When compared to the adjacent 8m high light pole, overhead telegraph poles and the streetscene, the 15m high monopole will appear unduly dominant and intrusive that is nearly double in size of the adjacent furniture. The overall height would be significantly over and above the surrounding area that consists generally of 2 storey high residential dwellings.

Whilst the mast is to provide 5G services and to improve coverage and capacity of existing services, the proposal will add undue clutter to the streetscene which will have a significant negative impact on the visual amenity of adjacent residents and to the area in general. It would harm the character and appearance of the street scene and as such, the proposal is contrary to Policy BE1 of The Local Plan: Part 1 - Strategic Policies (2012) and Policies DMHB 4, 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 side of the public footpath therefore will not impact on the pedestrian or highways safety.

7.4 Carparking & Layout

Not applicable to this application.

7.5 Urban Design, Access and Security Considerations

URBAN DESIGN:

This is considered in "Impact on street scene".

IMPACT ON EXISTING TREES:

There is an existing tree 5.7m west of the application site behind the existing fence with hedges. However based on the equipment's location, it is unlikely that it will impact on this tree.

7.6 Other Issues

OTHER:

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 5G network for one operator, Hutchison 3G UK Limited (H3G) in the area. A cell search has indicated that a total of 6 sites has been examined and discounted.

It is noted that the sites were discounted for the following reasons:

- Discounted due to underground services
- Discounted due to proximity to residential properties
- Discounted due to location of private land and proximity to residential properties
- Discounted due to insufficient pavement width to house the equipment

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

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)
The London Plan (2021)
National Planning Policy Framework
The Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended)

Contact Officer: Rebecca Lo

Telephone No: 01895 250230