

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 CHERRY LANE CEMETERY SHEPISTON LANE HAYES

Development: A 2.5m extension to the existing 22.5m lattice tower, the removal of six antennas and the installation of twelve antennas, twenty-four Remote Radio Units (RRUs), additional ancillary apparatus and the relocation of three transmission dishes.

LBH Ref Nos: **35298/APP/2021/3325**

Drawing Nos: 1490106 - 06 - 000 - MD024 Rev 24
 1490106 - 00 - 004 - ML003 Rev 3
 1490106 - 06 - 153 - MD024 Rev 24
 1490106 - 06 - 103 - MD024 Rev 24
 1490106 - 06 - 002 - MD024 Rev 24

Date Plans received : 02/09/2021

Date(s) of Amendment(s):

Date Application Valid: 02/09/2021

1. SUMMARY

The application seeks Prior Approval for the extension of the existing 22.5m lattice tower, removing 6 existing antennas, installing 12 new antennas and twenty-four Remote Radio Units (RRUs), additional ancillary apparatus and the relocation of three transmission dishes (Application under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The council's approval is sought for the siting and appearance of the development.

The proposed development would result in disproportionate additions to the existing telecommunications tower which would have a materially harmful impact on the open character of the Green Belt and cemetery.

Accordingly the development is considered 'Inappropriate Development' of which the applicant has failed to demonstrate 'Very Special Circumstances' and that the harm caused to the Green Belt is clearly outweighed by other considerations. Therefore, due to the significant harm to the character and appearance, in respect to the openness of the Greenbelt, the prior approval of the Local Planning Authority is required and is refused.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed extension to the telecommunications lattice tower and associated equipment would, by virtue of their siting, size, scale, bulk and height, represent a visually dominant development that would harm the open character of the green belt and wider area. The development would therefore be contrary to paragraph 115 and Section 13 of the National Planning Policy Framework (2021), Policy G2 of the London Plan (2021), EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 21 and DMEI 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

INFORMATIVES

3. **CONSIDERATIONS**

3.1 **Site and Locality**

The application site comprises an existing electronic communications base station and 22.5m high lattice tower on the northern side of Cherry Lane Cemetery. To the east is land comprising parts of Cherry Lane Cemetery and residential housing is further beyond on Skipton Drive.

The site does not lie within Article 2(3) Land and is not Listed. However it does lie within designated Greenbelt Land.

3.2 **Proposed Scheme**

The application seeks Prior Approval for a 2.5m extension to the existing 22.5m lattice tower, the removal of six antennas and the installation of twelve antennas, twenty-four Remote Radio Units (RRUs), additional ancillary apparatus and the relocation of three transmission dishes.

3.3 **Relevant Planning History**

35298/APP/2000/2368 Cherry Lane Cemetery Shepiston Lane Hayes

INSTALLATION OF ADDITIONAL ANTENNAS TO EXISTING MAST, ERECTION OF EQUIPMENT CABINS AND ANCILLARY WORKS (CONSULTATION UNDER SCHEDULE 2, PART 24 OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995)(AS AMENDED)

Decision: 22-01-2001 PRN

35298/APP/2009/1003 Cherry Lane Cemetery Shepiston Lane Hayes

Installation of 1 shrouded multipanel antenna and 2, 1.0m satellite dish antennas on the existing tower, 1 meter cabinet, 1 equipment cabin and a feeder gantry.

Decision: 24-07-2009 Approved

Comment on Planning History

Relevant history attached.

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

PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains

Part 2 Policies:

DMEI 4 Development on the Green Belt or Metropolitan Open Land

DMAV 1 Safe Operation of Airports

LPP G2	(2021) London's Green Belt
NPPF- 10	NPPF-10 2018 - Supporting high quality communications
NPPF13	NPPF 2021 - Protecting Green Belt Land
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 21	Telecommunications
LPP SI6	(2021) Digital connectivity infrastructure
NPPF10	NPPF 2021 - 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.

Paragraph 114 of the NPPF (2021) states '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 aim of this application is to provide 5G network coverage and to improve existing coverage for EE and H3G.

It should also be noted that a signed Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines has been submitted as part of the application.

Paragraph 147, 148 and 149 of the NPPF (2021) states:

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:.....

(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Policy DMEI 4 Development in the Green Belt or on Metropolitan Open Land of Hillingdon's Local Plan supports these policies in the NPPF, stating that inappropriate development will not be permitted unless there are very special circumstances, and that there would be no greater impact on the openness of the Green Belt than the existing development. This is further supported by green belt policies EM2 Part 1 of Hillingdon's Local Plan and policy G2 of the London Plan (2021).

These are considered to have significant weight, given the proposal lies within the Greenbelt.

7. MAIN PLANNING ISSUES

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

The prior approval of the local authority is required regarding the siting and appearance of the development only.

Due to siting significantly away from residential properties (200m from the rear elevation of the closest residential dwelling), the proposal would not result in any loss of outlook or light to neighbouring sites, nor is it likely to generate noise levels which would be harmful.

The development would therefore have an acceptable impact on neighbouring amenities.

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.

Paragraphs 147 and 148 of the NPPF (2021)

147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:.....

(g) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

Policy DMEI 4 Development in the Green Belt or on Metropolitan Open Land supports these policies in the NPPF, stating that inappropriate development will not be permitted unless there are very special circumstances, and that there would be no greater impact on the openness of the Green Belt than the existing development.

The proposal is an alteration to an existing lattice tower, an extension by 2.5m and the installation of an extra 6 antennas to what is existing (removal of 6, installation of 12 new). The proposal lies to the northern end of the Cherry Lane Cemetery, in an area of a large open expanse of landscaped lawns for quiet contemplation. Given the siting shown on the proposed plans it is noted that the surrounding trees would act as a natural green screen from the ground level telecommunications equipment. However, there would still be a significant portion of the development viewable above the existing tree line. The lattice tower itself would increase in height by over 11 percent. However, it is the combination of the additional antennas (double the existing) and radio units (24) at the top of the tower that would harmfully increase the visual bulk of the development, adversely affecting the open character of the Green Belt and cemetery.

This is considered to be a disproportionate addition to the lattice tower, which in accordance with paragraph 149 of the NPPF, is inappropriate development.

Accordingly the applicant would need to demonstrate that 'very special circumstances' exist and that the harm caused to the Green Belt by this inappropriate development, is clearly outweighed by other considerations. However, this has not been demonstrated. Therefore, due to the significant harm to the character and appearance, in respect to the openness of the Greenbelt, the prior approval of the Local Planning Authority is required and is refused.

Should a revised application be resubmitted it is recommended that the proposal is supported by photo montages or other such imagery that situates the existing and proposed development within its site context.

7.3 Traffic Impact / Pedestrian Safety

The prior approval of the local authority is required regarding the siting and appearance of the development only.

Given the siting of the proposed development, it is unlikely to have any highways impact.

7.4 Carparking & Layout

Not applicable to this application.

7.5 Urban Design, Access and Security Considerations

Not applicable to this application.

7.6 Other Issues

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.

Officer Comments:

The proposed monopole is 25 metres and is not located within article 2(3) land or exceed 20 metres on highway land. 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). However, as discussed throughout this report, prior approval with respect to the siting and appearance is required and refused.

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, it is not considered to have 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.

Conclusion:

The proposed development would result in disproportionate additions to the existing telecommunications tower which would have a materially harmful impact on the open character of the Green Belt and cemetery.

Accordingly the development is considered 'Inappropriate Development' of which the applicant has failed to demonstrate 'Very Special Circumstances' and that the harm caused to the Green Belt is clearly outweighed by other considerations. Therefore, due to the significant harm to the character and appearance, in respect to the openness of the Greenbelt, the prior approval of the Local Planning Authority is required and is refused.

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 (2021)
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Contact Officer: Hardev Gill

Telephone No: 01895 250230