

SECTION '2' – Applications meriting special consideration

Application No : 16/00300/TELCOM

Ward:
Shortlands

Address : Land Rear Of 109 Hayes Way Hayes
Lane Beckenham

OS Grid Ref: E: 538983 N: 168196

Applicant : Telefonica UK Ltd And Vodafone UK Ltd **Objections :** YES

Description of Development:

12.5 replica telegraph pole telecommunications mast with equipment cabinet sited on the pavement of Hayes Lane.

Consultation by Vodafone Ltd and Telefonica UK Ltd regarding the need for approval of siting and appearance of telecommunications apparatus.

AMENDED SITE LOCATION - LAND REAR OF 109 HAYES WAY

Key designations:

Area of Special Residential Character

Biggin Hill Safeguarding Area

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding

Open Space Deficiency

Smoke Control SCA 21

Smoke Control SCA 9

Proposal

This application comprises a consultation regarding the need for approval of siting and appearance of a proposed telecommunications installation.

The proposal comprises the installation of a 12.5m replica telegraph pole telecommunication mast which would have a diameter of approx. 0.35m with a streamlined appearance. The proposed equipment cabinet would be 1.6m high, 1.85m wide and 0.75m deep.

The applicant has provided an ICNIRP declaration which certifies that the site is designed to be in full compliance with the requirements of the International Commission on Non-Ionizing Radiation for public exposure.

Location

The proposed mast and cabinet would be sited to the rear of No. 109 Hayes Way. The cabinet would be installed at the back edge of the footpath, 0.3m from the rear boundary fence of No. 109 Hayes Lane.

The rear boundary of No. 109 with the back edge of the pavement is marked by a 1.8m high close boarded fence which includes 4m wide access gates leading to a detached garage in the rear garden which is approx. 3m high. To the north west of the site, rear boundaries of dwellings fronting Hayes Way are generally marked by high hedges, with street trees located on the pavement.

Hayes Lane is a wide street which carries a significant weight of traffic, with reasonably wide pavements, although the pavement narrows towards the south east of the application site. The area is characterised by the rear of residential dwellings set within generous plots and facing the parallel and side streets. The carriageways are open in aspect. A bus stop and street light is situated to the south east of the proposed mast location, but with the exception of mature street trees the pavement is generally uncluttered.

No. 109 Hayes Way lies within the Park Langley Area of Residential Character, as do the neighbouring dwellings fronting Hayes Way. The boundary of the ASRC lies at the boundary of the rear garden of No. 109 with the back edge of the pavement fronting Hayes Lane.

Consultations

Local Residents

Nearby owners/occupiers were notified of the application and the proposal was advertised by way of a press advertisement and site notice.

Representations have been received which are summarised as follows:

- o The proposal would be obtrusive, out of character with the area and detrimental to the visual and residential amenities of the area
- o The location is quite attractive
- o It is a very big and tall installation
- o Potential health risks
- o It would not be capable of being screening by trees or landscaping
- o It would be close to existing housing stock
- o The reasons for refusal of the mast at Hengist Way would be applicable

In support of the application, representations have stated:

- o The absence of mobile phone coverage in the area is a significant disadvantage and could be an issue of personal safety
- o The location is a reasonable compromise for what will always be a tricky issue in a built up area
- o The signal in the area is bad and in need of improvement, although the size of the cabinet is questioned and it is queried whether some or all of the equipment could be buried.

Technical Comments

Technical Highways comments state that the footway at the proposed location is wide enough to accommodate the proposed equipment without detriment to pedestrian use and the siting should not adversely affect the visibility from the nearby access. There are no objections to the proposal from a technical highways perspective.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development

Of particular relevance to this application is BE1(ii) which states that "Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features."

BE22 Telecommunications Apparatus

This Policy states that in a development involving telecommunications installation, the developer will be required to demonstrate that there is a need for the development. The equipment should meet the ICNIRP guidelines on the limitation of exposure to electro-magnetic field. The installation shall not adversely affect the character and appearance of the area nor the visual and residential amenities of neighbouring properties and the visual impact of the development should be minimised by the use of screening by trees or other landscaping.

The National Planning Policy Framework

Paragraph 14 of the National Planning Policy Framework states that "At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

Chapter 5 of the National Planning Policy Framework relates to "Supporting High Quality Communications Infrastructure. Paragraph 43 states that local planning authorities should support the expansion of electronic communications networks while aiming to keep the number of masts and sites for such installations to the minimum consistent with the efficient operation of the network. The need for a new site must be justified and where new sites are required the equipment associated with the development "should be sympathetically designed and camouflaged where appropriate."

It is emphasised that the planning system is not the appropriate arena for the determination of health safeguards so long as the installation would comply with International Commission guidelines for public exposure.

With regard to the importance of good design, the National Planning Policy Framework states at Paragraph 56 that the Government attaches great importance

to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to make places better for people. Paragraph 60 states that it is proper to seek to promote or reinforce local distinctiveness.

London Plan 2015

Paragraphs 1.38 - 1.41 of the London Plan relate to the need to ensure the infrastructure to support growth within London, referring to the strategic importance of providing adequate infrastructure, including modern communications networks.

Chapter 4 of the London Plan includes the strategic objective in Policy 4.11 of "encouraging a connected economy." The policy itself states that the Mayor, GLA and all other strategic agencies should facilitate the delivery of an ICT network to ensure suitable and adequate network coverage across London which will include "well designed and located street-based apparatus."

Planning History

There is no planning history relating to the specific application site, although other applications relating to telecommunications development in the vicinity of the application site are referred to below:

Under reference 10/02125 the siting and appearance of a 12.5m shared telecommunications column with ancillary equipment on land adjacent to 1 Romanhurst Gardens was disapproved on the grounds:

- "1. Due to their height, siting and design, the proposed mast and ancillary equipment would be obtrusive and highly prominent features in the street scene, out of character and detrimental to the visual and residential amenities of the surrounding area and contrary to Policy BE22 of the Unitary Development Plan."

The mast in that case incorporated a wider section at the top, with a commensurate width at its base to that currently proposed. It was proposed to be sited on an area of verge between the pavement and the vehicular carriageway.

Under reference 15/00464 planning permission was refused for the installation of a radio base station comprising a 25m monopole with assorted equipment cabinets on land adjacent to 2 Hengist Way. Permission was refused on the grounds:

- "1. Due to their height, siting and design, the proposed mast and ancillary equipment would be obtrusive and highly prominent features in the street scene, out of character and detrimental to the visual and residential amenities of the surrounding area and contrary to Policy BE22 of the Unitary Development Plan.
2. The installation of the proposed mast would be significantly detrimental to the rooting area of two nearby Oak Street Trees which could lead to a

decline in the tree's health contrary to Policy NE7 of the Unitary Development Plan."

Conclusions

The main issue relating to the application is the effect that it would have on the character and visual amenities of the area and nearby residential properties

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

The applicant has submitted a supporting statement which includes a list of alternative sites which were considered prior to the submission of this application, in addition to the technical justification for the height of the proposed mast, stating that the height of 12.5m is the minimum necessary to provide the required coverage and capacity for the proposed shared facility.

The development of the electronic communication network and systems is supported by local and national planning policies guidance and the London Plan and the benefit of the proposed mast in terms of provided a shared facility for 2 telecommunications operators and providing adequate signal coverage is a material planning consideration in the determination of this application.

The height of the proposed mast would be significantly higher than the street lighting in the locality, and the mast and cabinet would be sited in a somewhat open position, against the backdrop of low adjacent development (the garage at No. 109 and the boundary fence) with the result that the mast would be likely to appear over-dominant and an intrusive feature in the street scene.

While it is acknowledged that the street trees and trees at the rear of dwellings backing onto Hayes Way which commence to the north east of the application site would soften the appearance of the mast to an extent, their impact on the visual prominence of the mast would be of limited value. When viewed from the corner of Romanhurst Avenue and Hayes Lane, and from a northerly direction, the mast would be clearly appreciable, incongruous and overdominant in the context of the surrounding development and area.

It is acknowledged that the proposed mast would involve the sharing of infrastructure between two telecommunications operators. It is important that Members carefully consider whether the details provided regarding discounted alternative sites, the disapproval of the site on the opposite side of the road under reference 10/02125, and the minimum height necessary to achieve signal coverage would, alongside the benefit of site sharing, outweigh the material harms identified above. In addition, Members will note the receipt of representations supporting the proposal on the basis of the improvement in signal coverage in the locality, in addition to the representations objecting to the proposal on the grounds of the impact of the development on the visual amenities of the area.

A number of objections have been received concerning the potential health risks associated with the installation of the proposal. However, as the applicant has specified that the proposed antennae comply with the ICNIRP public exposure guidelines this cannot be an influence in the determination of this application.

On balance, the Council considers that prior approval would be required for this telecommunications development, and in view of the harm that would be caused to the visual amenities of the area including nearby residential properties the siting and appearance proposed should be disapproved.

RECOMMENDATION: REQUIRE AND REFUSE PRIOR APPROVAL

- 1. The proposed mast, by reason of its height, siting and design, would represent an obtrusive and over-prominent feature in the street scene, out of character and detrimental to the visual and residential amenities of the area, thereby contrary to Policy BE22 of the Unitary Development Plan.**