

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 19/00756/TELCOM

**Ward:**  
Shortlands

**Address :** Land Rear Of 109 Hayes Way Hayes  
Lane Beckenham

**Objections:** Yes

**OS Grid Ref:** E: 538983 N: 168196

**Applicant :** Telefonica (UK) Ltd

**Description of Development:**

Replacement of existing 12.5m high telecommunications mast with proposed 12.5m high telecommunications mast with additional equipment cabinets (land to side of 2 Brabourne Rise/Rear of 109 Hayes Way) (56 day consultation by Telefonica UK Ltd and Vodafone Ltd regarding the need for approval of siting and appearance of telecommunications apparatus).

**Key designations:**

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 21  
Smoke Control SCA 9  
Smoke Control SCA 18

**Proposal**

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

The application has been called in to Committee by the local Ward Member.

The proposal comprises the removal of the existing 12.5m replica telegraph pole telecommunication mast and the installation of a replacement mast. Where the existing mast is of a streamlined appearance with uniform width for its full height, the proposed replacement mast would incorporate a wider section from a height of approx. 9.1m above ground level to the top of mast.

The existing base station includes a single wide equipment cabinet positioned to the south east of the mast. The current proposal would see the installation of additional cabinets to the north west of the mast, comprising a wider unit of similar proportions to the existing along with 3 other cabinets of varied height/depth/width. These would be positioned between the mast and the inward-opening access gates serving the garage at the rear of a dwelling fronting Hayes Way.

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. This application falls to be determined within 56 days of its submission otherwise prior approval is deemed to have been granted. As a consequence it was necessary to prepare the report within the consultation period to meet the meeting deadline.

Any comments received will be updated verbally at Committee.

### 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**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

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."

### Bromley Local Plan

32 Road Safety

37 General Design of Development

89 Telecommunications Development

## **Planning History**

Under reference 16/00300/TELCOM the siting and appearance of the existing installation was disapproved, on the grounds:

*"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."*

An appeal against the decision was ALLOWED with the Inspector reasoning that the height of the pole was acceptable, with the lower section screened by trees and vegetation from some perspectives, and where visible in the street scene, it would be viewed against the backdrop of mature trees and street lighting. Due to its siting and design the proposed replica telegraph pole and cabinet were not considered to appear unduly prominent within the street scene.

While the Inspector considered that the proposal would detract slightly from the appearance of the immediate street scene, it would not have adversely affected the character and appearance of the surrounding area or the ASRC. Improved mobile communications services were considered to add to the overall quality of the area. The significant benefits that would result from the scheme were considered to outweigh the small harm identified in respect of the character and appearance of the immediate street scene.

## **Conclusions**

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

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 installation in terms of provided a upgraded shared facility for 2 telecommunications operators and providing adequate signal coverage is a material planning consideration in the determination of this application.

The proposal relates to the upgrade of an existing telecommunications site. The height of the proposed mast would replicate that of the existing mast. It is acknowledged that the proposed mast would have a more bulky appearance associated with the wider section towards the top of the mast. However, taking into account the existing structure, the Inspector's reasoning in allowing the appeal against the refusal of prior approval for this existing mast and cabinet, it is not considered that the slight increase in the bulk of the structure would have a significant impact on the visual amenities of the street scene and the area in general.

The applicants have provided a technical justification for the proposal, and it is noted that the Inspector in the appeal against the refusal of prior approval under reference 16/00300/TELCOM placed significant weight on the improvements to the

local mobile network that would have been associated with the original development.

The proposal would result in a significant increase in the number of equipment cabinets positioned along the back edge of the pavement. The cabinets would be of varied height, depth and width, which would present a somewhat cluttered appearance. However, they would be sited at the rear of the wide pavement in a distinct row, and if painted to match the existing cabinet, would not have a significant visual impact. The "Supplementary Information and Design and Access Statement" confirms that mast and cabinets would be finished with "Dark Green RAL 6009 paint."

On balance, taking into account the discreet siting of the cabinets at the back for the pavement, in context with the high boundary treatments associated with the dwellings fronting Hayes Way and their proposed dark green finish, it is not considered that the proposal would have a significantly detrimental impact on the character and appearance of the area or the visual amenities of the street scene.

While it may have been preferable for the number of cabinets to be reduced, or for them to be hidden/placed underground, it falls to consider the proposal on the basis of the application submission. Taking into account the planning history of the site and the siting and appearance of the development it is not considered that strong grounds exist to refuse the proposal such that would outweigh the benefits to the local mobile communications network.

#### **RECOMMENDATION: PRIOR APPROVAL REQUIRED AND GRANTED**

- 1 The siting and appearance of the mast shall be carried out in complete accordance with the submitted drawing(s) unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy 89 of the Bromley Local Plan and in the interest of the visual amenities of the area.**

- 2 Before the operation of the development hereby permitted the mast shall be painted in the colour specified in the submitted drawings. Thereafter the facility shall be retained in that colour and kept free of graffiti.**

**Reason: In the interest of the visual amenities of the area and to accord with Policy 89 of the Bromley Local Plan.**

- 3 Any telecommunications equipment hereby permitted which subsequently becomes redundant shall be removed from the site within a period of 2 months and the land shall be reinstated to its former condition.**

**Reason: In the interest of the visual amenities of the area and to accord with Policy 89 of the Bromley Local Plan.**