

LOCATION: Pavement on south side of Barnet Road, close to the junction with Galley Lane, opposite Arkley Public House, Barnet Road, EN5

REFERENCE: B/00516/12 **Received:** 08 February 2012

Accepted: 08 February 2012

WARD: High **Expiry:** 03 April 2012
Barnet

Final Revisions:

APPLICANT: Vodafone Ltd

PROPOSAL: Erection of 12.5m high column incorporating antennas.
Installation of 1no. equipment cabinet and 1no. pillar.

SUBJECT TO A SECTION 106 AGREEMENT

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 The Owner and the Applicant covenants with the Council that following the grant of the New Permission (B/00516/12) and the Previous Permission (B/01682/10) by the Council:
 - (a) It will not implement any part of the Previous Permission (B/01682/10) if the New Permission (B/00516/12) has first been Implemented
 - (b) It will not implement any part of the New Permission (B/00516/12) if the Previous Permission (B/01682/10) has first been Implemented.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: B/00516/12 under delegated powers subject to the following conditions: -

1. This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100, 200, 300 and site specific supplementary information.

Reason:

For the avoidance of doubt and in the interests of proper planning.

3. The 12.5metre high street furniture column, equipment cabinet and pillar hereby approved shall be painted 'Fir Green' RAL 6009 on the RAL Colour chart.

Reason:

To safeguard the character and appearance of the Conservation Area.

INFORMATIVE(S):

1. The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Local Plan Core Strategy and Development Management Policies DPD 2012.

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS5.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM06, DM18.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account and subject to the completion of a Section 106 agreement which will restrict the applicants from implementing both the previous consent, B/01682/10 and this permission, the proposal would be an acceptable addition to this part of Barnet Road/Wood Street that would protect the character of the surrounding conservation area and would not impact detrimentally on the residential amenity of neighbouring occupiers. The proposal is only acceptable providing the previous extant permission is not implemented, hence the Section 106 agreement. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

2. The proposed location of your furniture if opening on to the footway or a footpath it must allow for a minimum clearance of 1.2 metres and preferably 1.5 metres for pedestrians with the doors fully open. Location of any existing furniture in the vicinity must be taken into consideration to ensure that the minimum clearance required for pedestrians is not compromised.

The proposed siting of your furniture must not adversely affect the clear visibility requirements as specified in Manual for Streets produced by Department for Transport for the pedestrians or vehicles at junctions and crossing points.

In accordance with the general guidance given in the Traffic Signs Regulations and General directions 2002, you would need to ensure that if your furniture is located at the front of the kerb, on a verge or a footway than it needs to be a minimum of 0.45m away from the kerb line on borough roads and 0.6m on TLRN roads (trunk roads) to avoid damage and ensure safety.

3. Matters relating to Notices under the NRSWA and Traffic Management Act 2004 Section 58 Restriction Notice should be referred to NRSWA@barnet.gov.uk directly where they can be picked up by any member of the team.
4. A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

RECOMMENDATION III

That if an agreement has not been completed by 12/02/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application B/00516/12 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to prevent the applicant from implementing the development the subject of this application and the previously approved development, reference B/01682/10 which would be sited approximately 2m from the current proposal. In the absence of such an agreement, the implementation of both permissions would have a significantly detrimental impact on the character and appearance of this part of Wood Street and would fail to preserve or enhance this part and the wider Wood Street Conservation Area, contrary to policies CS NPPF and CS5 of the adopted Local Plan Core Strategy 2012 and policies DM01, DM06 and DM18 of the adopted Local Plan Development Management Policies DPD 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework:

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

The Mayor's London Plan: July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Local Plan Core Strategy (September 2012):

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Core Strategy Policies: CS NPPF, CS1, CS5.

Local Plan Development Management Policies (September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM06, DM18.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Planning History:

Site Address:	Pavement on the south side of Barnet Road, close to the junction with Galley Lane, opposite the Arkley Public House, Barnet, EN5
Application Number:	01682/10
Application Type:	Telecommunications Prior Notification
Decision:	Prior Approval Required & Refused
Decision Date:	12/1/2010

Appeal Decision:	Allow subject to conditions
Appeal Decision Date:	12/1/2010

Proposal: Erection of 12.5m high column incorporating antennas. Installation of 2no. equipment cabinets. TELECOMMUNICATIONS APPLICATION
Case Officer: Fiona Dinsey

Site Address: Pavement on the south side of Barnet Road, close to the junction with Galley Lane, opposite the Arkley Public House, Barnet, EN5

Application Number: 00167/11

Application Type: Conditions Application

Decision: Approve

Decision Date: 01/03/2011

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Submission of details of condition 2 (Details of Colour of Street Furniture Column and Equipment Cabinets) pursuant to appeal decision reference APP/N5090/A/10/2133940 dated 01/12/2010.**

Case Officer: Fiona Dinsey

Site Address: Pavement on the south side of Barnet Road, close to the junction with Galley Lane, opposite the Arkley Public House, Barnet, EN5

Application Number: B/00107/12

Application Type: Telecommunications Prior Notification

Decision: Withdrawn

Decision Date: 06/02/2012

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Installation of 12.5m high pole with supporting antennas, 1no. radio equipment cabinets, 1no. electrical pillar and ancillary equipment. TELECOMMUNICATIONS APPLICATION**

Case Officer: Lisa Cheung

Site Address: Pavement on south side of Barnet Road, close to the junction with Galley Lane, opposite Arkley Public House, Barnet Road, EN5

Application Number: B/00516/12

Application Type: Full Application

Decision: Not yet decided

Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: **Erection of 12.5m high column incorporating antennas. Installation of 2no. equipment cabinets. TELECOMMUNICATIONS APPLICATION**

Case Officer: Lisa Cheung

Consultations and Views Expressed:

Neighbours Consulted: 116 Replies: 6
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- * Application is identical to the applications made in 2012 as B/01682/10.
- * There are already excessive installations of this type in the area.
- * The scale of this mast will have a very negative effect on the area.
- * Impact on the conservation area.

Internal/Other Consultations:

Highways - No objection

Urban Design and Heritage - Given the appeal decision, no objections are raised.

Monken Hadley and Wood Street Conservation Area Advisory Committee - No comment

Date of Site Notice: 16 February 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is an area of pavement, located within the Wood Street Conservation Area. Whilst it is within a predominately residential area, the actual site backs onto open fields. The fields and general feeling of openness combine to give the impression of a semi-rural character. Opposite the site is the Arkley Public House. To the southwest of the site are the derelict nurse accommodation buildings, Cedar House.

There is an existing mast sited on the pavement fronting Wood Street, opposite to 160-164 Wood Street which is some 33m away to the northeast of the site.

Proposal:

The proposals relate to the installation of a new cabinet 1900mm (width) x 1700mm (height) x 750mm (depth); a 12.5m high column incorporating antennas and a 1m high equipment pillar. The proposals is part of the O2/Vodafone network.

As the site falls within a Conservation Area, the proposed development does not fall under development permitted by Class A Part 24 of Schedule 2 of the GDPO (as amended 2004) but requires full planning permission.

Planning Considerations:

Council's policies in relation to the siting and appearance of telecommunications equipment generally seek to ensure that their installation (and where relevant their proliferation) does not create adverse environmental effects on the local area surrounding the particular site.

In 2010, consent was refused (ref:B/01682/10) for *'the erection of 12.5m high column incorporating antennas. Installation of 2no. equipment cabinets'*. The reasons for refusal were:

1. The pole and associated equipment cabinets, by reason of their height, size, siting, design and lack of screening on this prominent location, would be unduly obtrusive in the streetscene and result in an unacceptable proliferation of telecommunication equipment on the pavement, causing harm to the appearance of the site, failing to protect or preserve the character of this part of the Wood Street Conservation Area contrary to policies GBEnv1, D1, D2 and D16 of the Adopted Barnet Unitary Development Plan (2006) and advice in PPG8.

2. Insufficient evidence of a satisfactory assessment of alternative sites to provide the optimal location has been provided, contrary to Policy D16 of the Adopted Barnet Unitary Development Plan (2006) and advice in PPG8.

The application was allowed at appeal subject to a condition requiring details of the

colour of the mast and equipment cabinets to be submitted to and approved in writing by the Local Planning Authority.

The Inspector concluded that the previous proposal would have no significant detrimental impact on the character and appearance of the Wood Street Conservation Area and as the proposals reduce what is currently approved, it is considered that this reduces the impact of the proposals on the character and appearance of this part of the Wood Street Conservation Area. A condition has been recommended in respect of the colour of the equipment including the mast. The applicant has proposed 'Fir Green' which is considered to be an appropriate choice for this equipment in this location, given the open land to the south.

The current proposal reduces the amount of equipment proposed to 1 equipment cabinet and 1 metre pillar (as opposed to the currently approved two equipment cabinets) and moves the location of the proposed equipment approx 2m further north east so that the equipment is located on a grass verge as opposed to the pavement.

The current proposal is only acceptable on the basis that the extant permission, reference B/01682/10 is not implemented. Should both permissions be implemented, it would result in visual clutter to this part of the Wood Street streetscene and would be visually obtrusive, and as such would have a harmful impact on the character and appearance of the locality and the Conservation Area. However a Section 106 agreement is currently being drafted which would restrict the implementation of both consents and on the basis of this being completed, this proposal is considered to be acceptable.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These matters were considered by the Inspector at the appeal for B/00516/12 who concluded that the proposal would have no significant detrimental effect on the character and appearance of the site and the surrounding area, including the setting of the Wood Street Conservation Area and that it would not conflict with adopted national and local policies that seek, amongst other things, to ensure protection of the character of the area and high quality design.

4. EQUALITIES AND DIVERSITY ISSUES

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, the proposal would result in less impact on the character of the surrounding conservation area than the current extant consent and would therefore not impact detrimentally on the residential amenity of neighbouring occupiers. This application is considered to comply with National, London Plan, and Council Policies and Guidelines.

SITE LOCATION PLAN: Pavement on south side of Barnet Road, close to the junction with Galley Lane, opposite Arkley Public House, Barnet Road, EN5

REFERENCE: B/00516/12



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