

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**27 May 2020**

**REFERENCE:** HW/FUL/20/00049

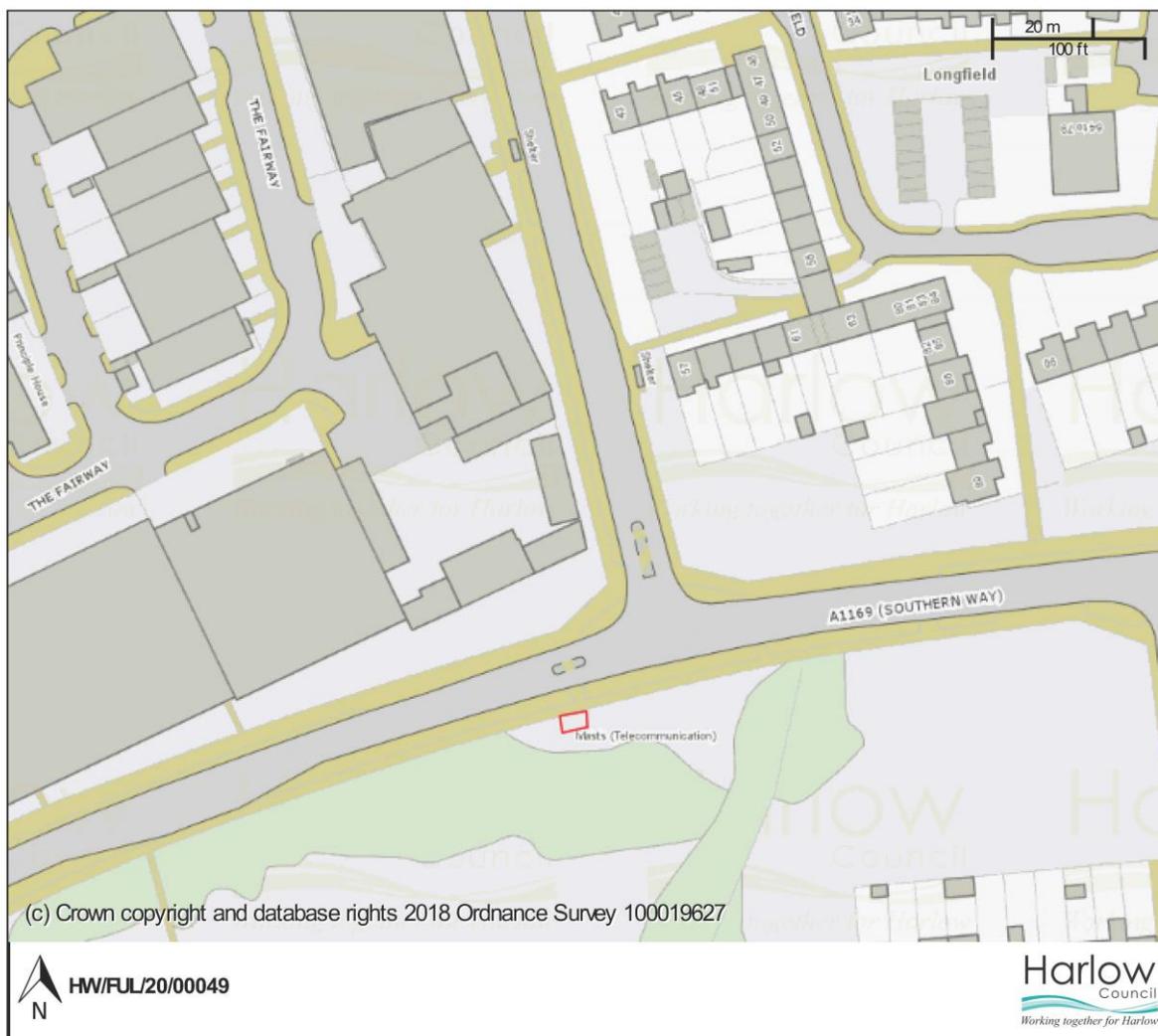
**OFFICER:** Sangeeta Ratna

**APPLICANT:**

**LOCATION:** Telecommunication Mast - Junction With Tillwicks Road  
Southern Way  
Harlow  
Essex

**PROPOSAL:** Proposed telecommunications upgrade. Proposed Phase 7 monopole complete with wraparound cabinet at base and associated works.

**LOCATION PLAN**



## **REASON BROUGHT TO COMMITTEE:**

Application is referred to committee by officers as three objections have been received. However, the officer's recommendation is for an approval.

## **PROPOSED DEVELOPMENT:**

Proposed telecommunications upgrade. Proposed Phase 7 monopole complete with wraparound cabinet at base and associated works.

### **Application Site and Surroundings**

The site is located at the junction of Southern Way with Tillwicks Road, within a Green Wedge which runs along Southern Way. The junction is marked with a roundabout and has a considerably open character with any built form set away from the junction. A grass verge separates the road surface from the footpath along Southern Way. There exists a monopole located on the southern side of the footpath and towards the west of the junction/roundabout. There is a screen of some well-established trees near this existing monopole.

### **Details of the Proposal**

The proposal comprises of a telecommunications monopole which would be 20m high with three supporting cabinets. The proposed monopole would replace the existing 11.7m high pole.

## **RELEVANT PLANNING HISTORY:**

Application Reference Number: HW/PNT/19/00399

Proposal: Proposed Telecommunications Installation. Proposed Phase 8 Monopole c/w Wraparound Cabinet at Base and Associated Works

Application Status: PREF - Prior Approval Required (Refused)

Date Application Received: 24.09.2019

Date Application Decided: 19.11.2019

## **CONSULTATIONS**

### **Internal and external Consultees**

Essex County Council - Highways

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011. Informative suggested regarding prior approval of Highways Authority for works to the highway.

### **Neighbours and Additional Publicity**

Number of Letters Sent: 30

Total Number of Representations Received: 3

Date Site Notice Expired: 17 April 2020

Date Press Notice Expired:

### **Summary of Representations Received**

Three objections have been received on the following grounds -

- Proximity to residential development
- Possible impact on health, especially on those in poor health conditions.

- Adverse impact on visual amenity from gardens of residences in the vicinity.
- Overbearing.

## **PLANNING POLICY**

BE1:"Character and Identity" new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character. Permission will be granted for new development providing: it is well connected to and integrated with the wider settlement; the height massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area; building design is specific to the site and its context; it enhances the character, image and perception of the area when highly visible.

CP10:"Public Utilities" taking account of technical and operational requirements and the overall benefits of telecommunications, development proposals will be granted permission providing: there will be no serious adverse effect on the character and appearance of the area; it can be demonstrated that existing masts or structures cannot be used; there would be no adverse impact on the locality; there would be no adverse impact on residential amenity; an ICNIRP certificate is submitted.

## **PLANNING STANDARDS**

National Planning Policy Framework (NPPF) (2019) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

## **Supplementary Planning Documents/Current Planning Guidance**

Planning Practice Guidance (PPG)

### **Harlow Local Development Plan Pre-Submission Publication (2018)**

The new Harlow Local Development Plan is currently being examined by an Inspector appointed by the Secretary of State.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced its 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 may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound,

that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, will be consulted on between March and May 2020. The Inspector will then consider any representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in summer 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, be given to relevant emerging Local Plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

## Summary of Main Issues

The main issue in consideration is the impact of the proposal on the character and appearance of the surrounding area in comparison to its overall benefits in terms of community facilities and public utilities.

The previous proposal under ref: HW/PNT/19/00399 which was applied for under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) was refused for the reason of the adverse impact on the character and appearance of the surrounding area. This also is a material consideration in the current application.

The proposal would replace the existing monopole. Therefore the only impact would be that resulting from the additional height which would be 7.3m higher.

Policy CP10 states that planning permission can be granted provided the following criteria are met:

1. *There would be no serious adverse effect on the character or appearance of the area;*
2. *It can be demonstrated that existing masts or structures cannot be used for the purpose;*
3. *There would be no adverse effect on special landscape areas, parks and gardens of historic or landscape interest, Conservation Areas, Listed Buildings, SSSIs or other statutory Nature conservation Sites unless exceptional circumstances exist ;*
4. *There would be no unacceptable adverse impact on residential amenity;*
5. *A certificate of compliance with ICNIRP public exposure guidelines is submitted as part of any planning application.*

The proposal is assessed in terms of the above criteria as follows-

1. The site has an open character with a screen of well-established trees to the rear of the existing pole when viewed from Southern Way. A grass verge separates the road from the footpath along Southern Way. The nearest dwelling at 57-89 fronting Longfield would be between 60m to 80m away. The monopole would be visible from their rear aspects. However, given that the proposed monopole would replace the existing, albeit at a higher height, this would not be as detrimental to the visual amenity as compared to the two poles in close proximity as was proposed in the previous application. Therefore, the proposal is not considered to result in a detrimental impact on the character of the surrounding area to an extent that would warrant a refusal of this proposal.

2. The application states that the proposal would upgrade an existing facility. The alternative option to this would be locating the latest facility at another location within close proximity. Comparatively it is considered that the proposal which would replace an existing facility would be advantageous over an additional facility.
3. The site is not located in an area with any of the said designations.
4. The nearest dwelling at 57-89 fronting Longfield would be between 60m to 80m away. The monopole would be visible from their rear aspects. The existing monopole is visible from these dwellings. Therefore the proposal which replaces the existing would have some limited additional adverse impact on the residential amenities of occupiers of these dwellings, but less so than having two structures.
5. A certificate of compliance with ICNIRP public exposure guidelines is submitted.

The proposed cherry picker crane would be located temporarily at site to facilitate installation of the monopole. Its location would require separate approval of Highways. A link informing the applicant about who to contact in this regard has been provided under 'Informative' at the end of this report.

## CONCLUSIONS

On the basis of the discussion above proposal is considered to accord with Policy CP10 of the Adapted Replacement Harlow Local Plan which aims at providing mobile infrastructure to the local community with due consideration to environmental impact and perceived effect on human health. The proposal would overcome the reason for refusal of the Prior Notification under planning ref: HW/PNT/19/00399 in that the existing monopole would be removed and there would be only one monopole at this location.

## RECOMMENDATION

**That Committee resolve to grant planning permission** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.  
REASON: For the avoidance of doubt and in the interests of proper planning.

Plan Reference	Version No.	Plan Type	Date Received
941122-HLW007-91629-CM0479-M003	C	Location Plan	03.02.2020
941122-HLW007-91629-CM0479-M003	C	Access Plan	03.02.2020
941122-HLW007-91629-CM0479-	C	Crane Locations	03.02.2020

M003

941122-HLW007- 91629-CM0479- M003	C	Existing Site Plan	03.02.2020
941122-HLW007- 91629-CM0479- M003	C	Existing Elevations	03.02.2020
941122-HLW007- 91629-CM0479- M003	C	Configuration Site Plan	03.02.2020
941122-HLW007- 91629-CM0479- M003	C	Configuration Elevation	03.02.2020

### **INFORMATIVE CLAUSES**

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO3 Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.