

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

8th December 2021

REFERENCE: HW/FUL/21/00486

OFFICER: Leah McGuinness

APPLICANT: Cornerstone Telefonica UK Ltd

LOCATION: Telecommunication Mast North East Of Katherines Roundabout
Katherine's Way
Harlow
Essex

PROPOSAL: Proposed upgrade to an existing base station consisting of the replacement of a 20.0m monopole with a 20m monopole, internal works to the existing cabinets addition together with ancillary works

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

More than two objections have been received which are contrary to the officer recommendation.

Application Site and Surroundings

The application site relates to a grass highway verge located north east of Katherine's Way roundabout. A public footpath lies behind the verge.

Currently there is a 20m monopole on site and three green cabinets located at the rear of the adjacent public footpath. There are a number of lampposts located along Katherine's way and along the adjacent roundabout.

The nearest residential properties Sycamore Field lie approximately 123m south west of the site and Deer Park approximately 154m east of the site.

The site is designated as a Green Wedge on the Local Plan Policies Map 2020.

Details of the Proposal

The application seeks to upgrade the existing base station with a 20m monopole supporting 3 antenna and to carry out internal works to the existing cabinet on site to provide 5G access within the area. The new proposed pole will be placed 2.1m south of the existing pole.

RELEVANT PLANNING HISTORY

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/13/00113	Erection of a 15m Elara Monopole to Replace The Existing 15m Flexicell 2 Monopole, Along With Additional Ground Based Cabinets And Ancillary Development	Granted Planning Permission	13.05.2013

CONSULTATIONS

Internal and external Consultees

Essex County Council - Highways

No objections

Environmental Health Officer

The Stewart Report from 2020 and subsequent studies have not proven any confirmed link to the presence of radio frequency electromagnetic waves and ill health. To that end I have no further comments to make.

Neighbours and Additional Publicity

Number of Letters Sent: 4

Total Number of Representations Received: 5

Date Site Notice Expired: 9 July 2021

Date Press Notice Expired:

Summary of Representations Received

Five representations have been received with four raising objection to the proposal and outlining a number of concerns summarised below;

- We are concerned there may be an impact on the environment. We already are kept awake during the night due to noise. It has been reported many times without any response, and we don't know if this is coming from the existing pole? Would the replacement also emit this noise and would it affect the environment wildlife and loss of flora?
- Will any trees need to be removed? Noise is heard from existing pole and with a 5G mast, would this noise increase?
- We do not need another ugly mast put up damaging our environment including birds and trees. Never consulted on the previous application – otherwise I would have objected. My health has not been good since last mast erected. Traffic congestion as result of the works being done causing delays getting to work. It would be an eyesore when viewed from my property making me more ill and angry. Appears to be another money making idea for the Council and of it goes ahead I will request a freedom of information act. It will 100% have a negative outcome on the area and I object to the proposal.
- I oppose on Environmental grounds as a hazard to human health and living organisms. It will have a detrimental effect to our habitat and all those living within our local community/wildlife. There are severe medical implications/complications/sickness & illnesses, that stem from prolonged exposure to Radiation/ Electromagnetic Fields. These Include: Headaches, Body Pain, Lethargy, Tinnitus, Nausea, Burning sensation, Heart arrhythmia and anxiety. Exposure to large levels of high frequency EMFs is known to damage human DNA and cells. It will therefore, impact the general health and wellbeing of local residents & detrimentally so. The proposed upgrade to 5g Infrastructure, will be operating at much higher frequencies' than the current communication pole, hence the reason Harlow Council are Legally bound, to write to local residents to obtain consent.
I wish to raise a complaint. The initial letter, dated above is very misleading. Nowhere does it say it is a planned upgrade to 5g infrastructure. You have given a very limited time frame for residents to gather, discuss & reply. Many are likely to forget to respond. I do not consent.

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - 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.

PLANNING POLICY

The following policies of the Harlow Local Development Plan (2020) are relevant to this application:

- PL1: Design Principles for Development
- PL2: Amenity Principles for Development
- PL5: Green Wedges and Green Fingers
- IN2: Impact of Development on the Highways Network including Access and Servicing
- IN4: Broadband and Development
- IN5: Telecommunications Equipment

Supplementary Planning Documents/Current Planning Guidance)

The Harlow Design Guide SPD (2011)

Draft Harlow Design Guide Addendum Supplementary Planning Document (2021)

Summary of Main Issues

The main determining issues are considered to be:

- The principle of development;
- The impact on the visual amenities of the area (Including the Green Wedge);
- The impact on neighbouring amenities;
- Highway impact
- Impacts on Health and wellbeing impacts.

Principle of Development

Paragraph 115 of the NPPF states the use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.

Policy IN4 of the HLDP states the development of high speed broadband technology and other communications networks play a vital role in enhancing the provision of local community facilities and services. High quality communication is also essential for sustainable economic growth and to help attract businesses to the district.

Policy IN5 of the HLDP aims to balance the need for expanding communications equipment whilst protecting the district's environment. It states development of telecommunications equipment must include appropriate evidence to show that opportunities have been explored to share existing masts or sites with other providers.

The proposal seeks to replace an existing 20m monopole with an upgraded 20m monopole located approximately 2.1m south of the existing pole. The upgrade of the existing apparatus will improve the existing mobile signal offering in the area and will provide a 5G network.

The site has an established base station and is an accepted part of the street scene. It makes sense to upgrade the current equipment serving the area rather than seek an alternative site. This also follows the Code of Best Practice for Mobile Network Development in England which advises alternative sites are not required when an existing site is being upgraded. In this case alternative sites have not been considered due to the existing presence of this base. Use of the existing base would maximise the opportunities to consolidate the number of base stations and reduce the environment impact of network development. Therefore the proposal would comply with IN5 of the HLDP.

Therefore, the proposed replacement would be acceptable in principle subject to it being considered appropriate in other respects

Impact on the visual amenities of the area

Policy PL5 of the HLDP states development on land designated as Green Wedge must meet be a) for small-scale development and (b) it is for infrastructure, including local transport infrastructure, which demonstrates a requirement for a Green Wedge location and demonstrates it is of benefit to the wider community.

The replacement pole would essentially be a 'like for like' replacement measuring the same height as the existing pole with the only discernible difference being it moved 2m south and to

the top of pole due to the replacement antennas. It would not be unduly prominent within the street scene and it comparable in height and appearance to the light poles within the area. The trees to the east and south of the site provide some level of screening to the surrounding residential properties which softens the views towards the site also.

A condition will be attached to ensure the existing pole is removed in a timely manner.

The existing green base cabinets will remain exactly as they are with all works proposed internal.

The replacement pole will not result in any harmful impact to the character of the Green Wedge and overall the proposal is considered to preserve the character and appearance of the site and wider area and would be in accordance with Policy PL1 and PL5 of the HLDP

Impact on neighbouring amenities

Policy PL2 of the HLDP and the Harlow Design Guide aim to ensure developments do not adversely affect adjacent residents, taking into consideration impacts on access to daylight and sunlight, overshadowing, privacy and overlooking.

The nearest residential properties Sycamore Field lie approximately 123m south west of the site and Deer Park approximately 154m east of the site. Trees are located to the east and south/ southwest of the site which further provides some screening from the site resulting in minimal impact to the views from the residential properties.

Due to the location, presence of trees and nature of the proposal, it would not result in any detrimental impact to any nearby residential properties in terms of loss of light or loss or privacy.

Highway Impact

Policy IN2 of the HLDP ensures development would not cause a severe residual cumulative impact on highway congestion and movement and would not cause a detrimental impact on the safety of all highway users including pedestrians, cyclists and horse-riders.

The replacement equipment due to its location and design would not restrict the use of the public footpath or cause hazard to users of the pathway or block the visibility of drivers on the adjacent highway.

ECC Highways have raised no objections to the proposal and overall it is considered in compliance with Policy IN2 of the HLDP.

Health and Wellbeing Impacts

Paragraph 117 of the NPPF (2021) states '*Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include....B) an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection*'

Furthermore under Policy IN5 of the HLDP paragraph 17.31 states *Telecommunication equipment must conform to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines taking into account the cumulative impact of all operators' equipment located on the mast/site where appropriate.*

The application is supported by ICNIRP declaration certificate which confirms the proposal has been designed to comply with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest. It is noted ICNIRP guidelines have formal backing of the World Health Organisation.

Therefore the proposal would not give rise to any health impacts in the wider area and is in compliance with local and national policy.

Other Issues

A number of objections have been received stating noise is coming from the existing pole. No noise was evident when the case officer visited the site so it is unclear where the noise is coming from exactly. In any case, a condition will be attached to ensure the existing pole is removed from site and a further condition requesting the noise levels (if any) from the proposed pole are submitted and approved by the Council before the commencement of development.

Equalities

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

CONCLUSIONS

Overall it is considered the replacement pole in this location would be acceptable and would not give rise to any detrimental harm to the character and appearance of the Green Wedge or surrounding area. This location makes logical sense and avoids alternative sites for development being sought elsewhere within the district.

The replacement equipment will not give rise to harmful impacts to neighbouring amenity or highway safety and a condition will be attached to ensure any noise is at an acceptable standard.

It is therefore considered that the proposed development would comply with Policies PL1, PL2, PL5, IN2, IN4 and IN5 It is recommended for approval subject to conditions.

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 Prior to commencement of development the noise levels of the proposed pole and equipment will be submitted to and approved in writing by the local planning authority. The works will be carried out in accordance with the approved details.
REASON: To ensure that no inappropriate noise levels are emitted from the proposed pole and equipment and to protect the amenity of the surrounding residents in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.
- 3 The existing pole will be removed before the proposed works are completed and construction is finished on site. The works will not be considered complete until the existing pole is removed.
REASON: To preserve the character and appearance of the Green Wedge and wider area and to prevent overdevelopment on the plot.
- 4 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
-	201	Rev A	Proposed Site Plan	06.09.2021
-	301	Rev A	Proposed Site Elevation	06.09.2021

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning

policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.