

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	28/03/23
Planning Manager / Team Leader authorisation:	SCE	29.03.2023
Planning Technician final checks and despatch:	ER	29/03/2023

**Application:** 23/00190/LBC **Town / Parish:** Harwich Town Council

**Applicant:** Cornerstone

**Address:** Telecommunications Site at Dovercourt Water Tower Fronks Road

**Development:** Proposed removal and replacement of 6 no. existing antennas with 6 no. upgraded antennas and the installation of 2 no. 300mm diameter dishes, all to be located on existing support poles, and ancillary development thereto, including the installation of RRUs (Remote Radio Units) and 1 no. GPS module.

### **1. Town / Parish Council**

Harwich Town Council      Harwich Town Council had no objection to this application

### **2. Consultation Responses**

Essex County Council  
Heritage  
07.03.2023

The proposed site is a Grade II listed building and has been fitted with telecommunications equipment for the last 25 years. The proposal will replace existing equipment with upgraded system fitted in the same position. The proposal is considered to have a no additional impact on the significance of the listed building and on the local character and distinctiveness.

The level of harm of the existing and proposed telecommunications equipment to the significance of the designated heritage asset is less than substantial and has already been weighed against the public benefit in the previous planning process as per paragraph 202 of the NPPF.

There is therefore no objection to the current application subject to the following conditions:

- The proposed antennas shall be finished in grey to match the colour of the Water Tower and of the existing antennas, in order to minimise the visual impact of the new equipment on the designated asset. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such

### **3. Planning History**

00/00610/FUL      Installation of 3 No. antenna, 2 No. 600mm microwave dishes, equipment building and development ancillary thereto      Approved      12.07.2000

00/00648/LBC      Installation of 3 No. Antennae, 2 No. 600mm microwave dishes, equipment building and      Approved      12.07.2000

	development ancillary thereto		
00/01757/FUL	Replacement of existing antennas with 6 No. DBDP antennas, installation of additional 3 No. 600mm dishes, installation of internal cabin, hand railings to be raised to comply with current health and safety regulation	Approved	24.04.2001
00/01787/LBC	Installation of telecommunications equipment	Approved	24.04.2001
02/01179/FUL	Mobile phone base station comprising the erection of antennas on the existing water tower and associated equipment, as well as ancillary equipment.	Refused	06.01.2003
02/01270/LBC	Proposed telecommunications base station comprising the erection of antennas on the existing water tower and ancillary development including cabling as well as support equipment.	Refused	06.01.2003
93/01443/FUL	(Adjacent 192 Fronks Road, Dovercourt, Harwich) Demolition of water tower and erection of new telecommunications tower	Approved	15.02.1994
94/00411/LBC	Demolition to ground level and complete removal from site	Refused	23.08.1994
95/01461/FUL	Replacement of telecommunications aerials, addition of 2No. microwave dishes and associated works	Approved	12.01.1996
95/01466/LBC	Replacement of telecommunications aerials, addition of 2No. microwave dishes and associated works	Approved	12.01.1996
96/00118/LBC	To erect six sector antennae, one 600mm dish antenna, three radio equipment cabins and six LNA units. The cabins exteriors consist of grey plastic coated steel sheets which will be located on an existing concrete	Approved	07.03.1996
96/00119/FUL	To erect six sector antennae, one dish antenna, three radio equipment cabins and development ancillary thereto	Approved	07.03.1996
96/00578/LBC	Refurbishment of tower:- renew vertical cladding - conical cladding to be retained if	Approved	24.06.1996

	practicable - structure to be shot blasted, all steelwork and low level brick piers repainted, brick pipe trenches to be		
96/01240/FUL	Erection of telecommunication equipment on water tower and equipment cabinet at base of tower	Approved	07.01.1997
96/01282/LBC	Erection of telecommunication equipment on tower and ground equipment cabinet	Approved	07.01.1997
99/01779/FUL	Telecommunications installations of 4 x 0.6m dishes	Approved	11.01.2000
99/01780/LBC	Telecommunications installations of 4 x 0.6m dishes. Material of dishes - galvanised steel grey	Approved	11.01.2000
03/01026/FUL	Installation of 3 no. antennas mounted on steel vertical legs of water tower with an equipment cabin enclosed within an internal plantroom at ground level, plus a ancillary development	Refused	16.07.2003
03/01027/LBC	Installation of telecommunications base station, consisting of 3 no. antennas, handrailing, grillage and ancillary development on water tower	Refused	16.07.2003
05/01614/FUL	Replacement of Dolphin antennas and equipment cabin space with Vodafone antennas and their utilisation of the existing equipment cabin.	Approved	08.11.2005
05/01637/LBC	To utilise space vacated by dolphin telecomms to house equipment. It is also proposed that vodafone replace dolphin antennas with its own	Approved	09.11.2005
07/00968/FUL	Replacement of 6 No. existing antenna on water tower with 6 No. new antenna on existing support brackets.	Approved	07.08.2007
07/00969/LBC	Replacement of 6 existing antennas with 6 new antenna on existing support brackets.	Approved	24.08.2007
90/00181/FUL	To site eight aerials on existing water twoer and to site portacabin adjacent to structure to service aerials.	Approved	05.06.1990
14/01484/TELLIC	Upgrade to existing	Determinati	22.10.2014

telecommunications. on

14/01656/LBC	Replacement of 3no. existing antennas with 6 no. new antennas, the installation of additional radio equipment within the existing equipment cabin and development works.	Approved	16.12.2014
14/01659/FUL	Replacement of 3no. existing antennas with 6 no. new antennas, the installation of additional radio equipment within the existing equipment cabin and development works.	Approved	16.12.2014
15/01102/LBC	Proposed rooftop installation upgrade and associated works.	Approved	16.09.2015
15/01103/FUL	Proposed rooftop installation upgrade and associated works.	Approved	16.09.2015
20/01182/TELLIC	Proposed replacement antennas, and associated ancillary development.	Determination	22.09.2020
22/00050/TELLIC	Removal of 3 No. antennas and the installation of 3 No. replacement antennas on new support poles fixed to the existing antenna support poles attached to the building. All other works within the equipment cabin.		25.01.2022
22/00073/LBC	Proposed upgrading of existing telecommunications equipment fixed to water tower.	Approved	19.04.2022
22/00077/FUL	Proposed upgrading of existing telecommunications equipment fixed to Water tower.	Approved	08.04.2022
22/00498/TELLIC	The removal of 3 no. antennas and the installation of 3 no. replacement antennas on new support poles fixed to the existing antenna support poles attached to the building. All other works within the equipment cabin.		06.04.2022
22/00591/FUL	Proposed removal of 3 no. antennas and the installation of 3 no. replacement antennas on new support poles fixed to the existing antenna support poles attached to the building, and development ancillary thereto.	Approved	27.05.2022
22/00592/LBC	Proposed removal of 3 no.	Approved	27.05.2022

antennas and the installation of 3 no. replacement antennas on new support poles fixed to the existing antenna support poles attached to the building, and development ancillary thereto.

23/00019/TELLIC	Proposed removal and replacement of the existing 6no Antennas with 6no New Antennas, along with the addition of 2no. 0.3m Transmission Dishes, and 9no. RRUS.	Determination	19.01.2023
23/00189/FUL	Proposed removal and replacement of 6 no. existing antennas with 6 no. upgraded antennas and the installation of 2 no. 300mm diameter dishes, all to be located on existing support poles, and ancillary development thereto, including the installation of RRUs (Remote Radio Units) and 1 no. GPS module.	Current	

#### **4. Relevant Policies / Government Guidance**

National:

National Planning Policy Framework July 2021 (NPPF)

National Planning Practice Guidance (NPPG)

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

PPL9 Listed Buildings

#### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

## **5. Officer Appraisal**

### Site Description

The application site is Tendring Water Tower, which is located along the northern side of Fronks Road, within the parish of Harwich. The water tower is an important local landmark building and is Grade II listed. It is a metal clad cylindrical drum with a shallow conical roof standing on eight metal legs. The tower reaches a height of approximately 28 metres.

The site is within a predominantly residential area with dwellings to either side of the site and opposite. The structures listing is as follows;

Water Tower. 1903. Painted steel tower with tank of painted corrugated metal sheeting. Circular water tank with cone-shaped roof and access gallery with handrail. Openwork octagonal tower of painted steelwork with diagonal housing and access ladders. Elegant functional building and local landmark.

### Description of Proposal

This application seeks the approval of Listed Building Consent in order to replace six antennas and install two 300mm diameter dishes, all to be located on existing support poles. The works will also include the installation of Remote Radio Units and a GPS module.

### Assessment

The main consideration is the impact of the proposal on features of special architectural or historic interest and that the special character and appearance or setting of the building would be preserved or enhanced.

Paragraph 199 of the National Planning Policy Framework ("the Framework") states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy PPL9 of the Tendring District Local Plan 2013-2033 and Beyond Section 1 states that proposals for new development affecting a listed building or its setting will only be permitted where they will protect its special architectural or historic interest, its character, appearance and fabric' although the Plan recognises that the scope for a listed building to adapt to modern life and requirements will itself depend upon a number of considerations and it will not always be possible to incorporate modern design solutions without also causing harm to its special character fabric, or appearance.

The Water Tower already has existing telecoms fixtures by way of antenna, connectors, routers and brackets/fixing points, and most of these are positioned centrally on the periphery of the tank of the Water Tower and coloured light grey.

Essex County Council Place Services (Heritage) have been consulted for their heritage advice, and have confirmed the following:

*“The proposed site is a Grade II listed building and has been fitted with telecommunications equipment for the last 25 years. The proposal will replace existing equipment with upgraded system fitted in the same position. The proposal is considered to have a no additional impact on the significance of the listed building and on the local character and distinctiveness.*

*The level of harm of the existing and proposed telecommunications equipment to the significance of the designated heritage asset is less than substantial and has already been weighed against the public benefit in the previous planning process as per paragraph 202 of the NPPF.*

*There is therefore no objection to the current application subject to the following conditions:*

*- The proposed antennas shall be finished in grey to match the colour of the Water Tower and of the existing antennas, in order to minimise the visual impact of the new equipment on the designated asset. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.”*

Accordingly, no objections to the proposed development are raised, however a condition is requested to ensure the proposed antennas are finished in grey to match the colour of the Water Tower and existing antennas. This is in order to minimise the visual impacts of the new equipment and is considered to be a reasonable request.

#### Other Considerations

Harwich Town Council have raised no objections to the proposals.

No additional letters of representation have been received.

#### Conclusion

In the absence of any significant material harm as a result of the proposed development, the policy aligns with local and national planning policies and is therefore recommended for approval.

### **6. Recommendation**

Approval - Listed Building Consent.

### **7. Conditions**

#### **1 COMPLIANCE REQUIRED: COMMENCEMENT TIME LIMIT**

**CONDITION:** The works to which this consent relate must be begun not later than the expiration of three years beginning with the date of this consent.

**REASON:** To comply with the requirements of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

**NOTE/S FOR CONDITION:**

The development needs to commence within the timeframe provided. Failure to comply with this condition will result in the consent becoming lapsed and unable to be carried out. If commencement takes place after the time lapses this may result in unlawful works at risk of both Enforcement Action and Criminal proceedings. You should only commence works when all other conditions requiring agreement prior to commencement have been complied with.

#### **2 APPROVED PLANS & DOCUMENTS**

**CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be

approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers 100 A, 201 A and 301 A.

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 CONDITION: Notwithstanding Drawing Number 301 A, the proposed antennas shall be finished in grey to match the colour of the Water Tower and existing antennas, and shall be permanently retained in this form unless otherwise agreed in writing by the Local Planning Authority.

REASON - In order to minimise the visual impact of the new equipment on the designated asset.

## **8. Informatives**

Positive and Proactive Statement:

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.