
Appeal Decision

Site visit made on 6 June 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13th June 2017

Appeal Ref: APP/W1905/W/17/3167026

Land adjacent to Hoddesdon Police Station, High Street, Hoddesdon, EN11 8BJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CTIL and Telefonica UK LTD against the decision of Borough of Broxbourne.
 - The application Ref 07/16/0470/F, dated [18 April 2016, was refused by notice dated 27 July 2016.
 - The development proposed is the installation of a 15.0m Pandora Pole, supporting 3 no antenna together with associated ground based equipment and ancillary development.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a 15.0m Pandora Pole, supporting 3 no antenna together with associated ground based equipment and ancillary development at Land adjacent to Hoddesdon Police Station, High Street, Hoddesdon, EN11 8BJ in accordance with the terms of the application, Ref 07/16/0470/F, dated 18 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 100 Rev A, 200 Rev B and 300 Rev B.
 - 3) No development shall commence until details of the colour and finish of the proposed telecommunication equipment to be installed have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter.

Procedural Matters

2. The type of pole proposed was amended during the course of the application. I have therefore taken the updated description of the development from the appeal form and the Decision Notice.
 3. I have taken the site address from Decision Notice as this is more precise than the address given in the application and appeal forms.
 4. My attention has been drawn to the specific policies within the emerging Draft Local Plan 2016-2031. However the plan is un-examined and un-adopted and as such the weight I can attach to this is limited.
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Main Issue

5. The main issues are the effect of the proposed development upon the character or appearance of the Hoddesdon Conservation Area and the setting of nearby grade II listed buildings.

Reasons

6. The appeal site comprises of a grassed verge which is located to the front of the, Hoddesdon Police Station, a 20th century three storey building with a flat roof. This building is currently vacant. Within the verge is a street lamp, covered bus stop, public bin, bench and civic signage as well as trees of varied heights.
7. The appeal site is located within the Hoddesdon Conservation Area (CA). This extends in a north-south direction, largely following High Street. The area around the appeal site historically comprised of large detached townhouses. Many sites were redeveloped during the latter half of the 20th century, however, today there overall spatial qualities of the area have been retained with a number of large buildings of all ages fronting High Street.
8. To the north is the Lowewood Museum, a grade II listed building. Outside this, and also located in the verge, is a hexagonal post box dating from the Victorian period. Other listed buildings in the vicinity of the appeal site include No 32 High Street, North House and South House. These are also all grade II listed.
9. The proposed column would be a 15m high single straight 'Pandora Column.' Two separate cabinets would be located either side of the pole. These would all be located within the grass verge, adjacent to the tarmac footway.
10. To the north of the appeal site is a tree of approximately 11m in height. This tree has a reasonable crown spread. To the south is a young tree of around 5m in height. I consider that the proposed column would be partially screened by these existing road-side trees in views along High Street, particularly in views to the south along High Street, due to the height of the existing tree.
11. However, the uppermost part of the pole would also be visible above the trees and in winter months when there is no foliage on the trees, they would offer less screening. There would also be greater visibility when looking north along High Street as this tree is much smaller.
12. Nonetheless, the trees would also help to some provide some mitigation the impact of the development in its surroundings, including minimising the effect on the adjacent grade II listed Lowewood Museum. Furthermore, the verge itself is not uncluttered and the proposed pole and the cabinets would also be seen within the context of the existing lamp posts and other street furniture within this area.
13. No 32 as well as North House and South House are located on the opposite side of High Street. In light of their separation from the proposed development, as well as the screening and existing street furniture as described above, I do not find that there would be any adverse impact upon their setting.
14. Overall I do not consider that proposals would be a wholly incongruous addition to the locality. However, I acknowledge that the proposed development would result in an adverse level of visual intrusion to the CA, as well as in respect of

the setting of Lowewood Museum. That harm would be marginal, nonetheless in accordance with the legal duties as set out in the planning (Listed Buildings and Conservation Areas) Act 1990, I have given considerable importance and weight to that harm. In this regard, the development would also conflict with saved Policy HD6 and HD12 of the Borough of Broxbourne Local Plan Second Review 2005 (LP) which seeks to restrict development which would have an adverse impact upon a CA and protect the setting of listed buildings.

15. The National Planning Policy Framework (the Framework), as a material consideration, states that account should be taken of the desirability of sustaining and enhancing the significance of the heritage asset and that great weight should be given to the assets conservation. Taking into account my findings set out above, I consider that the proposal will lead to less than substantial harm in the context of Framework paragraph 134 and in such cases, this harm should be weighed against the public benefits of the proposal.
16. The Framework supports high quality communications infrastructure. It states that advanced, high quality communications infrastructure is essential for sustainable economic growth and that the development of communications networks plays a vital role in enhancing the provision of local community facilities and services. It also states that the aim should be to keep the number of radio and telecommunications masts and the site for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.
17. The current appeal proposal replaces a mast which was formally located on the Police Station building. Due to its closure, the operators are unable to continue to use this building to mount their equipment. The appellants have sought to amend the design of the proposed pole and are seeking the minimum height necessary to enable an appropriate signal to be achieved. It is also of note that the proposed pole is to be shared by two network operators. Taking all of the above into consideration, I consider that the proposal offers substantial public benefits.
18. The Council considers that the appellant has not fully explored all alternative sites which could potentially meet the same coverage requirements, and without causing the same harm. I have considered the appellant's assessment of alternative sites and I am satisfied that such an assessment was thorough and robust. In respect of the site at the recycling point and car park, I accept the appellant's assessment that such sites would also give rise to harm, and I note that it would be likely that a taller pole would be required. I am therefore satisfied that further searches have not revealed any sites that are any more suitable.
19. The Council also consider that the development may be detrimental to the redevelopment of the Police Station. However, while this building remains vacant, no specific redevelopment proposals have yet come forward and there is no evidence to suggest that such apparatus would prejudice any future redevelopment of the site. As such I consider the Council's concerns to be unfounded at this stage.

20. Overall I conclude that the very limited harm that would be caused to the CA and to the setting of Lowewood Museum, would be outweighed by the public benefits that would arise from the provision of communications infrastructure. In my view such public benefits would also outweigh the conflict with the development plan.

Conditions

21. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
22. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I also consider it necessary to condition the colour and finish of the proposed equipment prior to the commencement of development, in order to ensure that the development can assimilate into the surroundings and to further minimise harm.

Conclusion

23. For the above reasons, and taking into account all other matters raised, on balance, I conclude that the appeal should be allowed.

C Searson
INSPECTOR