

SITE PLAN ATTACHED

LAND CORNER OF COPTFOLD ROAD/ CROWN STREET BRENTWOOD ESSEX

APPLICATION FOR PRIOR APPROVAL - UNDER PART 16 OF SCHEDULE 2 FOR THE INSTALLATION OF A 20M SLIM LINE COLUMN SUPPORTING 4NO SHROUDED ANTENNAS, 1 NO TRANSMISSION DISH, 2 NO EQUIPMENT CABINETS 1 NO METER CABINET AND ANCILLARY DEVELOPMENT THERETO

APPLICATION NO: 19/01746/PNTEL

WARD Brentwood South **56 DAY DATE** 12.02.2020

CASE OFFICER Mr Mike Ovenden

Drawing no(s) relevant to this decision: 301A; 201A; 100A;

The application is reported to the Planning and Licensing committee in accordance with the requirements of the Council's constitution.

1. Proposals

The proposal is for a permitted development mast and associated equipment cabinets by a telecommunications code system operator (in this case Telefonica/Vodafone) on the pavement adjacent to the junction of Crown Street and Coptfold Road. The proposed mast is a 20 metre tall slim monopole with a wider section at the top containing (4) the antennae behind a shroud with a 300mm dish at approximately 14 metres. The mast would be coloured Silk Grey (RAL 7044), similar to the colour of adjacent streetlights. Two equipment cabinets are proposed (1900 x 800mm, 1645mm tall) in a row separated by one metre. One small metre cabinet (700 x 255mm, 1000 mm tall) would be adjacent to one of the larger cabinets. The cabinets would be coloured Fir Green (RAL 6009). The mast and cabinets would be approximately 12 metres from the multi storey car park. The mast would be approximately the same height as the multi storey car park.

2. Policy Context

Local Development Plan: Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria
Policy IR2 Telecommunications

Local Development Plan to 2033:

The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF). Due weight should be given to them, according to their degree of consistency with the NPPF - the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given.

The emerging Local Development Plan went through Pre-Submission (Publication Draft) Stage (Regulation 19) consultation early in 2019. The Council subsequently resolved to revise the detailed wording of some of the proposed housing allocations and undertake a focused consultation on those revisions. This was carried out over a six week period ending on 26 November 2019 and responses are currently being considered. The LDP will be submitted to the Secretary of State in early 2020 for an Examination in Public. This is likely to be held in mid 2020, subject to timetabling by the Secretary of State. Provided the Inspector finds the plan to be sound, it is projected that it could be adopted by the Council in late 2020 or 2021.

As the emerging plan advances and objections become resolved, more weight can be applied to the policies within it. At this stage there are outstanding objections to be resolved, nevertheless, the Local Plan Pre-Submission (Publication Draft) provides a good indication of the direction of travel in terms of aspirations for growth in the Borough and where development is likely to come forward through draft housing and employment allocations. However, as the plan has yet to be inspected at the Examination in Public it is currently considered that it has limited weight in the decision making process.

National Policy

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

3. Relevant History

- NA

4. Neighbour Responses

Where applications are subject to public consultation those comments are summarised below. The full version of each neighbour response can be viewed on the Council's website via Public Access at the following link:

<http://publicaccess.brentwood.gov.uk/online-applications/>

- we strongly object
- unsightly nature of the proposal/eye sore
- lack of regard for the public by imposing more street clutter in the way of cabinets and masts

- the mast and cabinets would be sited 500mm back from kerb edge where signs telegraph poles and street lights in the rest of the town including the new BT fibre cabinets have been located to the back of the pavement .
- site is in a dominant location on the edge of the town centre and is visible on the approaches the town centre heritage area.
- we are very encouraged by the strong objection presented by the Design Officer
- it is apparent that no approach was made to BBC to utilise the Multi-storey carpark or Becket House
- another option would be to approach Barclays in the High Street who have a large roof area and could provide a wide coverage area.
- this proposal should be clearly rejected, rethought and relocated
- concern about health and safety/potential radiation
- detrimental effect on future sale of property
- should find alternative sites that are less built up to site such a column

5. Consultation Responses

- **Highways Authority:** To be reported
- **Design officer:**

Context

The development is proposed to be situated at the junction of Coptfold Road and Crown Street within Brentwood Town Centre; this is a prominent and well used thoroughfare within the Town Centre, linking to South Street and Primrose Hill. It is located to the south of the Brentwood Town Centre conservation area and is visible from it.

The urban character of this area is well defined within the adopted Brentwood Town Centre Design Guide (TCDG p. 58) there is a relatable human scale within this area with the exception of the Multi Storey Car Park which dominates the corner by way of its scale; the multi storey is an outdated building which is identified within the Town Centre Design Plan and the TCDG for redevelopment with particular reference to façade improvements and public realm upgrading.

Having assessed this submission, I raise serious concerns for the proposed scale of the mast, its associated equipment and its siting; certainly, given the context and the adopted design strategy this is not acceptable. The proposals will without doubt be incongruous additions within the Townscape other options should be sought.

As set out in the TCDP, new development should contribute to creating a coherent town centre, ensuring that the unique aspects and character of Brentwood are respected and retained. Proposed new developments should adhere to the design guidelines set out in this design guide in order to enhance and improve the setting of the town. Specifically the Guide sets out the priorities for this area in terms of Public Realm

Recommendation

Urban Design fully objects to the proposals within this application, it is too large in scale, unsympathetic to the existing character of the Brentwood Town Centre.; in essence, this proposal does not comply with the Brentwood Town Centre Design.

6. Summary of Issues

Background

This is not a planning application. It relates to a form of development that is permitted development (i.e. has a national planning permission) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 16 Class A – electronic communications code operators. Prior to exercising permitted development rights, operators have to apply to the local planning authority for a determination as to whether the prior approval of the Council will be required for two issues - the siting and appearance of the development. This is what the application seeks to establish. If prior approval is required the local planning authority then determines whether those details are acceptable.

The Government is strongly supportive of telecommunications networks and the significant social and economic benefits they provide to individuals, businesses and other organisations. This development relates to maintaining the 2G, 3G and 4G network in the area around Brentwood railway station by replacing existing equipment due to be decommissioned and removed from Ewing House (130 Kings Road) near Brentwood Station in mid 2020 as the owner wishes to be able to implement the permission for two additional storeys on the building granted (on appeal) in January 2019. The applicant has listed eight other sites it has considered and discounted. The agents advises that potentially, unless a suitable replacement for the Ewing House site is found, it is possible that there would be no coverage in the station area for Telefonica customers from mid 2020.

The applicant has explained that the height of the mast is required to reach the station area and avoid a further proliferation of masts, though a sister mast is proposed off Pastoral Way (19/01745/PNTEL) because it is necessary to split the cell to maintain service provision in the area. The applicant has stated that the equipment cabinets on their own could be erected under permitted development rights, without triggering this type of application, although have been included for reasons of transparency.

As indicated above, the issues to consider with this type of application are very limited:

- whether the prior approval of the local planning authority is required for the siting and appearance of the development.
- If prior approval is required whether the submitted details are acceptable.

The committee should be aware that the determination period for this type of application is limited to a maximum of 56 days and if no decision is made within that period the developer may proceed without delay.

Policy CP1 is supportive of development proposals provided they protect the character and appearance of the surrounding area, protect the amenities of neighbours, are of a high standard of design and have satisfactory access and parking and can be accommodated by local highway infrastructure. Subject to the comments of the highways authority it is not considered that the siting or appearance of the proposal would create problems relating to access, parking or local highway infrastructure and to that extent complies with Policy CP1. Other requirements of the policy are addressed below. The applicant has made reference to relevant policies in the emerging plan but as the committee is aware it is the Councils position that at the present time emerging policies carry limited weight.

Siting

The proposed siting of the proposed development is in a forward position near the kerb line. The carriageway narrows at this point so that visually the position would be in the middle of Coptford Road. Given the nature of this proposal and its location details of siting are required. The applicant has included these details with the application. Due to its position all of the development would be very prominent in the street scene and there is no scope for any meaningful mitigation especially of the mast. On this side of Crown Street existing development is positioned away from the junction increasing the openness of this corner location and the prominence of the proposed development. The site is close to well used vehicle and pedestrian routes and therefore to clear public view. The development, especially the mast, would be highly visible in near and long distance views along Coptford Road and Primrose Hill, the lower end of Crown Street and to a lesser extent from Crown Street north. The Town Centre Design Guide identifies this area as requiring improvements to the public realm. This proposal would do the opposite. This corner is dominated by the presence of the multi storey car park but this proposal would still have a very significant and detrimental effect on the character of the area.

The site is 75 and 85 metres from the closest parts of the conservation area and the nearest listed building (the United Reformed Church) is approximately 75 metres away. At these distances the proposal would have a neutral impact on these heritage assets.

The applicant has drawn attention to the height of the multi storey car park, adjacent streetlights (6 metres tall), highway and other directional signs and bollards. While the car park would prevent views from the north and to some degree would provide a backdrop when viewing the mast from the south, the mast would still be readily visible from public view and street lights, road signs and other street paraphernalia are of such a different scale as to have no bearing on the visibility of the mast. Given the nature of the development proposed its proposed siting would be harmful to the character of the area as a whole and the details of siting should be refused.

Appearance

Given the nature of this proposal details of appearance are required. The applicant has included these details with the application. The development is functional in its

design and makes no attempt to mitigate the impact of the mast or the cabinets. While it may be possible to reduce the visual impact of the cabinets it is the mast that would have the greatest effect on the character of the area. Due to the scale and appearance of the proposed mast in this location it would be a dominant feature close to the residential properties on the opposite of Coptford Road and to a reducing extent to dwellings further afield. Given the nature of the development proposed its appearance would be harmful to the character of the area and the amenities of nearby residents. The details of appearance should be refused.

Other Matters

A Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines has been submitted with the application. This declaration certifies the cumulative exposure as a result of the development would not exceed international guidelines and the development would therefore not be detrimental to public safety. It is the long standing position of the Government that if the developer provides a declaration that the equipment complies with ICNIRP standards local planning authorities should not consider the matter further.

Paragraph 116 of the NPPF advises that *"Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure."*

A representation refers to the potential effect on the future sale of an adjacent property. This is not a material planning consideration.

This report focuses consideration of the proposal to matters relating to siting and appearance of the development and for the reasons given above this application is recommended for refusal.

7. Recommendation

Prior approval is required for siting and appearance and prior approval is refused.

The proposal is unacceptable because it would result in the provision of a mast and associated cabinets in a very prominent location and given their siting and appearance would be detrimental to the character of the area and the amenity of nearby residents, contrary to Policy CP1 of the Brentwood Replacement Local Plan 2005 and the National Planning Policy Framework.

Informative(s)

1 INF05 Policies

The following development plan policies contained in the Brentwood Replacement Local Plan 2005 are relevant to this decision: CP1, IR2, National Planning Policy Framework (NPPF) 2019 and NPPG 2014.

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF23 Refused No Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly identifying within the grounds of refusal either the defective principle of development or the significant and demonstrable harm it would cause. The issues identified are so fundamental to the proposal that based on the information submitted with the application, the Local Planning Authority do not consider a negotiable position is possible at this time.

BACKGROUND DOCUMENTS

DECIDED: