

SITE PLAN ATTACHED

**ORCHARD FARM LAND WEST SITE OF LITTLE WARLEY HALL LANE WEST
HORNDON LITTLE WARLEY BRENTWOOD ESSEX CM13 3EN**

**THE INSTALLATION OF 1 NO. 20.0M HIGH SWANN LATTICE TOWER ON
CONCRETE BASE, WITH 3 NO. ANTENNAS, 2 NO. 0.6M DISHES, 6 NO. MHA'S
AND 3 NO. GROUND-BASED EQUIPMENT CABINETS AND ANCILLARY
DEVELOPMENT THERETO.**

APPLICATION NO: 20/00011/PNTEL

WARD	Herongate, Ingrave & West Horndon	56 DAY DATE 02.03.2020
PARISH	West Horndon	
CASE OFFICER	Mr Mike Ovenden	
Drawing no(s) relevant to this decision:	01/B; 02/B; 06/B; 07/B;	

**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 EE) adjacent to fields, a private lake and the railway line. The mast would be 30m from the fencing along the railway. The proposed mast is a 20 metre tall lattice mast with three antennas at the top and two 600mm dishes at approximately 16.5 metres. The mast would have a galvanised finish. Three equipment cabinets are proposed. The cabinets would be coloured Fir Green (RAL 6009). All the development would be contained within an 8 x 8m compound with 2.1m tall palisade perimeter fencing. The development includes screen planting on the north, east and south sides just outside the compound.

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The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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

- 18/01992/TEL: The installation of a 20m lattice tower with 3no. antennas 2no. 0.3m dishes, 4no. ground-based equipment cabinets and fencing -Prior Approval is Not Required

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/>

- None received at time of drafting report

5. Consultation Responses

- **Essex County Fire Service (Headquarters):** To be reported

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 improving 3G and 4G coverage and capacity along the railway line between the M25 and West Horndon. The agent advises that the proposal would be capable of being upgraded for 5G connectivity when the service becomes available in the area from EE in the future. The applicant has listed 11 other sites it has considered and discounted, some of which would require taller masts. This development is an alternative to an unimplemented similar proposal (18/01992/TEL) approximately 950m to the east. This site is preferred as it more accessible to the operator for construction and maintenance purposes than the secure abattoir site subject to the above application.

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. 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 development is away from close public view. It is approximately 200m from the Upminster Industrial estate and 300m from the dwellings on the other side of St Mary's Road to the south of the railway line. Due to its siting the development would not be prominent in the landscape and there is no conservation area or listed buildings in the vicinity. The permitted development requirements do not envisage requiring details of the proposal as a standard response, but only where necessary. The applicant has included these details with the application, though for the above reasons details of siting are not required – this is consistent with the approach taken with regard to the proposal (18/01992/TEL).

Appearance

The applicant has also included details of appearance with the application. The development is functional in its design and the applicant has chosen a lattice mast to limit its visual presence. The applicant has followed pre app advice and arranged the equipment on the mast in a tidy manner. The applicant has included a scheme of planting to the north, east and south of the proposed compound to screen the cabinets as suggested at the pre app stage. Given the nature of the development proposed its appearance would not be harmful to the character of the area or the amenities of nearby residents. For these reasons details of appearance are not required, again consistent with the approach taken with regard to 18/01992/TEL.

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."*

This report focuses consideration of the proposal to matters relating to siting and appearance of the development and for the reasons given above it is recommended that prior approval of siting and design is not required. The General Permitted Development Order contains conditions relating to time limits and requiring

development to be carried out as shown on the submission so no further conditions are necessary.

7. Recommendation

Prior approval is not required for siting and appearance.

Informative(s)

1 This decision relates solely to whether prior approval is required of siting and appearance of the development. It does not confirm whether the proposed development complies with other conditions or limitations in the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 16, Class A – electronic communications code operators), or whether the proposal would be lawful. As such you may wish to submit an application for a certificate under s.192 to confirm the lawfulness of the proposal.

2 Under Class A(11), the development must be completed within a period of 5 years starting with the submission date of the prior notification application.

3 Under Class A(9) The development must be carried out in accordance with the details provided in the application.

BACKGROUND DOCUMENTS

DECIDED:

