

**SITE PLAN ATTACHED**

**LAND ADJ THE NIGHTINGALE CENTRE PASTORAL WAY WARLEY ESSEX**

**APPLICATION FOR PRIOR APPROVAL UNDER PART 16 OF SCHEDULE 2 FOR CONSTRUCTION FOR INSTALLATION OF 20M SLIM LINE COLUMN SUPPORTING 6 NO. SHROUDED ANTENNAS, 2 NO. TRANSMISSION DISHES, 2 NO. EQUIPMENT CABINETS, 1NO. METER CABINET AND ANCILLARY DEVELOPMENT THERETO**

**APPLICATION NO: 19/01745/PNTEL**

**WARD** Brentwood West **56 DAY DATE** 14/02/2020

**CASE OFFICER** Mr Mike Ovenden

**Drawing no(s) relevant to this decision:** 100A; 200C; 300C;

**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 an extended pavement on the northern side of Pastoral Way approximately 60 m west of its junction with Warley Hill. The proposed mast is a 20 metre tall slim monopole with a wider section at the top containing the (6) antennae behind a shroud with two 300mm dishes at approximately 14 metres. The mast would be coloured Silk Grey (RAL 7044). The mast would be taller than the tree line to the west – the applicant states by 3 metres, although an on site inspection suggests the difference would be greater. 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 1.25 m from one of the larger cabinets. The cabinets would be coloured Fir Green (RAL 6009).

## **2. Policy Context**

Local Development Plan: Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria  
Policy C16 Development within the Vicinity of a Listed Building  
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The Brentwood Replacement Local Plan 2005 remains the development plan and its policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the National Planning Policy Framework (NPPF).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**

- None

### **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**

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

#### Context

The development is proposed to be situated in the principle entry route to the Grade II listed building of WARLEY HOSPITAL, MAIN BLOCK, ADMINISTRATIVE BUILDINGS WITH ATTACHED WARD WINGS, WARLEY HILL and within the immediate setting of the Grade II listed building of LODGE TO WARLEY HOSPITAL AND ATTACHED WALLS, WARLEY HILL and the Grade II listed building of TOWER HOUSE AT WARLEY HOSPITAL, WARLEY HILL.

These nationally designated heritage assets have a group value and their setting is the proposed location for the installation of the mast.

Having assessed this submission in respect of the historic environment, I raise fundamental objection to the proposals; this principle entry forms part of the setting of heritage assets which hold Group Value (GV); such setting is an intrinsic component of significance in respect of the mid C19th Kendall and Pope masterplan; an extract from the detailed listing from Historic England refers to such as follows: 'The original design for 300 patients was a totally symmetrical plan of both buildings and gardens and this is clearly seen in the main block'.

#### Summary

There is no question the proposals would result in harm to the setting of nationally designated heritage assets and result in a diminution of their group value and setting.

#### Conclusion

As a consequence of the above I raise objection in the interests of the setting of listed buildings.

## 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 eleven 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 on Coptford Road (19/01746/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

Pastoral Way provides access to the residential development known as The Galleries, the former historic hospital site. The proposed siting of the proposed development is immediately to the rear of the pavement/footway on the main vehicular route into the

development. The immediate setting for the proposal is open with a substantial area of green space immediately behind the site associated with the Nightingale Centre. The site is at the southern edge of this open grassland, and mostly open to the east before the junction with Warley Hill, open to the street to the south, there is a line of vegetation to the west. The closest and tallest tree is deciduous providing very little cover at this time of the year. A lower tree (Yew) slightly further away retains its cover year round. Given the nature of this proposal and its location details of siting are required. The applicant has included those details with the application. Due to its position the development would be very prominent in the street scene and there is no scope for any meaningful mitigation especially of the mast. The development would be highly visible in near and long distance views from publicly accessible land. This proposal would have a significant and detrimental effect on the character of the area.

The site is not near a conservation area though there are listed buildings in the area (the former hospital lodge (grade II), Water tower (grade II) with other listed former hospital buildings to the west). The conservation officer advises that the proposals would result in harm to the setting of these nationally designated heritage assets and result in a diminution of their group value and setting.

The applicant has drawn attention to trees to the west. While they would provide some mitigation from views due west, especially of the proposed cabinets, the mast would still be readily visible from public view from the north, east and south. 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 those 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, though from the west they would have some screening from adjacent vegetation. 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. 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.”*

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 would result in harm to the setting of nationally designated heritage assets and result in a diminution of their group value and setting contrary to policies CP1, C16 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, C16, 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:**

