

SITE PLAN ATTACHED at Appendix A

**COPTFOLD ROAD MULTISTOREY CAR PARK COPTFOLD ROAD BRENTWOOD
ESSEX**

**APPLICATION FOR PRIOR APPROVAL - UNDER PART 16 OF SCHEDULE 2 FOR
THE INSTALLATION OF 2NO. ANTENNAS, 2NO. TRANSMISSION DISHES, 2NO.
REMOTE RADIO UNITS, 3NO. EQUIPMENT CABINETS AT GROUND LEVEL AND
ANCILLARY DEVELOPMENT THERETO INCLUDING 1NO. GPS MODULE**

APPLICATION NO: 20/00466/PNTEL

WARD Brentwood South **56 DAY DATE** 01.06.2020

PARISH

CASE OFFICER Mike Ovenden

Drawing no(s) 100A; 200B; 300B;
relevant to this
decision
attached as
Appendices B,
C and D:

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

1. Proposals

The application relates to a permitted development proposal including antennas, other apparatus, supporting infrastructure and associated equipment cabinets by a telecommunications code system operator (in this case Telefonica/Vodafone). The cabinets would be sited at ground level, the mast would be on the top of the car park building. The application follows a proposal for a ground based 20 metre tall mast and three cabinets on highway land nearby refused prior approval at the committee in January 2020.

The cabinets would be sited at ground level on a tarmacked area adjacent to the Coptfold Road elevation of the car park and its pedestrian entrance. Two equipment cabinets are proposed (1898 x 798mm, 1645mm tall) about 0.5 metre apart in a line backing on to the building, a third smaller cabinet (955 x 255mm, 1020 mm tall) would back on to the external flight of steps coming from the car park. The cabinets would be

coloured Fir Green (RAL 6009) and it is proposed to protect them with three bollards. There are currently two foldable bollards in this area.

The proposed antennas would be mounted on a steel support structure affixed to the roof of the stair tower. The total height of the building at this point to the parapet is 21.4 metres. The proposed two vertical antennas would have a height of 2.75 metres resulting in a total height above ground level of 24.15 metres. A transmission dish would be provided at a centre line of 23.15 above ground level and a small GPS module attached to the top of one antenna adding negligible extra height. Running between the roof mounted equipment and the ground based cabinets would be a 300mm wide cable tray running up the middle of the elevation of the stair tower.

Like the last application, this development is a response to the forced removal of a base station from Ewing House, though unlike that one this proposal would provide a single replacement rather than two sites serving the area – it was previously proposed to have one adjacent to this site and the other across the valley at Pastoral Way.

2. Policy Context

Local Development Plan: Brentwood Replacement Local Plan 2005

Policy CP1 General Development Criteria

Policy IR2 Telecommunications

Emerging Local Development Plan (LDP) 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 with a further focused consultation, following revisions to the detailed wording of some of the proposed housing allocations, ending on 26 November 2019. At Ordinary Council on 22 January 2020 the Council resolved to submit the plan to the Planning Inspectorate on behalf of the Secretary of State (Regulation 22). Submission of the Local Plan took place on Friday 14 February 2020. An Examination in Public 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. With regard to the impact on timeframes due to the current COVID-19 situation, Planning Inspectorate advice is that pre-hearing matters for submitted Local Plans can continue. At this stage public hearing sessions are not able to proceed but this will be kept under review with all options explored in order for them to take place as soon as possible.

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 Plan 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. While submission of the Local Plan is a further step in progress towards adoption, as the plan has yet to be inspected through an Examination in Public it is still considered that it currently has limited weight in the decision making process.

National Policy

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

3. Relevant History

- 19/01746/PNTEL: 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 - Prior Approval is required/Refused

4. Neighbour Responses

- Object
- Reasons for refusing the last application remain valid
- Near to listed buildings and conservation area
- Improvements to the car park are required
- The proposal would not be a positive addition to the car park
- Would add to clutter and be overbearing
- Suggest other sites
- Reference to public health issues
- Why should a large corporation benefit from this installation, to the detriment of the local dwellers, who gain no commercial advantage.
- Installer should offer a better technical solution, which may cost more, enabling remote equipment, away from the public.
- What controls are in place to stop further additions in the future or replacement by larger and more dangerous equipment.
- There must be a better process to halt the non-stop expansion of unwanted or unproven technology in our environment.
- Comment about Huawei equipment
- Visual impact on Becket House and in clear view of occupiers
- the choice of this particular site under-estimates the visual impact of the presence of antennas & dishes

5. Consultation Responses

- **Essex County Fire Service (Headquarters):** None received to date
- **Historic Buildings and Conservation Officer:**

Context

Development is proposed to be situated upon and around the Coptfold Road Multi Storey Car Park within Brentwood Town Centre; this location abuts the Brentwood Town Centre Conservation Area (southern boundary) and is adjacent to a group of Grade II listed buildings; UNITED REFORMED CHURCH, List UID: 1197239, BRENTWOOD COUNTY COURT HOUSE, List UID: 1207597 and BRENTWOOD LIBRARY, List UID: 1297264. The spatial gap between the development site and the listed buildings is a well used parcel of public open space which offers a green pause within the urban area.

Coptfold Road contains a row of Grade II listed buildings and is a well-used thoroughfare within the Town Centre, linking to South Street, Crown Street and Primrose Hill.

This group of buildings and the Villas opposite the car park are high contributors to character, the multi storey itself is a large C20th block which is not of positive character, there is however, a relatable human scale within this area with the exception of the car park which already dominates the corner by way of its scale.

As an outdated building it is identified within the Council's Town Centre Design Plan and the TCDG for redevelopment with reference to façade improvements and public realm upgrading.

Discussion

In terms of the submission I advise that the applicant has not provided sufficient information regarding the significance of the heritage assets affected by these proposals, including any contribution made by their setting. This is set out as a requirement of National Planning Policy (para 189); the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

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, particularly where there are heritage assets. 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

The plans submitted show an area at the southern base of the Multi storey being used to house equipment cabinets and vertical a cable tray running up the full length of the façade. In addition, from the long view, the clutter proposed at roof level will not serve to be a positive step forward in terms of the Town Centre roofscape, which includes designated heritage assets.

For Members' information the site map, details of site location, proposed block plan, proposed south east elevation and photos of the site are attached to this report as Appendices A to E respectively.

Recommendation

As a consequence, I object to the proposals, these are unsympathetic add ons to the building and its environs; in essence, this proposal does not comply with the Brentwood Town Centre Design nor does it have due regard to the heritage context of the site.

- **Highway Authority:** From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority as it is not contrary to its highway policies.
- **Assets Manager (Brentwood Borough Council):**

The car park and associated land is owned and managed by the Borough Council. The company does not have the agreement of the Council to put the equipment on the ground as this is unregistered land and we cannot grant consent for this until the land is registered to the Council. There is no agreement or consent to put the equipment on the Multi-Storey Car Park. The top 3 floors are leased on a long lease (150 years) to the owners of the flats at Becket House and it is understood that the applicant has not approached or received the agreement of those lease holders.

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. Policy IR2 is similarly broadly supportive of telecommunications infrastructure, though not without caveats. 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. Ewing House is currently used by other providers as well though only Telefonica/Vodafone equipment is subject to this application. 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 mast is required to reach the station area and avoid a further proliferation of masts, 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 is 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. Since the last application was considered by committee, case law has reversed the previous position that the 56 day period could not be extended, so it can by agreement. In this case no extension of time has been sought as there is no obvious benefit of extending the time for determining this application. Officers offered advice during a one sided pre app submission and yet the application came in unaltered.

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. The highways authority does not object to the siting or appearance of the proposal. To that extent the proposal 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 at the present time that emerging policies carry limited weight.

The Council has adopted the Brentwood Town Centre Design Guide which identifies parts of the town that provide a quality characterful environment and others which require intervention and improvements to raise the quality of the public realm. Page 50 identifies the area around the car park and the Crown Street/Coptford Road junction specifically as being in need of improvement. The Guide is a material consideration in

applying design policies such as CP1, in circumstances involving judgements about design matters, siting and appearance.

Siting

Details of the siting of the development are required due to its prominence. The applicant has included details of siting with the application. The proposed siting of the proposed cabinets is against the wall of the multi storey car park building. This is a tarmacked area away from the flow of pedestrians and currently provides storage for a number of wheelie bins and a waste paladin. Whilst the proposed cabinets are bland and unattractive they are fairly standard 'street furniture' and within the range of service related paraphernalia than is generally tolerated in urban locations other than those particularly susceptible to visual damage from such cabinets, for example in a particular heritage context (close to listed buildings or in a conservation area) or otherwise in particularly prominent positions or important vistas. The siting of the cabinets would be clearly open to view to passers-by but would be at least partly visually contained by the building and its external stairs. However, the development removes the possibility of this forgotten corner to be improved, for example with planting or other enhancement to the public realm as advocated in the Town Centre Design Guide. Therefore, for as long as the development would be on the site, this patch of land would remain a scruffy forgotten corner. However, judged on the impact of the cabinets when compared to the area as it currently is the siting of the cabinets is acceptable.

The antennas would be on the top of the multi storey car park. The design of the car park has two sets of decks set at different levels. The part of the building containing the eastern decks has a total height of 19.44m above ground level, the part containing the western decks has a height of 18.98m, though in addition the prevailing level of land drops by approximately 850mm east to west. Approximately 2/3 of the way along the elevation is a stair tower, set behind the face of the eastern decks though in front of the western decks, providing access to the decks on both sides of the building. This tower has a greater height than the rest of the building. To the top of the parapet it has a height of approximately 21.4 metres. To imply that the mast has a precedent structure or twin and therefore wouldn't look so out of place, the applicant has sought to draw some comfort by showing a safety ladder adjacent to Becket House, in the submitted south elevation. While the feature does exist it is approximately 60 metres further north and would not be seen in combination with the proposed roof mounted equipment.

Putting the equipment on the highest part of the building would make it clearly visible from positions from some distance along Coptfold Road, southern parts of Crown Street, Primrose Hill, Rose Valley, Queens Road. It would be likely to be least visible when passing close by the elevation of the building. The latter is a key part of the applicants case in support of the proposal. While the car park is a tall bulky building with a brick clad semi brutalist form, it is a self contained structure which other than through its size does not overly impose itself on its surroundings. The choice of siting the equipment on the top of the stair tower would place it outside the silhouette of the building, breaking the skyline where the combination of the antenna and the required

supporting framework would be unduly prominent, unsightly and impose itself on views from some distance. The applicant has made no comment on visual impact of siting the equipment on the roof other than commenting that from very close by at street level the roof mounted equipment would not be particularly visible.

The site is 63 and 80 metres from the closest parts of the conservation area and the nearest listed building (the United Reformed Church) is approximately 68 metres away. At these distances the proposal would have a limited impact on these heritage assets.

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 the development 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 equipment, support structure or the cabinets. While the visual impact of the cabinets is limited, through their siting rather than directly as a result of their appearance, it is the roof mounted equipment that would have the greatest visual effect on the area. The appearance of the proposed equipment in this location would be a dominant and unsightly feature open to wide public view in the locality. Its impact would be felt over a broader area than the previously proposed ground based mast. Given the nature of the development proposed which is not of a demonstrably high standard of design, its appearance would be harmful to the character of the area and the amenities of nearby residents contrary to the requirements of Policy CP1.

Policy IR2 requires proposal not to have an 'unacceptable detrimental impact to the appearance of the building on which the equipment is to be sited'. This development would fail this requirement. The cable tray running up the centre of the stair tower is another example of the insensitive nature of the proposal. Even if the cable tray was appropriately coloured it would rise up the building like a scar where its appearance could be mitigated to some degree to moving it to another position, for example the junction of the stair tower and the east decks. The details of appearance of the proposal should be refused.

Other Matters raised in representations

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."*

Prior to the application being submitted, officers had attempted to discuss other siting and designs of equipment but received no feedback. The application makes brief reference to those suggestions but say that the options raised were not workable.

With regard to the third party comment about whether there are controls on future alterations or replacement with other equipment, this would depend on permitted development rights operative at the time. Comments about commercial advantage, about Huawei equipment (though none is shown on the application) and stopping unwanted or unproven technology are not planning matters or relevant to this type of application.

This report focuses consideration of the proposal to matters relating to siting and appearance of the development and for the reasons given above this proposal fails the requirements of policies CP1 and IR2 and this application is recommended for refusal.

7. Recommendation

The Application be REFUSED for the following reasons:-

Prior approval is required for siting and appearance of the development and prior approval of the details supplied with the application is refused.

The proposal is unacceptable because it would result in the provision of telecommunications equipment and supporting infrastructure in a highly elevated and very prominent location and given their siting and appearance would be detrimental to the character and visual amenity of the area and of nearby residents, contrary to policies CP1 and IR2 of the Brentwood Replacement Local Plan 2005 and the National Planning Policy Framework.

Informative(s)

1 INF05

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

The drawing numbers listed above are relevant to this decision

3 U06960

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. Furthermore the authority did engage in pre application discussions following initial contact from the agent but these did not achieve any meaningful discussions.

BACKGROUND DOCUMENTS

DECIDED: