

**SITE PLAN ATTACHED**

**MASEFIELD COURT VICTORIA ROAD WARLEY ESSEX**

**INSTALLATION OF 3NO ROOFTOP TRIPODS ACCOMMODATING 12NO ANTENNA APERTURES, 3NO SUPPORT POLES ACCOMMODATING 4NO TRANSMISSION DISHES, PLUS THE INSTALLATION OF 9NO EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO**

**APPLICATION NO: 20/00531/PNTEL**

**WARD** Brentwood West **56 DAY DATE** 19 June 2020

**PARISH**

**CASE OFFICER** Mike Ovenden

**Drawing no(s) relevant to this decision:** 265; 215; 002 SITE LOCATION PLAN;

**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 Mobile Broadband Network Limited, i.e. EE and Three [H3G]).

Masefield Court is a 13 storey flat block dating from 1963/4, with two 'penthouse' flats on a reduced footprint at the top. This top floor is set in from all side elevations, most notably from the east elevation, and is of reduced storey height. The main body of the building rises 41m from ground level to the top of the perimeter parapet with the penthouse roof a further 1.5 metres higher and a small further element (the lift overrun) set further in from the edges adding a further 1 metre in height. Most of the development relates to (main) roof mounted telecommunications equipment and support structures.

The equipment takes the form of a roofpod on each of 3 corners - the northeast, southwest and northwest corners of the building. On each roofpod would be four 2.2m tall vertical antennas (apertures), of which two would be for EE and two for H3G, i.e. 12 antennas in total. Close to the southeast corner of the building would be two sets of single 600mm transmission dishes mounted on a 3m long pole, itself mounted on a

mounting frame. A similar arrangement would be installed midway along the north elevation though this would carry two such dishes. The equipment and its support structures would be erected on the main roof from 40m above ground level but extend up to 45.1m with support poles adding a further 500mm. At this height the equipment would exceed the highest part of the building by 1.60m (plus the finished pole height), though as the lift overrun is a small element of the roof, the difference in height between the top of the antennas and the rest of the roof is greater, e.g. parapet to top of antennas is approx. 4.1m (plus the finished pole height). In addition, there would be a bank of roof mounted cabinets approximately 4.0m by 2.3, of varying heights but up to 2.3 m tall. The proposal also involves adding hand rails to the parapet around the main roof adding between 300 and 600mm.

A meter cabinet is proposed at ground level, approximately 450 mm x 900mm x 1.6m high, immediately adjacent to the north east corner of the building. Trunking would then run up the north face of the building up to the roof mounted equipment.

There is some minor equipment currently on the roof though this looks like domestic television related equipment and is unobtrusive.

## **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**

- NA

### **4. Neighbour Responses**

As a resident there is no mention of the following:

- How will this disrupt residents
- Will this involve power failure of any sorts, in any of the electrical Sectors
- Will the lifts be disrupted
- Will there be limited parking
- How long would installation take
- Are these antenna harmful to direct residents being so close
- What are they for is this essential work
- Is there an alternative site ear marked
  
- Query why equipment cannot be reinstalled on Ewing House
- Disagrees with applicant's suggestion that the development is acceptable or would become accepted over time
- Applicant's incorrect reference to 'Brentford' and 'this part of London'
- Using other non residential buildings would have less impact on the built environment
- The building is 12 storeys high, not very attractive as it is and with this adaption would become very unsightly
- It has already been stopped from being put on the multi storey car park and putting it on this block it seems disrespectful to the tenants, visitors and passersby

### **5. Consultation Responses**

- **Essex County Fire Service (Headquarters):** None received at time of drafting the report
- **Housing Services Manager:** None received at time of drafting the report
- **Assets Manager:** None received at time of drafting the report
- **Design Officer:** Having assessed the proposals in relation to Urban Design, I advise the visual clutter and paraphernalia applied to the elevations as proposed will seriously detract from the visual amenity of the Block and would be highly visible from vantage points in the immediate and wider context. I object to the proposals, these are considered unsympathetic add ons to the building and its environs.

## 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 must 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 is a response to the forced removal of a base station from Ewing House. The proposal relates to providing replacement coverage for 2G, 3G and 4G signals. Representations seem to suggest that this is an alternative to the proposal to put equipment on the Coptfold Road Multi Storey Car park. It isn't. This proposal is for different telecommunication companies than those involved in the Coptfold Road proposal. The supporting documentation makes inconsistent reference to 5G communications, but the applicant has confirmed that 5G is part of the proposal.

As indicated previously when considering similar proposals, the issues to consider with this type of application are very limited and only relate to the following:

- 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. In late January 2020 a legal judgement changed the rules on whether it is possible to extend the 56 day period and extensions of time are once again possible by agreement. In this case no extension of time has been sought as officers offered advice during a one sided pre app submission and yet the application came in unaltered. Since submission officers have sought further information and to try to negotiate a less damaging scheme. While some further information has been received, supplementary information has been requested and the applicant has not responded in the restricted timescales available and at the time of drafting this report we still have only a single elevation, even though all four would be affected. The applicant has suggested that CGIs could be provided but have yet to be received.

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 proposal would not give rise to problems relating to access, parking and can be accommodated by local highway infrastructure. 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.

## Siting

The applicant has included details of siting with the application. These show the equipment being proposed adjacent to all four elevations of the building, mostly very close to the edge of the building. This contrasts with the penthouse which is set in from all four sides. In this position the equipment would be very prominent. In response to a request to move the equipment back from the edge of the building the applicant has responded by saying that technical considerations prevent this unless the equipment was made taller. While this may be correct for some of the equipment it was queried whether this is the case for dishes and cabinets. On further questioning the applicant has responded that it is not possible to reposition these items either.

As submitted, the siting of the proposal is unacceptable. The main antennas would be at the corners of the building and extend above the parapet around the main roof and the top storey and the lift overrun. The building is unlike any other in the neighbourhood and is highly visible from many locations for example Victoria Road, Cromwell Rd, Crescent Rd, parts of Warley Hill, Great Easton Rd, the Station, Chase Rd. The roof based cabinets and the proposed dishes would add to the clutter on the building though be less harmful in public view than the antennas and their supporting

structures. The siting would have a significant detrimental effect on the appearance on the building which through its scale and position stands alone in this part of the Brentwood urban area.

This report was written without being able to make a site visit to the penthouse flats as a consequence of the constraints of coronavirus (COVID-19), the national instruction operative at this time to avoid all but essential journeys and the Council's own policies to protect its staff. However, the proposal has been discussed with the Housing Services Manager as the Borough Council owns and operates the building. Photographs have been received from the department which indicate that the double dishes on the northern elevation would be directly outside a window of one of the penthouse flats, the north west and south west roofpod and its antennas are likely to be visible to occupiers with the equipment in the north east and south east corners less visible. It is unlikely that occupiers will be able to see the cabinets, half way along the east elevation.

For the reasons given above, it is recommended that approval of siting is required and refused.

#### Appearance

The applicant has included incomplete details of appearance – providing only an east elevation when equipment is proposed adjacent to all four elevations of the building. This is a tall building in a setting where all other buildings are much lower. Consequently, all four sides of the building are clearly visible. The applicant has been informed that prior approval of the details of appearance is required and the other three sides are required but three weeks on they have not been received and due to the limited timescales available for drafting a committee report, this recommendation has been made based on the information available.

As submitted, the appearance of the proposal is unacceptable. The main antennas would be at the corners of the building and extend above the parapet around the main roof and the top storey and the lift overrun. The roof based cabinets and the proposed dishes would add to the cluttered appearance of the building through be less harmful than the antennas and their supporting structures. The appearance of the proposal would have a significant detrimental effect on the appearance on the building which through its scale and position stands alone in this part of the Brentwood urban area, giving the proposal great prominence in the locality.

In common with the comments on siting, the appearance of a significant part of the development when viewed from the penthouse units would be completely unacceptable and have a serious detrimental effect on the amenity of occupiers.

It is recommended that approval of appearance is required and 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. Officers support that view.

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 to say that the options raised were not workable.

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:-

R1 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 residents of the penthouse flats, 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 U07028

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 and since the submission of the application but these did not overcome the objections to the proposal.

### *BACKGROUND DOCUMENTS*

### **DECIDED:**