

SITE PLAN ATTACHED

**5G TELECOMS INSTALLATION AT BROCKSPARKSWOOD HANGING HILL LANE
HUTTON ESSEX**

**PROPOSED 5G TELECOMS INSTALLATION: 15M HIGH, STREET POLE AND 3 X
ADDITIONAL ANCILLARY EQUIPMENT CABINETS AND ASSOCIATED
ANCILLARY WORKS.**

APPLICATION NO: 22/00842/TEL

WARD	Hutton South	56 Day date	4 August 2022
		Extension of time	26 September 2022

CASE OFFICER Mrs Carole Vint

**Drawing no(s)
relevant to this
decision:** BRW22247_BRW078_86542_CM0938_GA_REV A/A;
BRW22247_BRW078_86542_CM0938_GA_REV A/A;
BRW22247_BRW078_86542_CM0938_GA_REV A/A;

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

1. Proposals

This application relates to a permitted development prior notification proposal for a 15 metre high street monopole and three additional ancillary equipment cabinets (of 1.75m, 1.6m and 1.15m high) and associated ancillary works. The applicant telecommunications code system operator in this case is CK Hutchison Networks (UK) Ltd known as 'Three'.

The proposal would be sited on a grass verge located between the footpath and the back of the highway on land between the junction with Brocksparkwood and Wendover Gardens. The development would be approximately 6.4m back from the carriageway and 1.6 metres from the footway. The land is void of development, apart from lampposts on the verge close to the highway and a mature tree on the site. There is a verdant boundary along the back edge of the footpath adjoining a wooded area "Hare Hall Shaw" with dwellings located in Bonningtons and Riffhams beyond.

2. Policy Context

The starting point for determining an application is the Development Plan, in this case the Brentwood Local Plan 2016-2033, insofar as it is relevant to matters of siting and appearance. Planning legislation states that applications must be determined in

accordance with the development plan unless material considerations indicate otherwise. Relevant material considerations for determining this application are the National Planning Policy Framework 2021 (NPPF) and National Planning Practice Guidance (NPPG). Although individual policies in the Local Plan should not be read in isolation, the plan contains policies of particular relevance to this proposal which are listed below.

The Brentwood Local Plan 2016-2033

- Policy BE14 Creating Successful Places
- Policy BE06 Communications infrastructure

The Plan was adopted as the Development Plan for the Borough on 23 March 2022. At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

National Planning Policy and Guidance

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

3. Relevant History

- None relevant.

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/>

A total of 25 neighbour letters were posted, no comments have been received.

5. Consultation Responses

- **Essex County Fire Service (Headquarters):**
No objection to the proposal proceeding.
- **Environmental Health & Enforcement Manager:**
Environmental Health has no comments or objections on this application.
- **Highway Authority:**
From a highway and transportation perspective the impact of the proposal is acceptable.

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 1) siting and 2) 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. The proposal would provide significant public benefits in the form of maintaining and improving network coverage and enabling future technologies. Policy BE06 is similarly broadly supportive of telecommunications infrastructure, though not without caveats. This development relates to improving the network coverage and capacity, most notably in relation to 5G services in the area from CK Hutchison Networks. The applicant has chosen the application site as there is no suitable existing base station in the search area.

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 January 2020 a legal judgement established that it is possible to extend the 56 day period by agreement with the applicant. In this case an extension of time has been agreed so that the application can be heard at planning committee in September.

The supplementary information provided with the application indicates that the sequential approach as outlined in the NPPF was taken when investigating this site. The proposal has an extremely constrained cell search area and the applicant recognises that the very nature of installing a new 5G mast infrastructure within an urban setting requires a well considered balance between the need to extend the coverage with that of a visual intrusion, as such the street pole and associated cabinets was considered the most appropriate solution available. Other locations were investigated and subsequently discounted as stated in the supplementary information.

Policy BE14 is supportive of development proposals provided they respond sympathetically to their context and build upon existing strengths and characteristics, and where appropriate, retain or enhance existing features which make a positive contribution to the character, appearance or significance of the local area and deliver a high quality design. Proposals should also safeguard the living conditions of future occupants of the development and adjacent residents and deliver safe and accessible places. 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 BE14.

Policy BE06 requires evidence to demonstrate, that the possibility of mast or site sharing has been fully explored and no suitable alternative sites are available in the locality including the erection of antennae on existing buildings or other suitable structures, avoiding harm to highway safety, avoiding development which has an unacceptable impact on the character and appearance of the area, including landscape, heritage and the natural environment, along with being designed for minimal disruption for maintenance or future upgrades. The applicant has provided sufficient information relating to the need for the development and the site is not in the greenbelt or in an area of historic interest. To that extent the proposal partly complies with Policy BE06; other aspects of the policy are considered below.

Siting

The proposed siting of the development is approximately 30 metres from the rear boundary of dwellings located in Riffhams beyond, having a dense woodland, Hare Hall Shaw between the development and the dwellings to the rear. The development would be sited on the grass verge, set amongst other street furniture. 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 prior approval being required 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.

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 street pole mast to limit its visual presence. The mast and equipment would be colour RAL 6009 (fir green) to lessen the visual appearance. 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.

On the basis of the above, it is considered that the proposal complies with the NPPF (Chapter 105 and 7) and Policies BE14 and BE06 of the Brentwood Local Plan.

The application is accompanied by a Declaration of Conformity with ICNIRP Public Exposure Guidelines. In light of this, it is national policy that decision makers should not need to further consider health and safety matters.

The permission granted by the General Permitted Development Order contains conditions relating to time limit for implementation 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 U0009103

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 U0009104

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 U0009105

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

BACKGROUND DOCUMENTS

DECIDED:

