

**SITE PLAN ATTACHED**

**5G TELECOMS INSTALLATION ON THE CORNER WITH ROBIN HOOD ROAD  
WARESCOT ROAD BRENTWOOD ESSEX**

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

**APPLICATION NO: 22/00841/TEL**

<b>WARD</b>	Brentwood North	<b>56 day date</b>	4 August 2022
		<b>Extension of time</b>	26 September 2022

**CASE OFFICER** Mrs Carole Vint

**Drawing no(s)  
relevant to this  
decision:** BRW22236\_BRW077\_86537\_CM0936\_GA\_REV\_A/A;  
BRW22236\_BRW077\_86537\_CM0936\_GA\_REV\_A/A;  
BRW22236\_BRW077\_86537\_CM0936\_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 proposal for a 15 metre high street pole 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 an open area of highway land where the footway widens to between 4.5 and 5.9 metres, on the corner of Robin Hood Road and Warescot Road. The land is devoid of development, on a prominent corner, with the blank wall of No. 2-4 Warescot Road approximately 600-700mm away.

**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 At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.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 nine letters have been received in objecting to the proposal, a summary of the comments are as follows:

- Cluttered at street level and out of scale and not in sympathy with the residential area and poorly designed;
- Questions regarding the location of other potential opportunities and were these undertaken;
- Concerns regarding potential impact to the new development recently granted approval at 2-4 Warescot Road;
- Incompatible with the balconies and windows of the adjacent proposed development at 2-4 Warescot Road;
- Impact upon the future occupiers of Flats 1, 4 and 6;
- Cabinets located immediately in front of the balcony for flat 1, detrimental to the enjoyment of the amenity space;
- Impact on market value for flat 1;
- Concerns regarding the size of the base area, exceeding the limits of the Order;
- Visually detracts from the amenity of the area;
- Negative impact on the visual and residential amenity by virtue of scale and external appearance;

## 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 this dense 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 applicant has included details of the siting within the application. The proposed mast and associated equipment would be set close to the back edge of the pavement, close to the adjacent boundary with No. 2-4 Warescot Road, which currently comprises a single storey flat roofed building, which abuts the boundary. In this 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 this urban location. This proposal would have a significant and detrimental effect on the character of the area and as submitted the siting of the proposal is unacceptable and the details of siting should be refused.

As indicated, the location of the development would be on a highly prominent, open, corner position, sited towards the back edge of the pavement. The area to the east has a small ribbon of retail area, with residential areas to the northeast, northwest and to the south. The surrounding area is mainly characterised by two storey development. The siting of the proposal would have a significant detrimental effect on the character and appearance of the area and nearby residential dwellings within close proximity to the site, which through the scale and position of the development would be highly prominent and harmful. The adjacent site, No. 2-4 Warescot Road, has recently been granted planning permission, reference 21/02115/FUL, for the construction of a part two and part three storey block comprising 6 flats. Were that residential development to be carried out, given the location of the proposed mast and associated equipment, the mast would be positioned approximately 1.8m from the proposed new building, with its balconies and window openings. The lower part of the proposed building would be approximately 7 metres tall with the tallest part measuring 10.3m – the mast would be 15m. For the reasons given above, it is recommended that approval of siting is required and refused.

### Appearance

The applicant has provided one elevation of the proposed mast and associated cabinets. 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. 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. A photomontage of the mast and the adjacent development at No. 2-4 Warescot Road has been provided by a third party (the agent of the residential development) and the agent for this prior notification was asked to comment on the accuracy of that montage. The agent confirmed the montage to be an accurate representation. This montage further confirms the harmful impact the proposal would have on the appearance of the site and surrounding area.

As submitted, the appearance of the proposal is unacceptable. The scale and height of the mast is almost double the height of the adjacent residential properties with the cluster of cabinets of different proportions, introducing further clutter. The appearance of the proposal would have a significant detrimental effect on the appearance and character of the surrounding area which is predominantly residential. The highly prominent location would further accentuate the harm and through its scale and position stands alone. The details of appearance should be refused.

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**

The Application be REFUSED for the following reasons:-

R1 U0047916

Prior approval is required for siting and appearance and prior approval for both 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 would be detrimental to the character of the area and the amenity of nearby residents. It is considered that the benefits associated with the upgrade/improvements to the telecommunication network likely to be associated with this proposal do not outweigh the harm identified. The proposal is contrary to Policies BE14 and BE06 of the Brentwood Local Plan and the National Planning Policy Framework.

### Informative(s)

1 INF05

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE14, BE06, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20

The drawing numbers listed above are relevant to this decision

3 INF25

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development. Details of the pre-application service can be found on the Council's website at <https://www.brentwood.gov.uk/planning-advice-and-permissions>

### *BACKGROUND DOCUMENTS*

### **DECIDED:**