

SITE PLAN ATTACHED

**5G TELECOMS INSTALLATION OPPOSITE 2 COSTEAD MANOR ROAD
GREENSHAW BRENTWOOD ESSEX**

**PROPOSED 5G TELECOMS INSTALLATION: H3G 15M STREET POLE AND
ADDITIONAL EQUIPMENT CABINETS.**

APPLICATION NO: 23/00531/PNTEL

WARD Brentwood North **56 DAY DATE** 27.06.2023

Ext. Of Time 07.07.2023

CASE OFFICER Brooke Pride

Drawing

no(s)

relevant

to this

decision:

UK Briefing Note; Planning Justification Statement; Department for Digital, Culture, Media & Sport; Declaration of Conformity; /Permitted Development Notice;
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 monopole mast set approximately 80cm back from the footway, with three associated equipment cabinets, spanning a combined length of 3.2 metres, with a row of five paving slabs running alongside, adjacent to the footway. The cabinets would be 1.75m, 1.59m and 1.15m tall. The mast and cabinets would be light grey (RAL 7035).

The application site is adjacent to the southwestern corner of St Georges Church curtilage. The mast and cabinets would be located between the footway and existing private carpark to the Church, which is open and free from trees, other planting of other forms of boundary. The church has recently been given the status of a locally listed building i.e. a non statutory heritage asset (NDHA). The site is near the entrance to a housing estate, with a mixture of flats and houses adjacent to a wide T-junction of Greenshaw and Costead Manor Road.

The case officer has requested further elevations (a single 'side elevation drawing '265 Proposed side view' has been provided) from different sides, though the proposal is clear enough from the drawings that have been submitted. The case officer has also sought to negotiate an alternative less prominent location away, from the locally listed Church. However, no additional or revised information has been received at the time of writing this report.

2. Policy Context

The Brentwood Local Plan 2016-2033

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 At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.

- Policy BE06 Communications Infrastructure
- Policy BE14 Creating Successful Places
- Policy BE16 Conservation and Enhancement of Historic Environment

National policy and guidance

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

3. Relevant History

- N/A

4. Neighbour Responses

This application was publicised by a site notice and 45 neighbour letters.

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/>

Six objections have been received for this application:

- Harm to the visual amenity of the area
- Out of character
- Inappropriate location
- The location is within a high-density residential area and close to a nursery
- Safety implications

- Impact on health

5. Consultation Responses

- **Essex County Fire Service (Headquarters)** - No comments received
- **Highway Authority** - No comments received

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 the provided details are acceptable.

The Government strongly supports 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 enabling future technologies, i.e. 5G.

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, unless extended by agreement, and if no decision is made within that period the developer may proceed without delay. In this instance the applicant has agreed an extension of time to 7 July 2023, to issue the decision following the committee meeting.

Planning Policy

When determining a planning application, the local planning authority will consider all relevant policies in their entirety as the starting point. In contrast, the General Permitted Development Order does not require that regard be had to the Development Plan when determining this type of permitted development prior notification application. However, it is accepted practice that the policies of the Development Plan are relevant, but only

insofar as they relate to the siting and appearance of the proposed development. This means that elements of relevant policies relating to broader matters, for example the principle of the development, are not material when considering this type of application.

Policy BE06 requires evidence of the need for the development, advocates using existing sites, avoiding development which has an unacceptable effect on the appearance of the building and avoiding harm to sensitive areas, including those of special landscape value or historic interest. The applicant has provided sufficient information relating to the need for the development and the site is not in an area of historic archaeological interest. To that extent the proposal partly complies with Policy BE06; other aspects of the policy are considered below, under siting and appearance.

Policy BE14 supports 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 proposed site plan shows 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 partly complies with Policy BE06; other aspects of the policy are considered below, under siting and appearance.

Policy BE16 requires development within the setting of a heritage assets to be of a siting, design and scale that would preserve or enhance its character or appearance and important views into and out of the area, and where possible to enhance the significance of the assets and its settings. The policy requires development to provide sufficient information on the significance of the heritage asset, the potential impacts of the proposal on the character and significance of the asset, its setting and how the proposal has been designed to take these factors into account. No assessment has been provided as part of this application, though it is noted that this is not a requirement of a prior notification application.

When considering proposals which are likely to cause harm to such an asset consideration will be given to:

- The significance of the assets and its setting, and
- The extent to which the scale of any harm or loss of harm has been minimised

Similarly, the NPPF at para 203 states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed mast would be approximately 13 metres from the locally listed building and 15 metres in height.

Siting

The applicant has included details of siting within the application. The proposed mast and associated equipment would be set close to the pathway, on the corner of the green space next to the Church. The mast would be positioned on an open section of grass verge adjacent to a private car park and pathway. The location is highly visible and open to the surrounding public realm, set away from any nearby trees or mature landscaping. The location of the mast would be approximately 13 metres from St Georges Church.

The application proposal would be sited on a highly prominent, open, corner plot, and very close to the non-designated heritage asset, public pathway and highway. The area is characterised by residential dwellings set back from the highway with open green spaces that enhance the character of the area and surround the church building. The siting of the proposal would have a significant detrimental effect on the setting of the NDHA and the character and appearance of the area and would be highly prominent and harmful. 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. Further elevations have been requested, however no response provided. No photomontages have been submitted, however from the elevation drawing and the outline of the NDHA within the background it clearly confirms the harmful impact the proposal would have on the appearance of the prominent plot as well as the surrounding area of the site.

As submitted, the appearance of the proposal is unacceptable. The scale and height of the mast is 5.5 m taller than the adjacent church with the line of cabinets at ground level introduces further clutter and scale would be highly prominent. The applicant has indicated that the cabinets themselves do not require prior notification. The appearance of the proposal would have a significant detrimental effect on the appearance and character of the surrounding area which is predominantly residential with open green space. The highly prominent location would further accentuate the harm and through its scale and position would stand alone. Officers have attempted to discuss alternative sitings, however the applicant has not responded. For the reasons given above, 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.

Outside the planning system, all operators of radio transmitters are under a legal obligation to operate those transmitters in accordance with the conditions of their licence. Operation of the transmitter in accordance with the conditions of the licence fulfils the legal obligations in respect of interference to other radio systems, other electrical equipment, instrumentation, or air traffic systems. The conditions of the licence are mandated by Ofcom, an agency of national government, who are responsible for the regulation of the civilian radio spectrum. The remit of Ofcom also includes investigation and remedy of any reported significant interference.

The planning balance

The identified harm must be balanced against the public benefits of the development. The test therefore is whether the benefits outweigh the harm identified above. The Government strongly supports 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 improving network coverage and enabling future technologies. Policy BE06 similarly supports telecommunications infrastructure, though with certain caveats identified above.

This report focuses consideration of the proposal to matters relating to siting and appearance of the development. Ultimately, the decision on this type of application often rests on the relative weight given to the harm and benefits associated with a proposal. However, on this occasion it is considered that the harm is not outweighed by the advantages. For the reasons given above, prior approval is required in this case but this proposal fails the requirements of policies BE14, BE16 and BE06 as they relate to siting and appearance and this application is recommended for refusal.

7. Recommendation

Prior approval is required prior approval is refused:

R1 U0052047 Prior approval is required for siting and appearance and refused

Prior approval is required for the 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 prominent location and given the siting of the development adjacent to a Locally Listed Building its appearance would be detrimental to its significance. The proposal would be highly visible to the detriment of the character and visual amenity of the area of Greenshaw, contrary to policies BE06, BE14, and BE16 of the Brentwood Local Plan and the National Planning Policy Framework.

Informative(s)

1

The following development plan policies contained in the Brentwood Local Plan 2016-2033 are relevant to this decision: BE06, BE14, BE16, National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

2 INF20 Drawing Numbers (Refusal)

The drawing numbers listed above are relevant to this decision

3 INF24 Refused With Way Forward

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. Further advice may be sought from the Local Planning Authority via the pre-application service prior to the submission of any revised scheme. 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: