

SITE PLAN ATTACHED

**TELECOMS INSTALLATION ADJACENT TO 2 ORCHARD AVENUE BRENTWOOD
ESSEX**

**PRIOR APPROVAL NOTIFICATION: INSTALLATION OF 16M HIGH SLIM-LINE
MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 3 NO. EQUIPMENT CABINETS,
AND ANCILLARY DEVELOPMENT THERETO INCLUDING 1 NO. GPS MODULE
AND 12NO. CONCRETE PAVERS.**

APPLICATION NO: 23/00591/PNTEL

WARD	Brentwood South	8/13 WEEK DATE	31 July 2023
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CASE OFFICER Mr Mike Ovenden

**Drawing no(s)
relevant to this
decision:** BRW25327_BRW080_CM1082_M001/A;
BRW25327_BRW080_CM1082_M001/A EXISTING SITE
ELEVATION A; BRW25327_BRW080_CM1082_M001/A
PROPOSED BLOCK PLAN;
BRW25327_BRW080_CM1082_M001/A 260 PROPOSED
ELEVATION A;

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

1. Proposals

The application relates to a permitted development proposal for a 16 metre monopole mast, three equipment cabinets (1no 1.91m long x 0.68m wide x 1.76m high; 1 no 0.6m x 0.5m x 1.6m high; 1 no 0.71m x 0.65 m x 1.12m high) and associated ancillary works (see drawing 260 Proposed Site Elevation A) by a telecommunications code system operator (in this case CK Hutchison Networks (UK) Ltd known as 'Three').

To provide the technologies proposed at this location - 3G, 4G and 5G – 6 antennas are required at the top of the slim-line monopole. These are split into a dual stack formation where 3 antennas would be located at the top and the other 3 would be located underneath. The 3 upper antennas would provide new 5G service provision. The 3 lower antennas would provide 3G and 4G technology. The mast and cabinets would be finished in RAL 6009 (Fir Green).

The site is part of the grass verge, between the carriageway and the footway, to the east of the roundabout junction of Ingrave Road and Orchard Avenue. The existing masts on Ingrave Road are unaffected by the proposal.

2. Policy Context

The Brentwood Local Plan (2016-2033) (BLP)

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 At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.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 BE12: Mitigating the Transport Impacts of Development
- Strategic Policy BE14: Creating Successful Places

National Planning Policy and Guidance

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

3. Relevant History

- NA

4. Neighbour Responses

This application was publicised by a site notice, a press notice and 13 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/>

- None received at time of drafting report

5. Consultation Responses

- **Environmental Health & Enforcement Manager:** I have no comments.
- **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 the following Development Management policies:

- A) Safety: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- B) Accessibility: Policy DM 9 of the Highway Authority's Development Management Policies February 2011
- C) Efficiency/Capacity: Policy DM 1 of the Highway Authority's Development Management Policies February 2011
- D) Road Hierarchy: Policy DM 2-4 of the Highway Authority's Development Management Policies February 2011
- E) Parking Standards: Policy DM 8 of the Highway Authority's Development Management Policies February 2011

- **Basildon Fire Station:**

Access: From the information available it appears that the proposal will not affect Fire Service access to existing premises in the vicinity.

Water Supplies: From the information available it appears that the proposal will not affect existing water supplies / fire hydrants or the Fire Service's access to them.

This Fire and Rescue Authority therefore has no further observations on the proposal at this time.

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 – 1) the siting and 2) the 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 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 case no extension of time has been requested as there is an appropriate committee meeting within the 56 day period.

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 Brentwood Local Plan 2016-2033 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 to considering this type of application.

Policy BE06 advocates using existing sites, avoiding development which has an unacceptable effect on the appearance of the building and avoiding harm to sensitive areas for example green belt or other sensitive locations, including those of special landscape value or historic interest.

Policy BE14 is a general design policy that 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.

Consideration of the proposal

As indicated above, 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.

While the siting and appearance of this form of development are separate issues they often work together to shape the overall acceptability/unacceptability of a proposal. However, each aspect need is considered below.

Siting

The applicant has provided information about the need for a mast in this locality, including identifying areas of no/low signal which this proposal would address. It has identified other sites which have been discounted for reasons of character and amenity of the area. Officers consider that those other sites would be more damaging than the application site.

The applicant has provided details of siting of the mast and equipment cabinets with the application. The proposal is adjacent to one of the main entrances to the estate, about

25 metres from its junction with Ingrave Road. A group of trees of up to 20 metres in height immediately to the north would provide a partial backdrop and some softening notably in the summer months of the mast. The cabinets though visible would have less impact than the mast. There are various sign posts and street lighting nearby; however, these are much lower in height and slimmer than the column proposed. The proposal would have some limited detrimental effect on the character of the area.

The highways authority has no objections to the proposal.

Appearance

The applicant has included details of the appearance of the proposal. It is designed to be functional and in common with other telecommunications installations, could not be described as attractive. However, that is not the test to be applied. The appropriate test is whether its appearance is acceptable. The mast is a slim monopole without shrouding. As discussed when considering previous submissions elsewhere, 5G equipment is significantly less tolerant of coverings, camouflage or screening than previous technologies. This has led to the pared back appearance of the proposed mast. On the other hand it is less bulky than commonly used 'cigarette holder' masts used in previous generation networks (such as on Ingrave Road). The applicant has said that the proposal has been designed to be as tight as possible and virtually the same width as the main column, to minimise its visual appearance. Furthermore, the applicant advises that this is the slimmest design possible which will enable all the multi technologies to be supported from this site; if the column and shroud width were to be any slimmer then the technology would not fit in the one column and another radio base station would be required. At sixteen metres in height, it would be lower than the estimated height of the nearby group of trees. The proposed cabinets are of different shapes and sizes though collected into a neat group. The application indicates that these would be Fir Green (RAL 6009) which would be appropriate.

In common with the comments on siting, overall the appearance of the proposal would have some limited detrimental effect on the character of the area.

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 maintaining and improving network coverage and enabling future technologies. Policy BE06 similarly supports telecommunications infrastructure, though with certain caveats identified above. The applicant has stated that the proposal would improve 3G and 4G networks in the area and enable 5G technology. Operators not only have a license requirement to provide a high level of 3G/4G coverage to the population but are obliged to meet the growing consumer demand for 5G coverage.

The applicant has stated that there are no existing suitable telecommunications installations for the operator to share, that would provide the necessary coverage to the target coverage area. Similarly, there are no buildings which are suitable and available that the operator could utilise to operate their equipment. Therefore, a new ground based installation is required. The applicant advises that “Without this new site, the operator’s customers would continue to experience an increase in numbers of dropped calls and buffering unable to access the internet on their handheld devices. They would also not be able to access the 5G network, a demand which is increasing rapidly as customers update their handheld devices to ones that are 5G compatible”.

On this occasion it is considered that the harm is outweighed by the advantages. However, ultimately the decision on this type of application rests on the relative weight given to the harm and benefits of a proposal.

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.

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.

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 meets the requirements of policies BE06 and BE14 and this application is recommended for approval.

7. Recommendation

Prior approval **is not required** for siting and appearance.

Informative(s)

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

BACKGROUND DOCUMENTS

DECIDED: