

SITE PLAN ATTACHED

TELECOMS INSTALLATION NEAR THE JUNCTION WITH SOUTHEND ARTERIAL ROAD CHILDERDITCH LANE LITTLE WARLEY ESSEX

PRIOR APPROVAL NOTIFICATION: INSTALLATION OF A 20M MONOPOLE SUPPORTING 6X ANTENNAS AND 2X 0.3M DISHES, 2X EQUIPMENT CABINETS, 1X METER CABINET AND ANCILLARY EQUIPMENT.

APPLICATION NO: 23/01084/PNTEL

WARD	Warley	8/13 WEEK DATE	26 October 2023
PARISH		Ext of time	24.11.2023
CASE OFFICER	Ms Brooke Pride		
Drawing no(s) relevant to this decision:	100/A; 200/A; 201/A; 300/A; 301/A;		

The application is reported to the Planning 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 20 metre high street monopole and three additional ancillary equipment cabinets (of 1.8m, 1.8m and 1.3m high) and associated ancillary works. The applicant telecommunications code system operator in this case is Cornerstone.

The proposal would be sited on a grass verge located on the west side of Childerditch Lane, near to the approach to the Southend Arterial Road. The development would be set approximately 2.2 metres back from the carriageway and set forward of the existing tree and hedge line. The land is void of development, with a verdant boundary along both the east and west sides of the road, lined with low level trees and dense hedging with vast open fields either side. To the south of the site lies the Southend Arterial Road.

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 At the same time the Brentwood Replacement Local Plan, August 2005 (saved policies, August 2008) was revoked.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

No neighbour representations were received.

5. Consultation Responses

- **Essex County Fire Service (Headquarters):**
No objection to the proposal proceeding.
- **Environmental Health & Enforcement Manager:**
I refer to your memo in connection with the above mentioned application and Environmental Health have no comments to make.
- **Highway Authority:**
The information that was submitted in association with the application has been fully considered by the Highway Authority, therefore:

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

Informative:

- o All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.
- o The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

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. There is considered to be a requirement for a new radio base station at this location to maintain consistent and effective 3G and 4G coverage in the area. This is due to the notice issues on the existing installation located within Childerditch Industrial

Park, which is to be redeveloped. It is now necessary for a replacement installation to be progressed in close proximity to the existing site in order to replace the coverage that will be lost when the existing site is removed and introduce upgraded technologies to the 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 November 2023.

The supplementary information provided with the application indicates that the sequential approach as outlined in the NPPF was taken when investigating this site. The information sheet provides details of other sites considered for the proposed works, Childerditch Industrial Site could not be considered due to the development works, other sites discounted due to their close proximity to residential development and others not within a location capable for the technical requirements leading to a mast that would be larger in size. The applicant recognises that the very nature of installing a new mast and street furniture infrastructure requires a well-considered balance between the need to provide coverage with that of visual intrusion, as well as the sensitive nature of these types of development with the public,

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 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 development would be sited on a grassed verge adjacent to the highway. The application site is set close to the Southend Arterial Road, and not within close proximity to residential settlements, but surrounded by open fields and other verdant landscaping. Due to its siting near to the Southend Arterial Road, which is full of street furniture, unattractive signage, and its busy nature, the development would not be prominent in the landscape and not within a conservation area or near listed buildings. 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 height of the proposed structure would be taller than the existing street furniture and trees. This is necessary to ensure that antennas are able to over-sail surrounding trees and buildings, enabling the required coverage to reach the required extent of the target area.

In terms of design, the pole is slim, with visible antennas at the top which are contained as closely to the pole as possible. Within the statement the pole and furniture will be painted green RAL 6009 to match with the verdant back drop of the site and the surrounding trees. This structure has been selected over other available design such as a lattice tower with an open headframe and level antennas and is free of ancillary equipment such as tall fencing, or larger cabinets. The cabinets are of a type commonly seen on the street and are low level structures that, when viewed in the context of the street scene, will not be obtrusive features; they will also be painted green to blend into the surroundings.

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

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:

1.