

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	NH	08/11/2019
Planning Development Manager authorisation:	TF	08/11/2019
Admin checks / despatch completed	CC	08/11/2019
Technician Final Checks/ Scanned / LC Notified / UU Emails:	VNO	08/11/19

**Application:** 19/00894/FUL **Town / Parish:** Brightlingsea Town Council

**Applicant:** MBNL Limited

**Address:** Telephone Mast Site 68249 Brightlingsea United Football Club North Road

**Development:** Replacement of 17.5m high mast with upgraded 19.8m high mast supporting radio apparatus, 10No. equipment cabinets on concrete base plus ancillary works.

### **1. Town / Parish Council**

Brightlingsea Town Council

Brightlingsea Town Council have no comment to make on this application.

### **2. Consultation Responses**

Not Applicable

### **3. Planning History**

96/01284/FUL	( ) Replacement of 1 No. lighting tower with a 15m lattice tower to house telecommunications apparatus and existing lighting. Compound at ground level with equipment cabinet and electricity meter cabin.	Approved	19.11.1996
06/01891/FUL	Replacement of a 14 metre floodlight tower with a combined floodlight and telecommunications tower and ancillary development.	Approved	31.01.2007
07/02015/TELLIC	Proposed upgrading of existing T-Mobile (UK) Ltd Base Station.	Deemed Consent	14.01.2008
09/00193/TELLIC	Installation of telecommunications apparatus.	Deemed Consent	24.03.2009
14/01585/TELLIC	The proposed development comprises the following: Replacement of the existing 3 no. antennas with 3 no. new antennas	Deemed Consent	06.11.2014

	at the same height and location as existing. Replacement of 3 no. existing 2100 MHAs with 3 no. new 1800/2100 MHAs a similar height and location as existing. Installation of 3 no. new L800 MHAs to be fixed to tower legs below the antennas. Installation of 1 no. new equipment cabinet, whose individual volume does not exceed 2.5 cubic metres, located on a new concrete plinth. Minor ancillary works.		
16/01914/TELLIC	Installation of 1 no. 0.3m transmission dish onto the existing telecommunications mast located at Brightlingsea Football Club.	Deemed Consent	12.12.2016
18/01559/TELLIC	Replacement of existing 3no. MBNL antennas with new antennas. Existing MBNL equipment cabinet to be upgraded internally. Ancillary works.	Deemed Consent	03.10.2018
19/00812/TELLIC	Replacement of existing mast, 6No. antennas, 4No. equipment cabinets with proposed 20m slimline lattice tower, 1No. 600mm diameter dish, 3No. relocated 300mm diameter dishes, 10No. equipment cabinets on concrete base, plus ancillary works.	Deemed Consent	21.06.2019

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

COM1 Access for All

COM27 Telecommunications Equipment

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL3 Sustainable Design

CP3 Improving the Telecommunications Network

## **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

## **5. Officer Appraisal (including Site Description and Proposal)**

### **Site Description**

The application site refers to a mast compound located within the grounds of Brightlingsea Football Club. The application site is predominately located within a residential area. The site serves as both a telecommunication mast and a floodlight structure for the adjoining football pitch.

The site currently comprises of multiple pieces of telecommunication apparatus within a fenced compound. The existing mast measures a height of 17.5 metres supporting radio antennas transmission dishes and supporting infrastructure. The apparatus forms a base station providing mobile communication services to customers on the Everything Everywhere and Three networks.

### **Proposal**

This application seeks planning permission for the replacement of the 17.5 metre high mast with an upgraded 19.8 metre high mast supporting the radio apparatus, 10 equipment cabinets on concrete base plus ancillary works.

### **Assessment**

#### **Paragraph**

Policy COM27 of the Tendring District Local Plan 2007 states that proposals for new telecommunications development, including both development requiring planning permission and applications pursuant to Part 24 of the Town and Country Planning (General Permitted Development) Order 1995. These sentiments are carried forward in the Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

Planning permission will only be permitted if all the following criteria are met;

- a) The siting and design of the proposal does not have an adverse effect on the appearance and character of the locality

The siting of the telecommunications mast will replace the existing mast, which is located to the south easterly corner of Brightlingsea United Football Club. The proposed replacement will measure an additional 2.3 metres in height and 4 metres in width. Visual representations have been provided by the applicant to demonstrate the suitability of the siting and design of the mast in this locality. It is considered that the site is well set back from the street scene of Regent Road and North Road ensuring only partial views. Furthermore, the proposal will be viewed in connection with the floodlight structure.

The proposed equipment cabinets would be located within a new fenced compound for increased security. The cabinets need to be sited reasonably close to the antennas that they serve in order to avoid long cable feeds and the associated electrical losses. The proposed 10 no. equipment cabinets will measure a height of 2.1 metres, however this will be screened by the proposed fencing. It is therefore considered that there will be no significant harmful visual impact to the character or the appearance of the area as a consequence of the proposed development.

- b) The technical and operational need for the proposal is demonstrated to the satisfaction of the Council

As stated within the supplementary information in support of this application; the proposal is a joint venture owned by EE (UK) and Three (UK) Ltd. The proposed new installation and upgraded equipment provides the latest technology and the ability to prepare for new technology such as 5G. At the heart of the new legislation, and one of the Governments key aims, is to deliver on the public benefit of having access to a choice of high quality electronic communications services.

- c) For telecommunications equipment requiring planning permission that all alternative sites, including mast sharing opportunities have been evaluated and discounted for operational or technical reasons only; and

The proposal is for works at an established telecommunications site and not for the development of a new site, thus the consideration of alternative sites is not appropriate. The applicant has examined its portfolio of sites in this region and determined that there are no alternatives in the area which can be upgraded to meet the specific technical requirement. The application site represents the only feasible option in this instance which allows the requirement to be met without the deployment of an additional base station in the locality.

- d) The applicant has certified that the proposed development meets the current guidelines of the International Commission on Non Ionising Radiation. Protection, or such other Government requirements to protect public health as are in force at the time of the application.

The applicant has provided a declaration of conformity with ICNIRP and has also confirmed within the accompanying supplementary information in support of this application, that the proposed telecommunications infrastructure, which is the subject of this application, accords with all relevant legislation and as such will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.

#### Trees and Landscaping

The replacement of the existing mast will not affect any trees or other vegetation. The proposed replacement of the equipment cabinets would be within the Root Protection Area of a large poplar tree on adjacent land. Accordingly, it has the potential to cause harm to the roots of the tree. However, taking into account the existing surfacing of the car park, the construction of a concrete base, as proposed, is unlikely to result in significant harm to the roots of the tree. Ideally, construction should be carried out using a minimal dig methodology to further reduce the likelihood of harm to tree roots. In this regard it is not considered expedient to secure the works by way of a condition as the construction is not considered to cause a significant amount of harm to the Root Protection Area.

## Representations

Brightlingsea Town Council have no comment to make on this application.

1 letters of representation have been received which raises the following concerns;

- Impact of digging on the TPO

This concern has been addressed within the report.

- Bat in the tree hibernating

The tree is not to be affected by the proposal and this is purely a replacement of the existing mast in the same location.

- Background noise from fans and potential health risk

The Councils Environmental Protection Team have been consulted on the application and have not raised any comments in relation to the noise or health risks of the proposal.

- Additional height and scale

This concern has been addressed within the report.

## 6. Recommendation

Approval - Full

## 7. Conditions / Reasons for Refusal

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plan: Master Drawing No: 1012601\_TDG007\_68249\_CO0109\_M003 Revision C - 002 Site Location Plan, Master Drawing No: 1012601\_TDG007\_68249\_CO0109\_M003 Revision C - 265 Max Configuration Elevation, Master Drawing No: 1012601\_TDG007\_68249\_CO0109\_M003 Revision C - 215 Max Configuration Site Plan, NPA Visuals dated October 2019 - NPA - 11070 011 DI TDG007, Supplementary Information in support of Application for Planning permission dated June 2019 Ref - DAL-UK-PRO-004T-036, Declaration of Conformity with ICNIRP scanned 17 June 2019, 5G and Future Technology Details scanned 17 June 2019.

Reason - For the avoidance of doubt and in the interests of proper planning.

- 3 No above ground level works shall take place until precise details of the provision, siting, design and materials of screen walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected prior to the occupation of the development and thereafter be retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the development is appropriate within its setting in the interests of visual amenity.

## 8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

<b>Are there any letters to be sent to applicant / agent with the decision?</b> <b>If so please specify:</b>	YES	NO
<b>Are there any third parties to be informed of the decision?</b> <b>If so, please specify:</b>	YES	NO