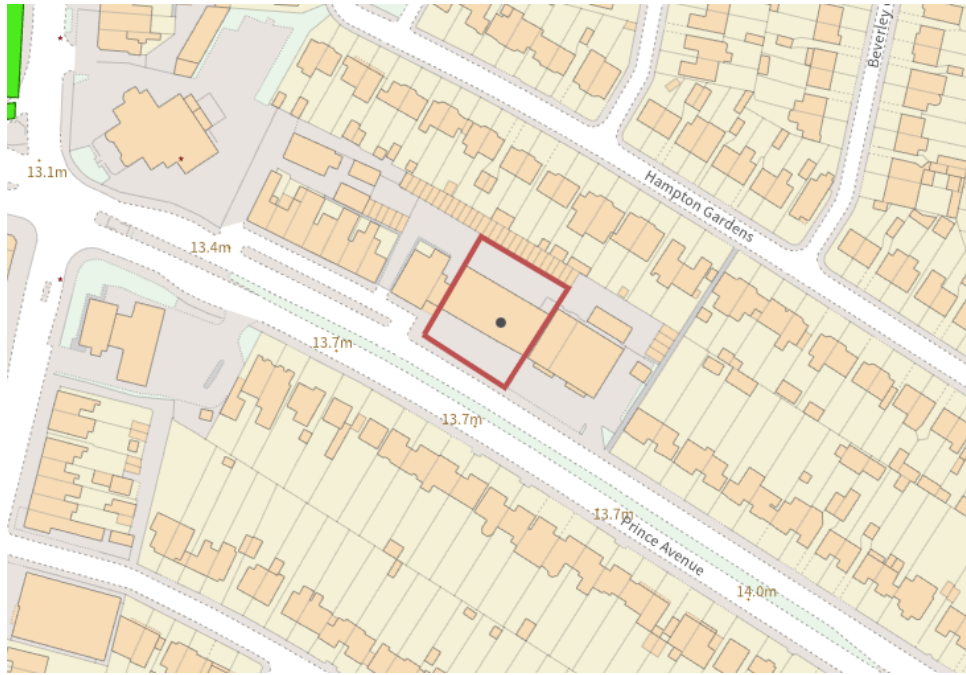


Reference:	24/00220/TEL	
Application Type:	Prior Notification Telecommunications	
Ward:	St Laurence	
Proposal:	Removal of 3no existing antennas and- 2no stacked cabinets to be replaced with 6no new antennas and 1no new cabinet with associated ancillary works thereto	
Address:	Mast At, Princes Court, Prince Avenue, Southend-on-Sea, Essex	
Applicant:	Mobile Network Broadband Limited	
Agent:	Miss Mandy Poon of Avison Young	
Consultation Expiry:	7th March 2024	
Expiry Date:	3rd April 2024	
Case Officer:	Gabriella Fairley	
Plan Nos:	994528_SOS013_58046_SS2488_M002 (Rev B)	
Supporting documents:	Digital Infrastructure, IFP Safeguarding, Allaying health concerns regarding 5G and exposure to radio waves, Southend Airport Safeguarding Report, 5G and Future Technology – delivering the UK’s Telecoms future, Letter from Avison Young dated 06/02/24 (1), Letter from Avison Young dated 06/02/24 (2), Planning, Design and Access Statement, Site Specific Supplementary information, Declaration of conformity with international commission on Non-ionizing radiation protection public exposure guidelines	
Recommendation:	PRIOR APPROVAL REQUIRED AND PRIOR APPROVAL GRANTED	



1 Site and Surroundings

- 1.1 The application site is Princes Court on the north side of Prince Avenue (A127), a mixed-use six storey building with commercial on the ground floor and flats above. The building's rooftop hosts a number of different mobile operators meaning that this is a shared base station. Other vertical structures within close proximity to the site include street lighting, telegraph poles and traffic signs.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations.

2 The Proposal

- 2.1 Prior approval is sought for the removal of three existing rooftop antennas and two stacked cabinets and installation of six new antennas and 1 new cabinet with associated ancillary works.
- 2.2 The supporting planning statement confirms that the proposal herein seeks to introduce the latest 5G technologies which forms part of the national rollout and accords with the UK Government directive to ensure 5G is more accessible at a nationwide level.
- 2.3 The overall height of the proposed apparatus will be increased by a maximum of 3.3m (when compared with the existing arrangement) for one specific set of antennas (the east-facing antennas), which is necessary to ensure correct signal propagation towards the target areas as well as ICNIRP compliance.
- 2.4 The application has been submitted with supporting information including an ICNIRP Declaration which confirms that the proposed equipment and installation would comply with current EU guidelines regarding public exposure to electromagnetic fields.

3 Relevant Planning History

- 3.1 There is a long planning history on the site, the most relevant of which is listed below.
- 3.2 23/01145/TEL - Remove 3no existing antennas and 2no. stacked cabinets, install 6no. new antennas and 1no. new cabinet with associated ancillary works. Refused (15.08.2023).

Reason for refusal: *“It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not have a detrimental impact on public safety due to its height and position relative to London Southend Airport. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4 and Development Management Document (2015) Policy DM1.”*

[**Officer comment:**] This previous application was refused solely because the application had not demonstrated that the proposed equipment would have a satisfactory impact on the safety of operations of London Southend Airport.

- 3.3 05/01376/FUL- Install 3 pole mounted antennas with 3 associated equipment cabins to roof top of Princes Court- Refused. Allowed on Appeal.
- 3.4 03/00167/FUL- Erect 2 pole mounted antenna, 2 dishes and 1 associated equipment cabin to eastern rooftop and 1 pole mounted antenna to southern rooftop- Refused.
- 3.5 02/01093/FUL- Erect 2 pole mounted antenna, 2 dishes and 1 associated equipment cabin to eastern rooftop, 1 pole mounted antenna and 1 dish to southern rooftop- Refused. Allowed on Appeal.
- 3.6 01/00655/TEL- Erect four equipment cabins on western end of roof in association with installation of six pole mounted antennae and 1 microwave dish antenna- Refused.
- 3.7 01/00130/TEL- Replace existing equipment cabin; install 2 heat management units at rear of cabin; replace antennae with 3 DBDP antennae and install 3 additional 600mm dishes- Granted.

4 Representation Summary

- 4.1 A site notice was posted at the site and one-hundred and twenty-four (124) neighbouring properties were notified. No letters of representation were received.

Highways

- 4.2 No objection.

Environmental Health

- 4.3 No objection.

London Southend Airport

4.4 No objection – no taller than 47.34m AOD.

5 Procedural matters

5.1 This application is presented to the Development Control Committee because it was called in by Cllr Hyde.

6 Planning Policy Summary

6.1 Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015): Section 3 and Schedule 2, Part 16, Class A

6.2 The National Planning Policy Framework (NPPF) (2023)

6.3 Planning Practice Guidance (PPG) (2023)

6.4 National Design Guide (NDG) (2021)

6.5 Core Strategy (2007): Policy CP4 (Environment and Urban Renaissance).

6.6 Development Management Document (2015): Policy DM1 (Design Quality).

6.7 Southend-on-Sea Design & Townscape Guide (2009)

7 Planning Considerations

7.1 As explained in the main section below the sole considerations for this prior approval are restricted to the siting and appearance of the proposed development only.

8 Appraisal

Principle of Development

8.1 Part 16 of the GPDO (2015) states:

A.1 (2) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than small antenna and small cell systems) on a building is not permitted by Class A(a) if—

(a) the height of the electronic communications apparatus (taken by itself) would exceed—
(i) 15 metres, where it is installed on a building which is 30 metres or more in height; or

(ii) 10 metres in any other case;

(b) the highest part of the electronic communications apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than—

(i) 10 metres, in the case of a building which is 30 metres or more in height;

(ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or

(iii) 6 metres in any other case;

- 8.2 The application building is more than 15m but less than 30m in height. The proposed replacement telecommunications equipment would not be taller than 8m in height. Therefore, the proposal satisfies the relevant criteria such that it can be considered under the Prior Approval procedure in principle.

Siting and Appearance

- 8.3 NPPF paragraph 118 states: *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”*
- 8.4 Paragraph 119 continues; *“The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.”*
- 8.5 The Southend-on-Sea Design and Townscape Guide notes that telecommunication masts can appear obtrusive but notes that for operational reasons must be located in positions that give a direct clear line of sight between antennae. The proposed development involves removal of 3no. existing antennas and 2no. stacked cabinets and installing within the same assembly 6no. new antennae and 1no. new cabinet with associated ancillary works. The proposed new antennae vary in height from some 3.7m to 5.8m which is some 3.3m taller than the existing antennas and will be situated towards the centre of the rooftop facing inwards. The proposed cabinet would be some 2m high.
- 8.6 Given their height and position the proposed antennae and cabinet would be visible from the public realm. However, the presence of existing telecommunications infrastructure on the flat roof of this building, which is of a significant size, is such that the proposed development would not appear harmfully out of place. That conclusion is consistent with the findings for the 2023 prior approval application for the same development which was refused only because that submission didn't demonstrate satisfactory public safety impacts in relation to London Southend Airport's operations.
- 8.7 On this basis, the proposed development is not considered to have significantly harmful visual impacts stemming from its siting or appearance.

Public Safety

- 8.8 Paragraph A.3 (3)(a) states that where the proposed development consists of the installation, alteration or replacement of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as appropriate, before

making the application required by sub paragraph (4).

- 8.9 Within the submission, the applicant states there is a requirement to upgrade the network in the area to provide improved coverage and capacity, most notably in relation to 5G services. The benefits of the proposal are noted and have been weighed in the balance including that this proposal would contribute to telecommunications provision in the area.
- 8.10 Within the application submission, and in response to the refusal of the previous prior approval for the same equipment solely on public safety grounds, a Southend Airport Safeguarding Report finds that this proposal would have no impact on the airport procedures.
- 8.11 London Southend Airport have confirmed that the information submitted confirms that there will be no effect on the operations of the airport and raise no objection. It is considered that the proposal is acceptable in these regards and this has overcome the sole previous reason for refusal.

Health concerns

- 8.12 The application is accompanied by a Declaration of Conformity with ICNIRP Public Exposure Guidelines. In light of this and guidance contained within the NPPF, the LPA should not seek to set different health safeguards and should determine this application on planning grounds only.

Equality and Diversity Issues

- 8.13 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

- 8.14 The development's siting and appearance would be acceptable. It has been demonstrated that the proposed telecommunications development would not conflict with Southend Airport Safeguarding criteria or its operations procedures so overcoming the sole previous reason for refusal.

9 Recommendation

PRIOR APPROVAL IS REQUIRED for the siting and appearance of the telecommunications mast and cabinet.

In this regard you are advised that the Local Planning Authority hereby GRANT APPROVAL subject to the following condition/s:

- 01. The telecommunications development hereby permitted shall be installed solely in accordance with the approved plans: 994528_SOS013_58046_SS2488_M002 (Rev B).**

Reason: To ensure that the development is carried out in accordance with the provisions of the Development Plan.

- 02. Plant and equipment used for the cooling of excess heat generated in the base station shall be attenuated for noise in so far as will not impact on the amenity of the nearest noise sensitive properties. Any noise should not be greater than 10 dB(A) below the background noise level measured at the boundary of the nearest noise sensitive property including for any tonal or intermittency penalties in accordance with BS 4142:2014+A1:2019.**

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2023), Policies KP2 and CP4 of the Core Strategy (2007), and Policies DM1 and DM3 of the Development Management Document (2015).

Informative

- 01. Please note that if you require a crane or piling rig to construct the proposed development, this will need to be safeguarded separately and dependant on location may be restricted in height and may also require full coordination with the Airport Authority.**