

PLANNING APPLICATION NUMBER:P15/0347

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	Western Power Distribution
Location:	ELECTRICITY DISTRIBUTION STATION, EARLSWAY, HALESOWEN
Proposal	INSTALLATION OF A 30M HIGH WPD LATTICE TOWER WITH 2 NO. ANTENNAE AND 1 NO. SATELLITE DISH. NEW 1.8M PALISADE FENCING (RESUBMISSION OF REFUSED PLANNING APPLICATION P14/1480)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site measures 0.5 hectares and relates to an Electricity Distribution Station comprising of a three storey facing brick building, temporary modular buildings and general ancillary equipment within an open yard with transformers and palisade fencing around the perimeter. Vehicular access is gained via the heavily trafficked classified highway of Earls Way (A458). Earls Way is a two lane carriageway running in a single direction (east).
2. The site forms part of a wider Linear Open Space designation. The site is located at the edge of Halesowen Town Centre adjacent to the junction between the A458 and the classified highway of Dudley Road (A459). The character of the area is relatively mixed in an edge of centre location.
3. Positioned along the eastern periphery of the site are located commercial properties with residential properties interspersed and fronting Dudley Road. To the south of the application site and standing across the public highway of Earls Way but fronting the heavily trafficked classified highway of Whitehall Road, a two lane carriageway running in a single direction (west), is located a recently constructed mixed use development comprising of a 5 storey hotel (Travelodge), a drive-thru A5 hot food take away (KFC),

an A3 / A5 unit (Gregg's) and an A1 unit (Drinks Cart) with a car parking area to the west serving the development. Beyond this and further to the south-west are relatively large office blocks towards Halesowen Town Centre.

4. The site is bound to the west by a recently constructed supermarket (Aldi) and car park, whilst bounding the site to the north is the River Stour Valley, both a Site of Local Importance for Nature Conservation (SLINC) and a Site of Importance for Nature Conservation (SINC), containing a densely wooded cutting, some 10 metres deep at the rear of the site. The River Stour runs in a culvert under both Earls Way and Whitehall Road

PROPOSAL

5. The application seeks full planning permission for the erection of a 30 metre (m) high lattice tower with 2 no. antennae and 1 no. satellite dish. The scheme also proposes the erection of new 1.8 m high palisade fencing to 3 no sides which would attach to the existing western brick boundary wall to form a compound.
6. A Planning Statement accompanies the planning application to provide details relating to the installation. The applicants 'Western Power Distribution' have stated that the installation is required to support United Kingdom (UK) critical national electricity infrastructure.

HISTORY

7. Relevant History

APPLICATION NO.	PROPOSAL	DECISION	DATE
HB/63/542	Full planning permission for a sub-station	Approved	02/10/1963
HB/65/730	Full planning permission for a tubular aerial mounting tower	Approved	13/01/1966
81/52672	Full planning permission for the widening of the existing access	Approved with	11/03/1982

	and use of land for car parking purposes	Conditions	
P14/1480	Full planning permission for the installation of a 30 m high lattice tower with 2 no. antennae and 1 no. satellite dish. New 1.8m palisade fencing	Refused	11/12/2014

8. Planning history checks of the site show that the planning application submitted under planning reference P14/1304 was refused for the following reasons:

- The proposed siting and design of the mast, including the proposed materials and overall scale, standing at some 30 metres in height would form a highly conspicuous and prominent feature within the locality, on the edge of Halesowen Town Centre. Whilst the economic and social benefit the structure may have is not disputed, no evidence or sound reasonable planning justification has been put forward, technical or otherwise to support both the siting and design of the mast. The scheme therefore fails to accord with Saved Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan, Policy ENV3 (Design Quality) of the Black Country Core Strategy and the National Planning Policy Framework.*

And

- The scheme is silent on matters relating to potential public exposure the mast may, or may not cause. No justification has been put forward by the applicant to confirm why the application is silent on this matter, as typically detailed and pertained within a self certification certificate relating to cumulative exposures, when operational, that do not exceed International Commission on non-ionising radiation protection (ICNIRP) guidelines. The local planning authority cannot make a meaningful assessment on the application in this regard on health grounds and therefore the application is contrary to the guidance contained within the National Planning Policy Framework.*

PUBLIC CONSULTATION

9. The application was advertised by way of notification letters being sent to the occupiers of properties within a 200 metre radius of the site and by the display of a site notice. The final period for comments expires on the 29/04/2015.
10. At the time of writing this report no written representations have been received; however, if any representations are received then they shall be reported to the Development Control Committee as a pre-committee note.

OTHER CONSULTATION

11. Group Engineer Highways: No objection raised.
12. Head of Environmental Health and Trading Standards: No adverse comments.

RELEVANT PLANNING POLICY

13. National Planning Guidance (2012)
 - National Planning Policy Framework (NPPF)
 - Technical Guidance to the National Planning Policy Framework
14. Black Country Core Strategy (2011)
 - The Vision
 - Sustainability Principles
 - The Spatial Objectives
 - ENV1 Nature Conservation
 - ENV3 Design Quality
 - TRAN2 Managing Transport Impacts of New Development
 - DEL1 Infrastructure Provision
15. Saved Unitary Development Plan Policies (2005)
 - DD1 Urban Design
 - DD4 Development in Residential Areas
 - DD10 – Nature Conservation and Development

- NC1 - Biodiversity
- NC6 – Wildlife Species
- SO2 Linear Open Space

16. Supplementary Planning Guidance

- Parking Standards (2012)
- Halesowen Area Action Plan (2013)

ASSESSMENT

17. The main issues are

- Principle
- Siting and Design
- Nature Conservation
- Health and Safety Issues
- Highway Safety

Principle

18. Saved Policy SO2 (Linear Open Space) of the Dudley Unitary Development Plan applies as the site occupies a sensitive location being within an area of designated as Linear Open Space. The site also immediately borders both a SLINC and a SINC. It is however recognised that not all land within the Borough's linear open spaces is open, nor is it intended necessarily to be so; however, the Council will not permit development if it were to harm the intended function of the linear open space – namely to maintain the area's open character, link open spaces in urban areas to the open countryside, provide wildlife corridors, and to provide for recreation where open character is not harmed. It should be noted that Saved Policy SO2 states that: 'The design and layout of development within the linear open space will be required to complement and enhance the intended function'.
19. The application site is also located within Regeneration Corridor 14 – Combeswood - Halesowen, as defined by Appendix 2 of the Adopted Black Country Core Strategy. Within this corridor, the application site sits within an area to be strengthened through improved shopping and leisure facilities and services in and around Halesowen Town

Centre. The site also sits adjacent to, but outside of, the Halesowen Area Action Plan boundary.

20. The application site relates to an Electricity Distribution Station, a Sui Generis use, which distributes electricity supplies to residential properties, businesses and industrial users in the surrounding area. The proposed erection of the 30 m high lattice tower with 2 no. antennae and 1 no. satellite dish, along with the proposed erection of new 1.8 m high palisade fencing to create a compound would allow for the ongoing use of the site and would allow for the applicants 'Western Power Distribution' to support UK critical national electricity infrastructure.
21. The applicants state that the development is required purely to support the operational network and is essential for them to meet their obligations to provide a safe, reliable and efficient electricity supply across the Midlands. There is no commercial or financial benefit to be derived from this mast. When there is a fault in the network, the control system requires immediate connectivity to shut down the electricity supply lines for the protection of the grid substation from the risk of permanent damage or fire. If there is a fault, such as an electricity transformer failure or trip out, the consequences can be catastrophic.
22. The proposed scheme, as well as shutting down the electrical supply lines in fault conditions, to prevent such catastrophic failure, the protection system would also send signals back via the electronic communications' network to Western Power Distribution's control centre at Castle Donington. Any alarms generated at the control centre would then allow for remote switching of circuits to take place, where possible to keep customers supplied with electricity, and / or for an engineer to be dispatched to carry out any necessary repairs and restore electricity supplies, as appropriate.
22. Real time monitoring and remote control of the areas electricity supply network takes place constantly by Western Power Distribution's engineers from its control centre, to protect against such emergency situations arising so far as is possible, and to ensure when they do occur they are dealt with as quickly as possible. Where there is a loss of supply through a fault either at a grid substation or elsewhere in Western Power

Distribution's electricity supply network, strict Government and The Office of Gas and Electricity Markets (OfGem) targets have stipulated that distribution network operators commit to restoring supplies to 60% of customers within 60 minutes – this mast is essential if that is to be achieved. The mast would host vital equipment that forms part of a network of radio communications sending data back to Castle Donington.

23. The mast itself would support the applicant's protection systems. This would be achieved through a microwave link which is urgently required to provide Western Power Distribution's replacement safety protection system at this grid substation. This is to replace the existing underground British Telecom's copper circuits that currently provide communications between Halesowen Grid substation and Western Power Distribution's regional control centre at Castle Donington. The existing BT21CN communications network has now gone well beyond its design life and must be replaced, as British Telecom will no longer provide support for this copper network.
24. The application site is just one grid substation in a network covering the whole of the Midlands, where Western Power Distribution is replacing the existing British Telecom copper circuits with a mixture of fibre and microwave links, to provide its future grid substation protection communications network. As is demonstrated in the planning statement and supplementary information included with the planning application, the only feasible option at Halesowen Grid substation is line-of-sight microwave links to Kitwell Grid substation and to an Arqiva tower at Romsley, which require the installation of a 30m modular lattice tower, 1m transmission dish antennae and ancillary development at the application site.
25. It is considered that on balance, given the additional information now supporting this resubmitted planning application, the mast would be acceptable in these operational terms and would safeguard the ongoing use and functionality of the Electricity Distribution Station; however, and notwithstanding the above, the application sites location within the wider designated Saved Policy SO2 Linear Open Space needs to be considered:

- The linear open space in this vicinity is largely centred on the nearby River Stour, running roughly from east to west; and
 - Excepting the River Stour and its immediate bank sides, the functions of the Linear Open Space here are not constrained due to wider open land beyond either side of the River Stour and in spite of the large scale / footprint commercial buildings to the west and south of the site providing little in the way of green infrastructure between and around them.
26. On balance, therefore and in Linear Open Space terms, the mast can reasonably be supported as the linear strip would broadly remain unaffected with regard to the east-west connectivity within the wider Linear Open Space.

Siting and Design

27. The proposed ground based 30 m high lattice tower with ancillary equipment and the erection of new 1.8 m high palisade fencing to create a compound would be situated within the wider Electricity Distribution Station and whilst the palisade fencing would be deminimus and set back some 60 m from the Earls Way highway and would be screened from views from the wider street scene by the adjacent temporary modular building; the proposed 30 m high lattice tower would form a more prominent feature from not only the nearby street scenes but from wider views. This would be exacerbated given the sites prominent and relatively open position within a valley on the outskirts of Halesowen Town Centre; however, and notwithstanding this, the National Planning Policy Framework (NPPF) is of relevance.
28. Paragraph 42 of the National Planning Policy Framework (NPPF) recognises that ...‘advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services’...
29. During the consideration of the previously refused application, for an identical installation at the site, it was considered that the:

...‘proposed siting and design of the mast, including the proposed materials and overall scale, standing at some 30 m in height would form a highly conspicuous and prominent feature within the locality, on the edge of Halesowen Town Centre’...

30. Paragraph 43 of the NPPF recognises that local authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. Paragraph 43 of the NPPF also identifies the need to ‘keep the number of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified’.

31. During the consideration of the previously refused application it was also considered that:

...‘The economic and social benefit the structure may have is not disputed, no evidence or sound reasonable planning justification has been put forward, technical or otherwise to support both the siting and design of the mast. The scheme therefore fails to accord with Saved Policies DD1 (Urban Design) and DD4 (Development in Residential Areas) of the Dudley Unitary Development Plan, Policy ENV3 (Design Quality) of the Black Country Core Strategy and the National Planning Policy Framework’.

32. The Local Planning Authority now recognises, through the submission of the detailed planning statement and supplementary planning information accompanying the planning application, that the proposed installation, whilst prominent, is integral to maintaining the ongoing function of the Electricity Distribution Station, which in turn would potentially provide and support sustainable economic growth and enhance the provision of local community facilities and services.
33. Sound reasonable technical evidence and planning justification has been put forward within the submitted planning application, which justifies the creation of the new lattice tower and why other existing installations, within the vicinity but away

from the site are not appropriate. This technical justification outweighs the potential visual harm the installation may cause within the locality and as to why the structure has to stand at 30 m in height and at this position. Therefore, whilst the siting and design of the installation is prominent, the technical justification, as outlined within the supporting evidence and as recognised within the guidance contained within the NPPF is supported. The proposed installation would therefore accord with the aspirations of Paragraphs 42 and 43 of the NPPF.

Nature Conservation

34. The proposed development would be located on previously developed land and adjacent to the nearby River Stour Valley bounding the site to the north which forms both a SLINC and a SINC. The proposed development is considered to have no impact upon these designations and the proposal would therefore be in accordance with Policy ENV1 (Nature Conservation) of the Black Country Core Strategy and Saved Policy DD10 (Nature Conservation and Development), NC1 (Biodiversity) and NC6 (Wildlife Species) of the Dudley Unitary Development Plan.

Health and Safety Issues

35. Health is a material consideration when considering applications for development. Paragraph 45 of the NPPF states that local planning authorities should not reconsider health matters where the applicants have self certified that the base station conforms to the International Commission on Non-Ionising Radiation (ICNIRP) guidelines.
36. During the consideration of the previously refused application, no information was submitted in this regard and nor was it clear whether indeed this information should have accompanied the application in the first instance. It was therefore difficult to make a meaningful assessment on the refused planning application on health grounds for public exposure and therefore the application was refused citing:

...‘The scheme is silent on matters relating to potential public exposure the mast may, or may not cause. No justification has been put forward by the applicant to confirm why the application is silent on this matter, as typically detailed and pertained within a

self certification certificate relating to cumulative exposures, when operational, that do not exceed International Commission on non-ionising radiation protection (ICNIRP) guidelines. The local planning authority cannot make a meaningful assessment on the application in this regard on health grounds and therefore the application is contrary to the guidance contained within the National Planning Policy Framework'...

38. The applicant has submitted an ICNIRP declaration to accompany this planning application which states

...‘ The transmission between microwave dishes will be linear, non-radiating signals: from point-to-point, one dish to another, and at very low power levels. These low power microwave signals do not fall under the scope of ICNIRP, which covers non-ionizing radiation that is emitted by the RF antennas that mobile phone operators install on their base stations and which emit EMF beams to provide RF coverage to the surrounding area. The only exclusion zone for microwave dishes is directly in front of them, and as such they are always installed so no access can be gained to the dish antennas , due to the interruption in service that would result if that were possible. At the application site the microwave dish will be in the high security grid substation compound to which the public has no access and mounted at 33.5m above ground level (to the centre line of the dish antenna) on the lattice tower’...

39. It is therefore considered that the scheme accords with Paragraph 45 of the NPPF and in this regard the local planning authority should not therefore reconsider health matters, as the applicant has self certified that the base station conforms to the International Commission on Non-Ionising Radiation (ICNIRP) guidelines.

Highway Safety

40. Vehicular access to the site would be retained via the existing access at the frontage of the site whilst ample off street parking provision would also be retained upon the frontage of the site. The proposed installation would not cause any highway safety concerns as no additional burden on the existing highway infrastructure through on

street parking or servicing would occur. The scheme would accord with Policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and the Parking Standards Supplementary Planning Document.

CONCLUSION

41. The application is supported by technical evidence with sound reasonable planning justification, which substantiates the creation of the new lattice tower and why other existing installations, within the vicinity but away from the site are not appropriate. This technical justification for the creation of a new installation within the vicinity outweighs the potential visual harm the installation may cause within the locality. Whilst the siting and design of the installation is perceived to be prominent, the technical justification, as outlined within the supporting evidence and as recognised within the guidance contained within the NPPF supports the creation of a new installation in this instance. In addition to this, the planning application raises no concerns with regards to health matters and it is therefore considered that the proposed development accords with the relevant planning policy and the associated guidance.

RECOMMENDATION

42. It is recommended that the application be Delegated to the Strategic Director of Environment, Economy and Housing for approval with conditions and subject to no new additional objections being received.

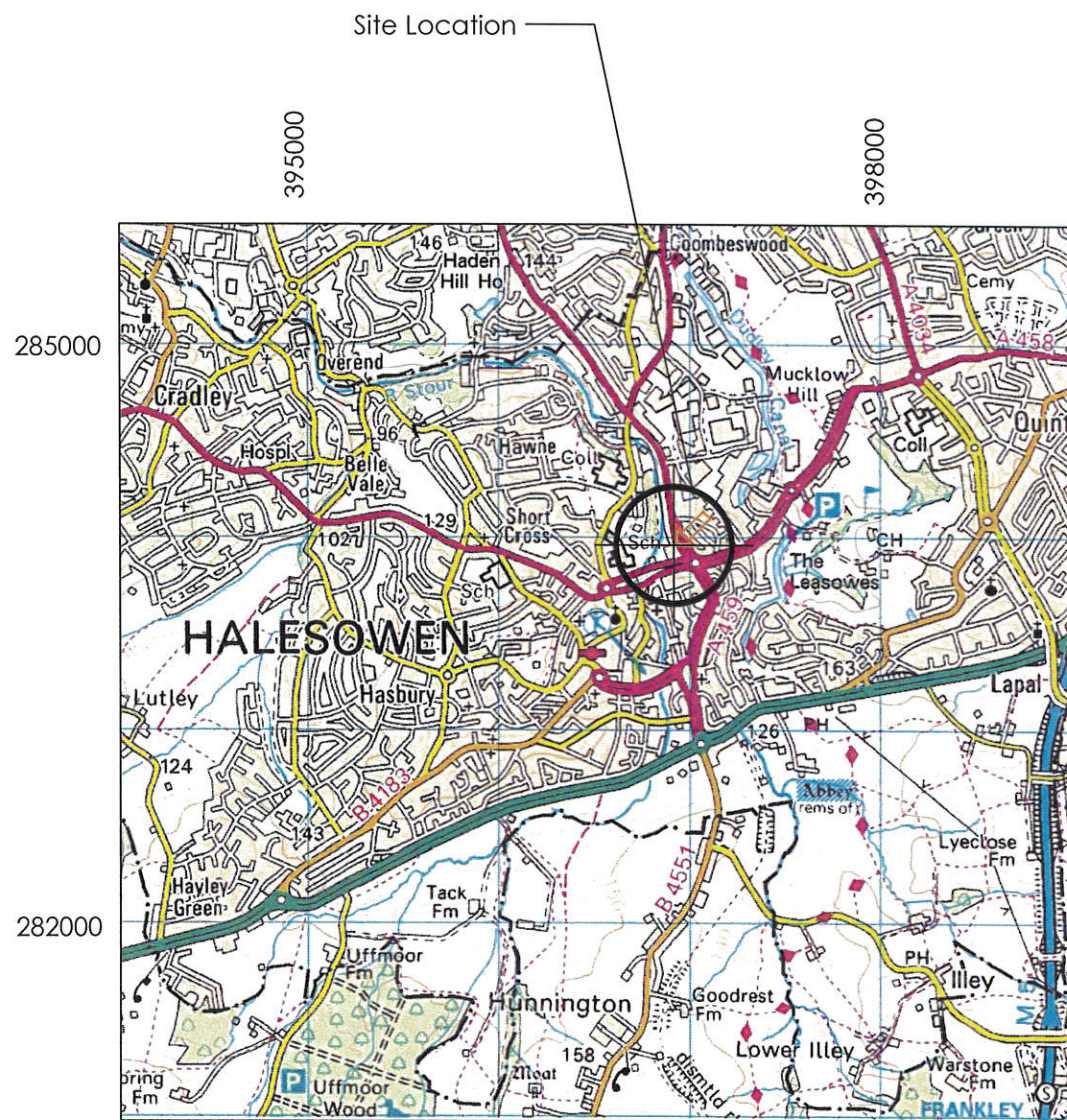
Approval Statement

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and

environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

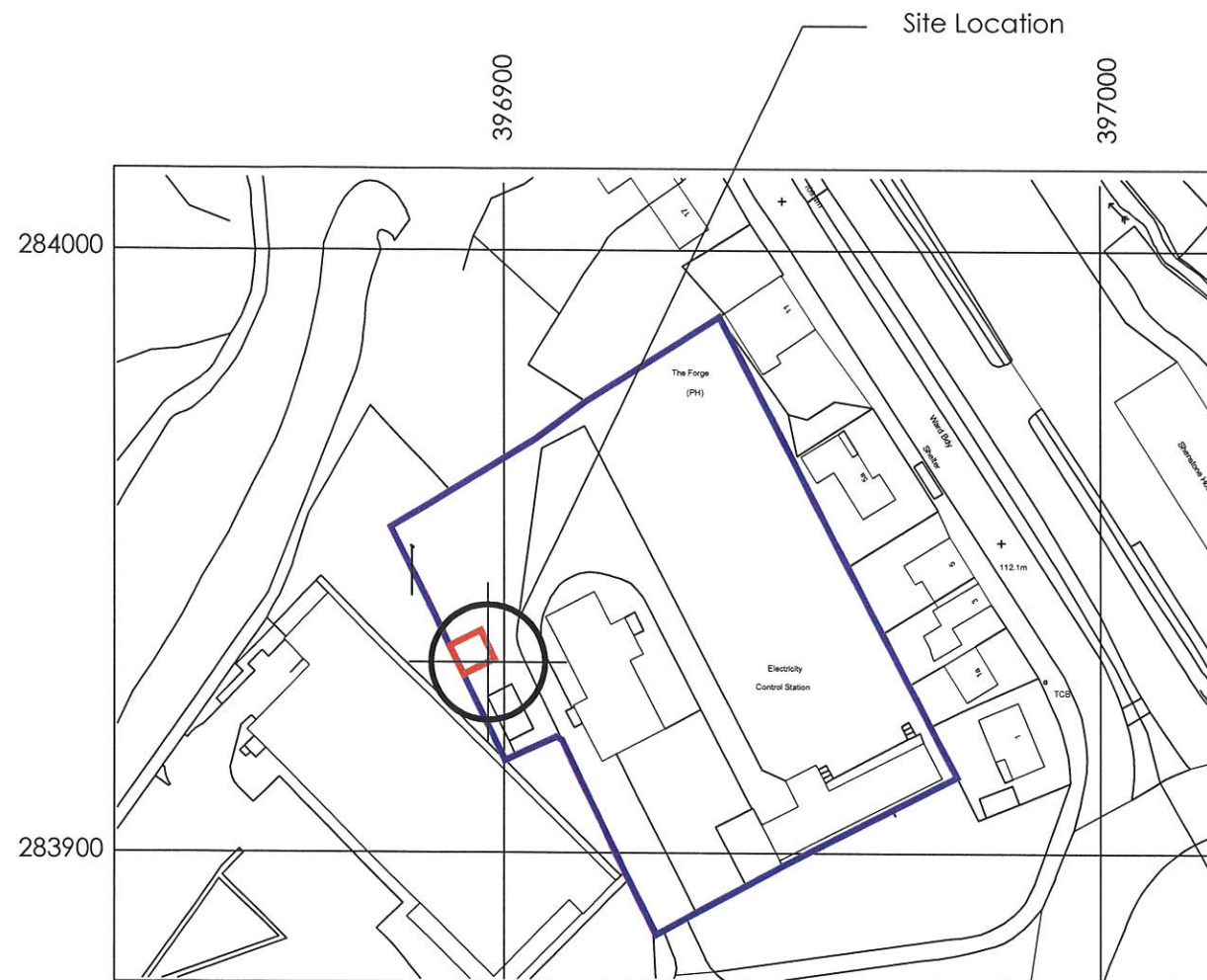
Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'HAL/001A', 'HAL/002A' and 'HAL003A'.



SITE LOCATION
SCALE 1:50 000

Ordnance Survey map extract.
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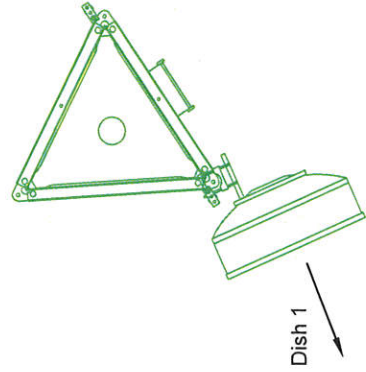
SITE PLAN

SCALE 1:1250

O.S. co-ordinates 396895/283931

Ordnance Survey map extract.
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A	12/08/14	First Issue	SMP	SMP
REV.	DATE	DESCRIPTION	CHK	APP
WESTERN POWER DISTRIBUTION				
SEVENTY-TWO				
94 Station Road, Sulliam, Cambs. CB7 5DZ. email: info@72-2.co.uk phone: 07889400419				
Site: HALESOWEN OFF A458 & DUDLEY ROAD HALESOWEN, WEST MIDLANDS B63 3LS				
Title: SITE LOCATION				
Purpose of Issue: PLANNING				
Drawing no. HAL/001				
Issue: A	Scale: AS SHOWN	Checked: SMP	Date: 12/08/14	
Drawn: SMP	Date: 12/08/14	Approved: JG	Date: 12/08/14	
Consultant ref no:				



Tower Plan
Scale 1:50

Dish No	Size Ø	Height (AGL)	Far end site	Bearing
Dish 1	1.0m	28.5m	-	-°

30.00m AGL.
CL Dish 1 28.5m AGL.

Existing portakabin fence constructed over concrete retaining wall

Proposed 30m WPD lattice tower manufactured by FLI on new 4.3 x 4.3m reinforced concrete base.

Existing Portakabin equipment room

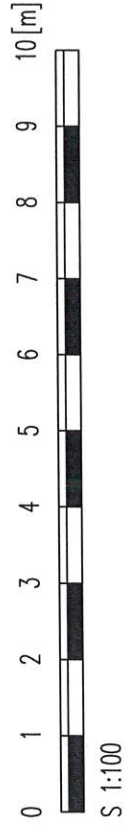
Existing CCTV column.



Existing Industrial unit on adjacent land

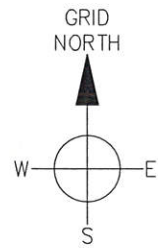
Proposed 1.8m pallisade fence to 3 sides to connect up with existing wall

South West Elevation
Scale 1:100

Existing prefabricated concrete storage garages



A	12/08/14	First Issue		SMP	SMP
REV.	DATE	DESCRIPTION		CHK	APP
WESTERN POWER DISTRIBUTION					
SEVENTY-TWO					
94 Station Road, Soham, Cambs. CB7 5DZ. email: info@70-2.co.uk phone: 07889400419					
Site: HALESOWEN OFF A458 & DUDLEY ROAD HALESOWEN, WEST MIDLANDS B63 3LS					
Title: SOUTH WEST ELEVATION					
Purpose of issue: PLANNING					
Drawing no. HAL/003					
Issue:	Scale:	AS SHOWN	Checked:	SMP	Date: 12/08/14
A	Dir:	SMP	Date: 12/08/14	Appr:	JC
Consultant ref no:					



Existing prefab concrete storage garages

Stone Service Yard

Proposed 1.8m pallisade fence to 3 sides to connect up with existing wall

Existing pallisade fence constructed over concrete retaining wall

Proposed 30m WPD lattice tower manufactured by FLI on new 4.3 x 4.3m reinforced concrete base.

Proposed duct from tower to chamber

Existing CCTV column.

Proposed fibre access chamber

Proposed fibre duct into existing building

Existing Portakabin equipment room

Tarmac Access Road

Existing pallisade fence constructed over masonry retaining wall

0 1 2 3 4 5 6 7 8 9 10 [m]

S 1:100

A	12/08/14	First Issue		SMP	SMP
REV.	DATE	DESCRIPTION		CHK	APP
WESTERN POWER DISTRIBUTION					
SEVENTY-TWO					
94 Station Road, Soham, Cambs. CB7 5DZ. email: info@70-2.co.uk phone: 07889400419					
Site: HALESOWEN OFF A458 & DUDLEY ROAD HALESOWEN, WEST MIDLANDS B63 3LS					
Title: SITE PLAN					
Purpose of Issue: PLANNING					
Drawing no. HAL/002					
Issue: A	Scale: AS SHOWN	Checked: SMP	Date: 12/08/14	Drawn: JG	Date: 12/08/14
Consultant ref no:					