

PLANNING APPLICATION NUMBER:P13/0263

Type of approval sought	Determination on need for approval (GDO)
Ward	Gornal
Applicant	Vodafone Ltd - C/o Agent
Location:	ROUNABOUT ON HIMLEY ROAD, MILKING BANK, DUDLEY, WEST MIDLANDS, DY1 2UP
Proposal	PRIOR APPROVAL UNDER PART 24 OF THE TOWN AND COUNTRY PLANNING (GPDO) FOR A TELECOMMUNICATIONS DEVELOPMENT COMPRISING THE INSTALLATION OF 15 M HIGH POLE WITH 3 NO. SHROUDED ANTENNAE AND 2 NO. ADDITIONAL RADIO EQUIPMENT CABINETS.
Recommendation Summary:	PRIOR APPROVAL NOT REQUIRED

SITE AND SURROUNDINGS

1. The application site is situated adjacent to the Himley Road (B4176) roundabout junction with Milking Bank and the site comprises part of the public highway (the back edge of the 2 metre wide footway) and is occupied by a 12.5m high telecommunications pole with ancillary equipment cabinet. Himley Road is lined on both sides by 10 metre high lighting columns.
2. This site falls within a designated Green Belt area and immediately abutting the southern boundary of the site are mature deciduous trees standing at some 8 to 12 metres in height. Open fields beyond form part of Barrow Hill Landscape Heritage Area and Site of Importance for Nature Conservation (SINC).
3. The area to the north of the site is the Milking Bank estate where the nearest residential properties are located to the north-west and north-east of the site in Woodthorne Close and Wistmans Close respectively. Directly facing the site to the north is the roundabout and the link road into the Milking Bank estate with open space to either side of the link road.

PROPOSAL

4. The proposal is to remove the 12.5 metre high telecommunications mast and replace it with a 15 metre high, joint operator telecommunications mast with associated ancillary equipment cabinets. At present the existing installation is used by Vodafone Limited whilst the proposed installation would be shared with Telefonica UK Limited (O2 UK Limited) (recognised as 'Cornerstone Telecommunications Infrastructure Limited').
5. The application seeks determination as to whether the prior approval of the Local Planning Authority will be required under Part 24, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001, for the siting and external appearance of replacement installation of a 15 metre high 'Dual User' Streetwork, slim-line monopole column structure with shroud (to be painted grey) and the installation of 2 No. ancillary equipment cabinets (to be painted grey).
6. The agents for the application have informed that *'Vodafone Limited and Telefonica UK Limited, commonly known as O2, have entered into a new agreement in which the two companies plan to jointly operate and manage a single network grid across the UK. This initiative strengthens the network infrastructure partnership between the two companies, previously rolled out as part of 'Cornerstone'. This next phase will involve upgrading existing base stations and will be facilitated by Cornerstone Telecommunications Infrastructure Limited (CTIL), a newly formed joint venture company owned equally by the aforementioned operators. The single grid infrastructure overhaul planned by CTIL will enable both organisations to pool and consolidate their respective networks while running two, independent, nationwide networks. Each operator will keep ownership and control of its network spectrum, however as part of CTIL it will mean that each operator will have responsibility to manage, maintain and provide coverage in one half of the UK. In general Telefonica will manage and maintain the network in the East, including Scotland*

and Northern Ireland whilst Vodafone will be responsible for those sites in the West including Wales.

7. *In this instance Vodafone, are acting as the responsible operator for this part of the UK. The choice of design in this latest case has been influenced by the existing base station's siting and appearance as well as future coverage requirements. As part of a sequential approach to site selection the existing base station development made available as part of the CTIL initiative was identified. However, it is of note that the existing ground based installation in its current form does not meet the operator's technical requirements, hence the existing base station requires upgrading and redevelopment. It is also of note that the existing streetworks style monopole is technically obsolete due to its design limitations and its inability to accommodate the required apparatus in this next of phase infrastructure consolidation hence it needs replacing'.*

8. Given the prior approval nature of the application, if the application is not formally determined by the Council and the agents notified of the decision before its expiry date on 24 April 2013, then the application would be approved by default.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P04/0774	Prior approval under Part 24 , Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to erect a telecommunications equipment to include a 12.5 metre high slimline flexicell monopole and equipment cabinet	Refused Appeal Withdrawn	24/05/04 11/07/05
P05/1327	Prior approval under Part 24 ,	Refused	05/08/05

	Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to erect a 12.5 metre high flexicell 2 type 4 replica telegraph pole supporting 3 No. 3G antennae together with ground based equipment cabinets and ancillary development	Appeal Allowed	10/01/06
--	---	----------------	----------

10. The application (P04/0774) was refused as it was considered that the siting and height of the proposed monopole would be detrimental to the visual amenities of the area which lies within the Green Belt. The decision was subject to an appeal (APP/C4615/A/04/1160091), however, the appeal was withdrawn on 11 July 2005.

Planning application (P05/1327) was also refused as it was considered that the proposed 12.5m high replica telegraph pole and its associated equipment would be unduly prominent and visible above the existing trees and nearby street lighting columns, thereby eroding and interrupting views of the Green Belt, Landscape Heritage Area and Site of Importance for Nature Conservation to the detriment of the character of the area. The proposal was also considered to be an incongruous addition having regard to the setting of the site within an area of Green Belt. The siting of the 12.5m high replica telegraph pole was considered to fail to take into account and reflect the environmental qualities of the area resulting in an interruption of existing views and being harmful to views of the Landscape Heritage Area and Green Belt beyond. The decision was subject to an appeal (APP/C4615/A/05/1189589) which was allowed by the Planning Inspectorate on 10 January 2006 at this current location.

11. In conclusion, the Planning Inspector stated *'Although the practical effect of the development on and the degree of harm to the Green Belt, LHA and SINC would be small, the mast is inappropriate development in the Green Belt. Without the mast there would be a significant gap in the operator's 3G coverage representing a significant disadvantage to domestic and commercial operators within and passing through this cell. No appropriate alternative site has been identified. I consider these factors amount*

to very special circumstances that outweigh the conflict with national and development plan policy regarding development within the Green Belt. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed’.

PUBLIC CONSULTATION

12. The application has been advertised by way of a site notice and neighbour notification. One hundred and five letters were sent to the occupiers of properties within a 200m radius of the site and two letters of objection have been received raising the following issues:

- Increase in height
- Unduly prominent and visible above the existing tree line
- Height should remain the same as the existing

OTHER CONSULTATION

13. Group Engineer (Development) – no objections

14. Head of Environmental Health and Trading Standards – no adverse comments

RELEVANT PLANNING POLICY

15. National Planning Policy Framework (2012)

The National Planning Policy Framework (NPPF) sets out the Governments planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved. In this case Section 5 ‘Supporting high quality communications infrastructure’ and Section 9 ‘Protecting green belt land’ are of relevance.

16. Black Country Core Strategy (2011)

- ENV1 Nature Conservation

17. Saved Dudley Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DD13 Telecommunications
- SO1 Green Belt

ASSESSMENT

18. The key issues for consideration in this application are as follows:

- Siting and External Appearance
- Impact upon the Green Belt
- Need
- Health and Safety

Siting and External Appearance

19. The application site contains an existing 12.5m high telecommunications mast that serves one operator (Vodafone). The mast at this location was approved by appeal in 2006.

20. This application proposes to remove the existing 12.5m high mast and replace with a 15m high dual user pole, that would be used by Vodafone and Telefonica (formerly O2). The antennae would be enclosed by a shroud that would be 3.3m in height, the same as the existing shroud. The 2.5m increase in height of the proposed mast therefore comprises the pole element only.

21. The rear boundaries of properties in Woodthorne Close are separated from the application site by relatively thick tree screening on their respective rear boundaries, an area of open space and Himley Road, with a minimum distance of 60m. The boundaries of properties in Wistmans Close are separated from the application site by an area of open space and the Himley Road roundabout, at a minimum distance of 70m.
22. Whilst it is understood that the proposed mast is an additional 2.5m higher than the existing, the proposed mast would be a simple slimline appearance and although higher than the backdrop of the existing tree line it is considered that the mast would not be out of character at this particular location (due to the existing mast) or adversely impact upon the visual amenities of the area. The proposed mast would therefore be in compliance with saved policies DD4 and DD13 of the UDP (2005) and Section 5 of the NPPF (2012).

Impact upon the Green Belt

23. The principle of a mast at this location was set out by the Planning Inspector in the previous application who stated that *'whilst the visual impact would be slight and the degree of harm to the Green Belt and its setting would be very small, there would be an impact. Therefore the development would be inappropriate development within the Green Belt'*. The Inspector considered that the factors relating to coverage and lack of alternative sites, and concluded that these factors represented very special circumstances that outweighed the conflict with national and development plan policy regarding development within the Green Belt.
24. In this case the existing mast no longer meets the operator's technical requirements as the monopole is technically obsolete due to its design limitations and its inability to accommodate the required apparatus. The replacement dual usage mast would be used by two operators thereby reducing the number of individual masts. Overall it is considered that that increase in the height of the mast would not unduly impact upon the visual amenities of the area and that the special circumstances still apply, as set out in the previous paragraph, for the replacement mast.

25. Furthermore paragraph 43 of the NPPF (2012) explains that local planning authorities should support the expansion of telecommunications networks and the aim should be to keep the numbers of telecommunications masts to a minimum consistent with the efficient operation of the site. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified.
26. In this case an existing mast site is being utilised to enable dual usage and a new site is not required thereby in this case keeping the number of masts to a minimum and ensuring any impact upon the Green Belt and visual amenities of the area is kept to the minimum.

Need

27. The replacement mast is required to allow more efficient site sharing between Vodafone and O2 as part of their Cornerstone agreement, and it would also allow for improved and faster 3G coverage. Such agreements allow for the provision of a more efficient network, but more importantly, provide the opportunity to reduce the need for the establishment of additional new masts and therefore reducing the overall visual impact associated with such installations. In addition saved Policy DD13 of the Dudley Unitary Development Plan encourages site sharing.
28. The applicant has supplied coverage plots with the application with regard to Vodafone and O2, which indicates the replacement mast would provide improved 3G coverage in the immediate area including Gornalwood and Russell's Hall.

Health and Safety Issues

29. Health is a material consideration when considering applications for development. The NPPF (Paragraph 46) recognises that *'local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure'*.

30. Local planning authorities should therefore 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. In this case the applicant has submitted the required information.

CONCLUSION

31. It is considered that the replacement mast would amount to very special circumstances that outweigh the conflict with national and development plan policy regarding development within the Green Belt.

32. The sharing of masts and sites is encouraged where that represents the optimum environmental solution in a particular case. Furthermore the applicants have set out the need for the installation to enable site sharing that would also help avoid the proliferation of phone masts. The increase in height of 2.5 metres to allow for joint operation is considered acceptable and in accordance with Paragraph 43 of the National Planning Policy Framework (NPPF).

33. The siting of the 15m replacement mast and its external appearance is considered to be acceptable and would not adversely impact upon amenity and the street scene, in accordance with saved policies DD4 and DD13 of the adopted UDP (2005).

RECOMMENDATION

34. Prior Approval is not required.

Reason for Approval

It is considered that the replacement mast would amount to very special circumstances that outweigh the conflict with national and development plan policy regarding development within the Green Belt.

The sharing of masts and sites is encouraged where that represents the optimum environmental solution in a particular case. Furthermore the applicants have set out the need for the installation to enable site sharing that would also help avoid the proliferation of phone masts. The increase in height of 2.5 metres to allow for joint operation is considered acceptable and in accordance with Paragraph 43 of the National Planning Policy Framework (NPPF).

The siting of the 15m replacement mast and its external appearance is considered to be acceptable and would not adversely impact upon amenity and the street scene, in accordance with saved policies DD4 and DD13 of the adopted UDP (2005).

Conditions and/or reasons:

1. Grant Prior Approval

Reason for Approval

It is considered that the replacement mast would amount to very special circumstances that outweigh the conflict with national and development plan policy regarding development within the Green Belt.

The sharing of masts and sites is encouraged where that represents the optimum environmental solution in a particular case. Furthermore the applicants have set out the need for the installation to enable site sharing that would also help avoid the proliferation of phone masts. The increase in height of 2.5 metres to allow for joint operation is considered acceptable and in accordance with Paragraph 43 of the National Planning Policy Framework (NPPF).

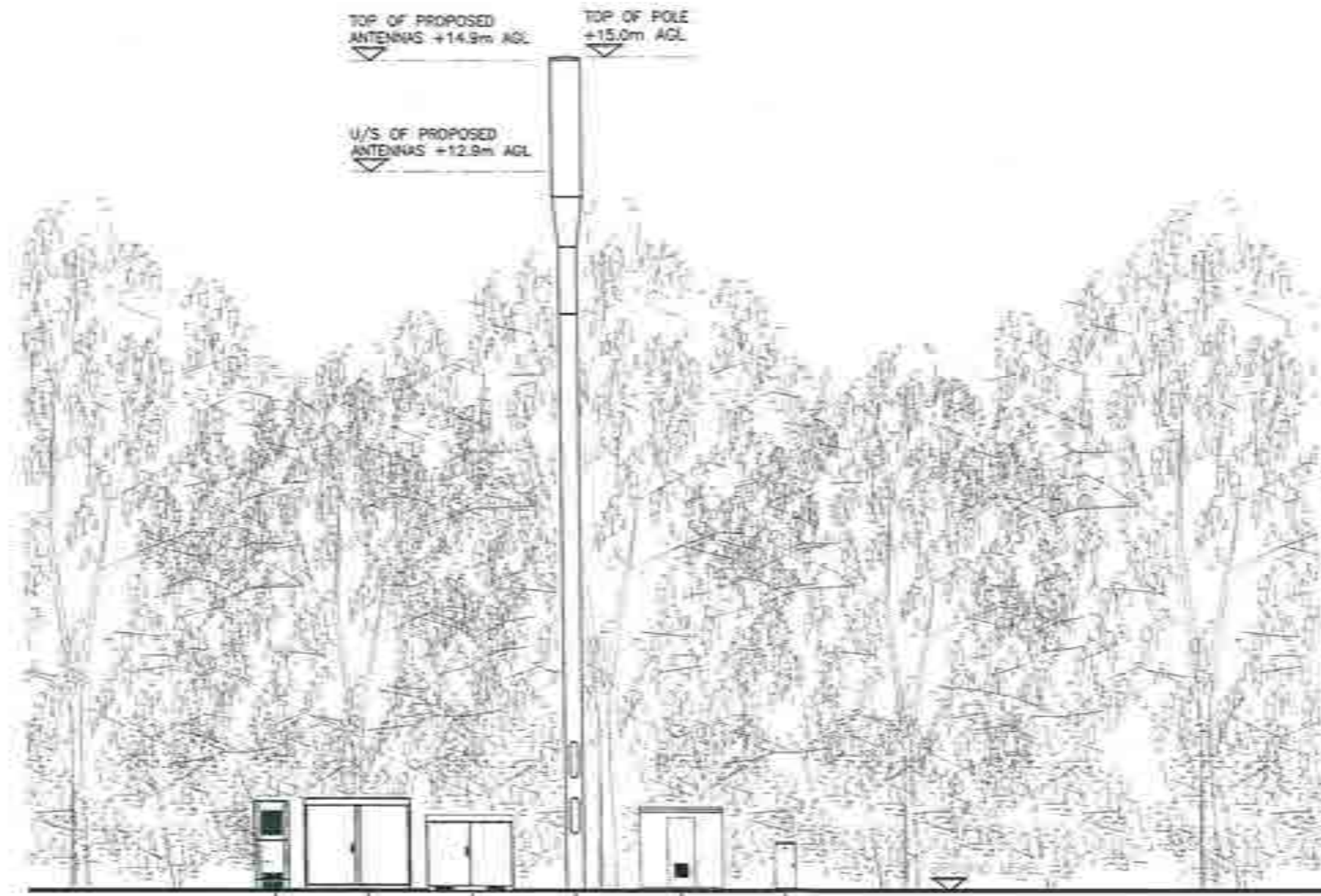
The siting of the 15m replacement mast and its external appearance is considered to be acceptable and would not adversely impact upon amenity and the street scene, in accordance with policy DD13 of the adopted UDP (2005).

11250 SITE LOCATION PLAN



Notes:
1. ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE

N.G.R. E: 391904 N: 290449



- PROPOSED HUAWEI B7S3900L OUTDOOR CABINET ON ROOF FOUNDATION
- PROPOSED VULCAN EQUIPMENT CABINET C/W RADIO EQUIPMENT AND COMBINERS
- EXISTING VODAFONE SPOTFIRE EQUIPMENT CABINET TO BE RETAINED FOR MEAS
- EXISTING TEF 12.5m HIGH JUPITER B11E STREETWORKS POLE TO BE REMOVED AND REPLACED WITH PROPOSED JUPITER S3 LOW 15.0m ON EXISTING FOOT FOUNDATION (SUBJECT TO FOOT CHECK)

EXISTING TEF JUPITER B11E STREETWORKS POLE TO BE REMOVED AND REPLACED WITH PROPOSED JUPITER S3 LOW 15.0m ON EXISTING FOOT FOUNDATION (SUBJECT TO FOOT CHECK)

PROPOSED NORTH ELEVATION
(1:100)

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.
Designed in accordance with Cornerstone document: CORN/09/006

REV	MODIFICATION	BY	CHK	DATE
-----	--------------	----	-----	------

mono #
 WIND CONSULTANTS LIMITED
 No. 58 Ogden Court
 Trinity's Bridge Road
 Shalford-upon-Avon
 Warwickshire
 CV37 9HW
 T +44 (0)1789 206500
 F +44 (0)1789 206529
 www.monocollaborate.com



CTIL

Cell Name Cpr.

HIMLEY ROAD PY1 A

Cell ID No

CTIL	Host	Share
(CTIL) 126103	(VF) 80401	(TEF) 13335

Site Address / Contact Details

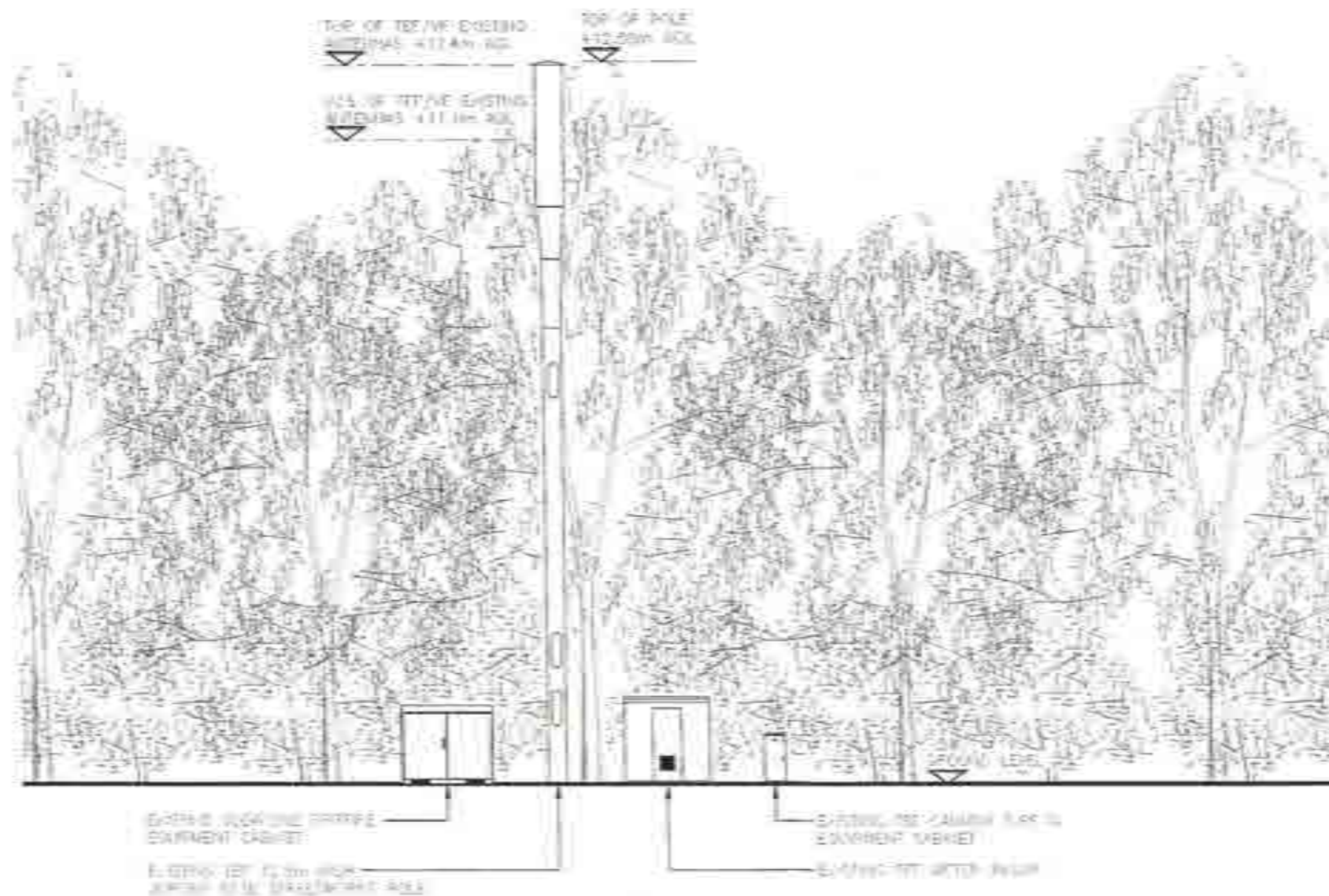
ROUNDBOULT ON HIMLEY ROAD
 MILKING BANKSREET
 DUDLEY
 WEST MIDLANDS
 DY1 2JP

Drawing Title: PROPOSED SITE ELEVATION

Purpose of Issue: PLANNING

Drawing Number: 302

Drawn	As Shown	Drawn	Date	Issued
PL	11.02.13	MS	11.02.13	A



EXISTING NORTH ELEVATION
(1:100)

Note:
1. ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE

N.G.R. E: 391904 N: 290449



REV	MODIFICATION	BY	CH	DATE
A	Issued for Approval	DM	PL	11.02.13

mono #
 MONO CONSULTANTS LIMITED
 No. 55 Cygnal Court
 Trinity's Bridge Road
 Stratford-upon-Avon
 Warwickshire
 CV37 9NR
 T. 44 (0)1789 29620
 F. 44 (0)1789 29629
 www.monocountants.com



Cell Name	Opt
HIMLEY ROAD PY1	A

Cell ID No		
CTIL	Host	Share
(CTIL) 126103	(VF) 80401	(TEF) 13333

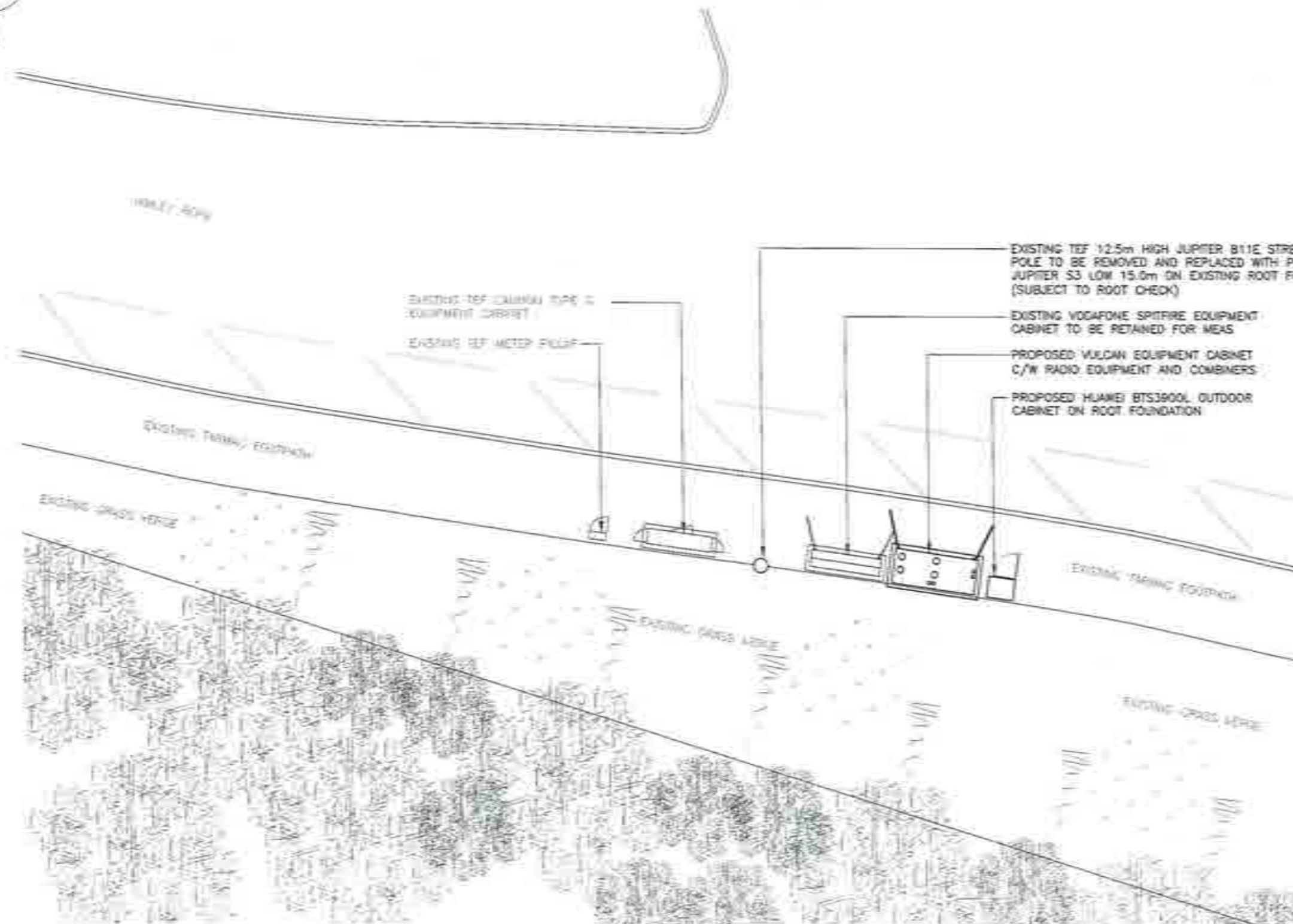
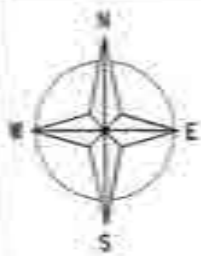
Site Address / Contact Details
 ROUNDABOUT ON HIMLEY ROAD
 MILKING BANKSREET
 DUDLEY
 WEST MIDLANDS
 DY1 2UP

Drawing Title: EXISTING SITE ELEVATION

Purpose of Issue: PLANNING

Drawing Number: 301

Scale	As Shown	Drawn	Date	Issue	
Checked	PL	Drawn	DM	11.02.13	A
Approved	PL	Approved	MS	11.02.13	



PROPOSED SITE PLAN
(1:100)

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.
Designed in accordance with Cornerstone document: CORN09/005

Notes:
1 ALL DIMENSIONS ARE IN MM UNLESS NOTED OTHERWISE

N.G.R. E: 381904 N: 290449



REV	MODIFICATION	BY	CH	DATE
A	Issued for Approval	DM	PL	11.02.13

mono #

MONO CONSULTANTS LIMITED
No. 58 Dymel Court
Trotty's Bridge Road
Stratford-upon-Avon
Warwickshire
CV37 9NR
T: 44 (0)1799 206500
F: 44 (0)1799 206029
www.monocounslants.com



Cell Name	Opt
HIMLEY ROAD PY1	A

Cell ID No		
CTIL	Host	Share
(CTIL) 126103	(VF) 80401	(TEF) 13333

Site Address / Contact Details
 ROUNDABOUT ON HIMLEY ROAD
 WILKING BANKSREET
 DUDLEY
 WEST MIDLANDS
 DY1 2UP

Drawing Title: PROPOSED SITE PLAN

Purpose of issue: PLANNING

Drawing Number: 202

Scale:	As Shown	Drawn:	Date:	Rev:
Drawn:	P	DM	11.02.13	A
Approved:		MD	11.02.13	