

# PLANNING APPLICATION NUMBER:P13/0275

Type of approval sought	Determination on need for approval (GDO)
Ward	Pedmore & Stourbridge East
Applicant	Vodafone Limited
Location:	<b>EXISTING VODAFONE BASE STATION, WOLLESCOTE ROAD, DUDLEY, DY9 7JG</b>
Proposal	<b>PRIOR APPROVAL UNDER PART 24 OF THE TOWN AND COUNTRY PLANNING (GPDO) FOR A TELECOMMUNICATION DEVELOPMENT FOR THE REMOVAL OF EXISTING TELECOMMUNICATIONS EQUIPMENT AND 12.5M TOWER AND REPLACE WITH NEW 15M DUAL USER POLE, 3 NO. SHROUDED ANTENNAE, 2 NO. RADIO EQUIPMENT CABINETS AND ANCILLARY DEVELOPMENT THERETO</b>
Recommendation Summary:	<b>PRIOR APPROVAL NOT REQUIRED</b>

## SITE AND SURROUNDINGS

1. The application site occupies an elevated position adjacent to Wollescote Road, to the back edge of the footway and abutting a low level brick wall which borders the extensive grounds of Wollescote Hall. This Grade II Listed Building is located about 100 metres to the north-east.
2. The northern aspect of Wollescote Road is mostly tree covered, whilst beyond is a Council depot comprising a large and unsightly steel sheet building. The nearest residential properties are located approximately some 70 metres to the south-west. To the southern side of Wollescote Road is open land and a cricket pitch.
3. The site is currently occupied by an existing 12.5 metre high telecommunications mast (replica telegraph pole) and 2 No. associated ancillary equipment cabinets. Wollescote Road is lined on both sides by active lighting columns whilst the installation is viewed against the backdrop of mature trees, telegraph poles, as well as street furniture and varying highway signage.

## PROPOSAL

4. The proposal is to remove the existing mast and to 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 used by both Vodafone Limited and Telefonica UK Limited (O2 UK Limited).
5. The proposal is seeking 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 appearance of the replacement 15 metre high monopole column structure with shroud (to be painted brown) and the installation of 2 No. ancillary equipment cabinets (to be painted green).
6. The applicants have stated that the site is required to deliver improved coverage of the 3G communication system to the local area. Plans have been submitted to show a coverage gap in the respective networks that the proposed installation will fill in. In addition, a certificate of declaration has been submitted to show that the proposal is designed to be in full compliance with the requirements of radio frequency public exposure guidelines of the International Commission on Non-ionizing Radiation Protection (ICNIRP).
7. 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

## Application Site

APPLICATION	PROPOSAL	DECISION	DATE
P05/2682	Part 24 application for determination as to the need for prior approval for the installation of a 15 metre high streetworks column with 3 No. shrouded antenna and associated ground based equipment cabinets	Approval is Required and is Refused	13/02/06
P06/1019	Part 24 application for determination as to the need for prior approval for the installation of a 12.5 metre high mock telegraph pole with 3 No. shrouded antenna and associated ground based equipment cabinets	Approval is Required and is Refused	12/07/06
P08/0835	Part 24 application for determination as to the need for prior approval for the installation of a 12.5 metre high faux telegraph structure to incorporate the installation of 3 No. shrouded antenna and associated ground based equipment cabinets	Approval is Required and is Refused (Planning Appeal allowed under reference APP/C4615/A/08/2085506 on 11 February 2009)	11/07/08

8. Application P05/2682 was refused permission on the following grounds – *‘The proposed 15 metre high monopole and its associated equipment would be unduly prominent and visible above the existing trees, thereby being detrimental to the landscape character of the area contrary to Policies DD4 (Development in Residential Areas) and DD13 (Telecommunications) of the adopted Dudley Unitary Development Plan and Planning Policy Guidance Note 8 (Telecommunications)’.*
  
9. Application P06/1019 was refused permission on the following grounds – *‘The proposed siting and scale of the 12.5 metre high ‘mock telegraph’ telecommunications monopole would be unduly prominent and highly conspicuous within the surrounding landscape context, thereby eroding and interrupting the visual amenity of the adjacent open space. The proposal will also adversely affect the setting of a grade II listed building, located adjacent to the parkland setting of*

*Wollescote Hall. Development would therefore be contrary to Policies DD13 (Telecommunications), LR1 (Open Space) and HE6 (Listed Buildings) of the Adopted Dudley Unitary Development Plan and also PPG8 (Telecommunications) and PPG15 (Planning and the Historic Environment).*

10. It should be considered that both of the previous planning applications P05/2682 and P06/1019 relate to a site fronting Wollescote Road some 35 metres to the east of the current / proposed location (to the frontage of Wollescote Hall).
11. Application P08/0835 was refused permission on the following grounds – *‘The proposed siting and scale of the 12.5 metre high ‘faux telegraph’ telecommunications monopole would be unduly prominent and highly conspicuous within the surrounding landscape context, thereby eroding and interrupting the visual amenity of the adjacent open space. The proposal would also adversely affect the setting of a grade II listed building, located adjacent to the parkland setting of Wollescote Hall. The proposal is therefore contrary to Policies DD13 ‘Telecommunications’, LR1 (Open Space) and HE6 (Listed Buildings) of the Adopted Dudley UDP (2005) and Planning Policy Guidance (PPG) 8 – Telecommunications (2001) and PPG15 (Planning and the Historic Environment).*
12. An appeal was lodged (APP/C4615/A/08/2085506) against the decision of the Council in regard to the planning application submitted under planning reference P08/0835; however, the appeal was subsequently allowed by the Planning Inspector but it was noted in the determination of the appeal by the Inspector, that the appellant had chosen the site following their evaluation of technical requirements, visual amenity and availability. They looked at 3 possible mast heights, (10 metres, 12.5 metres and 15 metres), to assess coverage and visual impact. They decided the 15 metres in height would be excessive in scale. Its visual impact would be too much. The 12.5 metre high structure would, they stated, provide the required level of coverage without causing an unacceptable impact on the visual amenities of the surroundings.

13. The Planning Inspector concluded that the current / proposed siting, a revision of an earlier application, some 35 metres west of the previous location was done to better screen the pole with the trees to the north, at the rear of the site, and to move it further from the setting of the listed Wollescote Hall.
  
14. The Planning Inspector considered the current / proposed siting to be acceptable given that the mature and semi-mature trees and the unsightly storage building rather than the listed building would form the background to the telecommunications pole. From the road, the 12.5 metre high pole would be seen against the trees, rather than in conspicuous isolation. From more distant points, only the top of the pole might be more readily seen. The setting would be more related to the Council depot than being intrusive of the views to Wollescote Hall. The grade II listed building is set well back from the fronting Wollescote Road. The approach from the west would see the pole against the trees and the storage building, not Wollescote Hall. From the east, the pole would not be a prominent feature against the tree copse, nor be readily seen as part of the views to Wollescote Hall and thereby would have little or no adverse effect upon the setting of the listed building.
  
15. The Planning Inspector also considered that some houses to the west and south-west would have views towards the installation but that would not be from main living room windows. Also, the distance between the site and the houses and the backdrop of trees would suggest little impact.

## **PUBLIC CONSULTATION**

16. The application was advertised by way of letters being sent to the occupiers of properties within a 204 metre radius of the site as well as letters being sent to the Ward Councillors. The application was also advertised by the display of a site notice. The final period for comment expired on 28 March 2013.
17. In response to the consultation exercise correspondence has been received from 12 local residents expressing concern and having regard to;
- The proximity of the Grade II Listed Building
  - The Parkland Setting (an integral part of the above building)
  - The safeguarding of environmental importance
  - The Planning Appeal allowed under reference APP/C4615/A/08/2085506 allowed only a 12.5 metre structure
  - Previous planning refusals – P05/2682, P06/1019 and P08/0835
  - Health issues – a local resident has recently been fitted with an S-ICD pacemaker system (designed to prevent a fatal heart attack). The information submitted states that ‘strong electromagnetic devices may cause interference with the S-ICD system’. As the system is new and still undergoing trials, the local resident is naturally worried at the prospect of having powerful equipment permanently located in such close proximity.

## **OTHER CONSULTATION**

18. Group Engineer (Development): No objection raised.
19. Head of Environmental Health and Trading Standards: No adverse comments in terms of noise.

## **RELEVANT PLANNING POLICY**

### National Planning Guidance

- The National Planning Policy Framework (NPPF) (2012)
  - Section 5 – Supporting High Quality Communications Infrastructure

### Black Country Core Strategy (BCCS) (2011)

- TRAN2 Managing Transport Impacts of New Development

### Saved Unitary Development Plan Policies (2005)

- DD5 Development in Industrial Areas
- DD13 Telecommunications Policy
- HE6 Listed Buildings
- LR1 Open Space
- SO2 Linear Open Space
- SO6 Parks
- NC9 Mature Trees

## **ASSESSMENT**

### 20. Key Issues

- Siting and Visual Impact
- Need
- Health and Safety Issues

### Siting and Visual Impact

21. The application site contains an existing 12.5 metre high telecommunications mast and associated ancillary equipment cabinets. At present the existing installation is in use by Vodafone Limited. The mast at this location was approved in February 2009 following a planning appeal (reference APP/C4615/A/08/2085506) against the decision of the Council to refuse application P08/0835;
22. This application proposes to remove the existing 12.5 metre high telecommunications mast and associated ancillary equipment cabinets and to replace it with a 15 metre high joint operator telecommunications mast with associated ancillary equipment cabinets. From a visual perspective it is considered that the design of the proposed mast would be similar in appearance and colouring to the existing.
23. Paragraph 43 of the National Planning Policy Framework (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'.

24. Saved Policy DD13 (Telecommunications) of the Dudley Unitary Development Plan states that : *"...Proposals should be sensitively designed and sited to minimise the impact of development on the environment and surrounding area. Protection from visual intrusion will be an important consideration in determining applications. Proposals for new / resited telecommunications masts and equipment will be permitted provided:-*
- *The siting and design of the apparatus is appropriate;*
  - *The external appearance of the apparatus is acceptable;*
  - *That proper regard has been had to locational and landscaping requirements;*
  - *The impact on amenity is acceptable ..."*
25. The principle of a mast has already been established through the granting of the previously approved scheme. The proposed telecommunications mast and associated ancillary equipment cabinets would be set back against the back edge of the northern footway along Wollescote Road. The siting of the mast is considered acceptable as it is sited away from the Grade II Listed Building of Wollescote Hall and would be viewed against a backdrop of the mature and semi-mature trees and the unsightly storage building.
26. It should be recognised that the Planning Inspector concluded that from the road, the previous telecommunications installation would be seen against the trees, rather than in conspicuous isolation. From more distant points, only the top of the pole might be more readily seen. The backdrop setting would relate to the Council depot rather than having an intrusive impact on the views to Wollescote Hall. The grade II listed building is set well back from the fronting Wollescote Road. The approach from the west would see the pole against the trees and the storage building, not



Wollescote Hall. From the east, the pole would not be a prominent feature against the tree copse, nor be readily seen as part of the views to Wollescote Hall and thereby would have little or no adverse effect upon the setting of the listed building. It is considered that the additional 2.5 metres to the installation, to allow for a further operator, would not be of such a significant material change to warrant a refusal of this application.

### Need

27. The Government considers that operators have an obligation to maintain its public mobile telecommunications across the UK so that it is able to meet reasonable customer demands that may be placed upon it. This includes quality of service and network capacity for handling calls. The second system licensed is for the provision of a Third Generation network whereby the operator has a specific obligation to develop and maintain a new public mobile telecommunications network across the UK. The operator's network must be able to meet the reasonable customer demands that may be placed upon it.
28. In terms of the new licences granted by government to develop the 3G system it is intended that it will be based upon the existing 2G network but that there will still be a need for new sites to be developed. This application seeks to develop a new site share for Telefonica UK Limited (O2 UK Limited) in conjunction with an existing site occupied by Vodafone Limited in order that it can increase coverage within the area in accordance with its 3G license.
29. A characteristic of the 3G system is that cell sizes are substantially smaller than the 2G system and the scope for finding alternative sites is reduced. Within the supporting statement accompanying this application, the applicant states that this is an upgrade to an existing site, thus no other standalone new facilities have been investigated. Furthermore, a new additional mast to facilitate the upgrade would not be in line with Central Government Policy through the NPPF by upgrading the current facility the most sequentially preferable option of 'Mast and Site Sharing' has been progressed.

30. Therefore, bringing forward development within the cell search area by site sharing on the existing base station proves the only viable option to avoid proliferation of phone masts and to ensure the technical constraints combined with distances involved and the characteristics of the topography of the area mean the coverage objectives would be achieved.
31. The information submitted within the supporting statement shows the existing and proposed coverage. The plan showing existing coverage illustrates that there is a gap in coverage within the area and that introducing the additional antennae on the mobile base station would significantly improve coverage within the local area.

#### Health and Safety Issues

32. 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'*.
33. 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.
34. The concerns of local residents regarding the health implications of the proposal are recognised; however, Government advice in the NPPF Clearly recognises that if a proposed installation meets the guidelines published by the International Commission on Non-Ionizing Radiation Protection, (ICNIRP), for public exposure to radio waves, it should not be necessary to consider further the health aspects and concerns about them. In this case, the appellants confirmed, by a certificate dated 25 February 2013 that the proposed installation would be fully compliant with ICNIRP public exposure guidelines. The local planning authority do understand

objectors asking for the precautionary principle concerning health implications but the local planning authority find no cogent reason to depart from Government advice in this regard.

## CONCLUSION

35. The applicants have demonstrated the need for the proposed height of the mast to ensure radio signal coverage for the area. Some technically appropriate locations were rejected because of the proximity of houses or schools. The need for this installation and the lack of suitable alternatives weighs in favour of the application and on balance, and to 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). Whilst previous telecoms installations have been refused within the vicinity, they relate to differing types of installations at differing heights viewed against differing backdrops
36. The siting of the replacement mast and its external appearance is considered to be acceptable and would not adversely impact upon the street scene or wider area. In addition, the applicant has demonstrated that the base station would comply with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. The scheme as proposed therefore accords with the relevant Policy criteria.

## RECOMMENDATION

37. Prior Approval Not Required

### Reason for approval

The applicants have demonstrated the need for the proposed height of the mast to ensure radio signal coverage for the area. They also showed the alternative sites considered and set out reasons why they were considered unsuitable. Some technically appropriate locations were rejected because of the proximity of houses or schools. The need for this installation and the lack of suitable alternatives weighs in favour of the application and on balance, and to 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). Whilst previous telecoms installations

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The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Black Country Core Strategy the Saved Dudley Unitary Development Plan Policies and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

Conditions and/or reasons:

1. Reason for approval

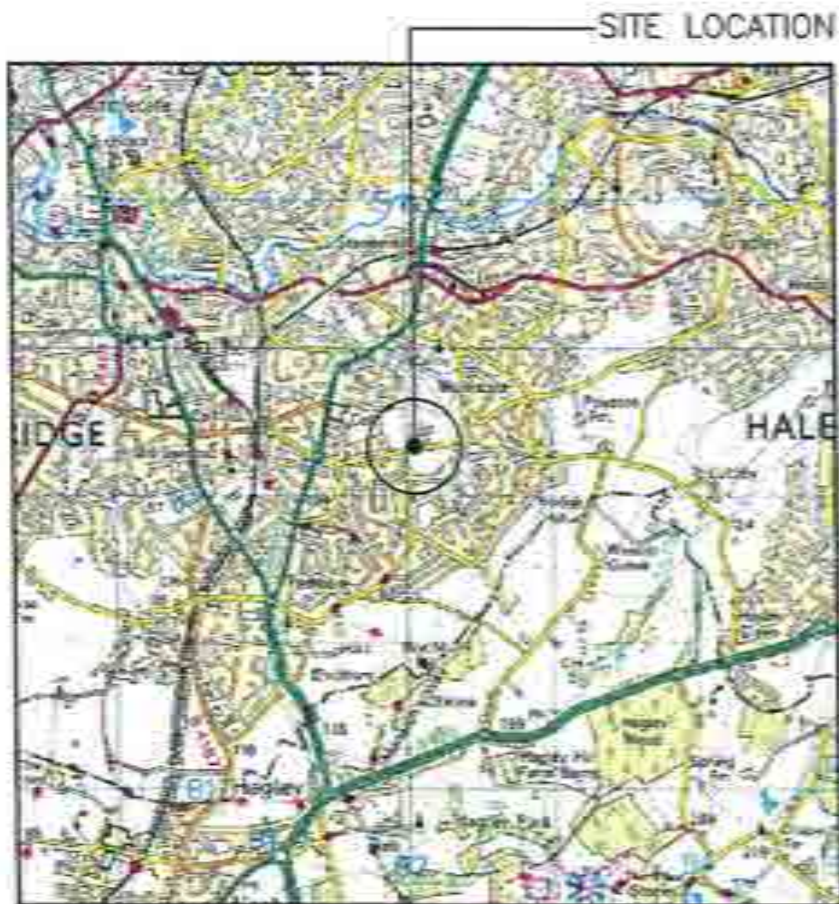
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0 1km 2km  
Scale

**SITE LOCATION**  
(Scale 1:50000)

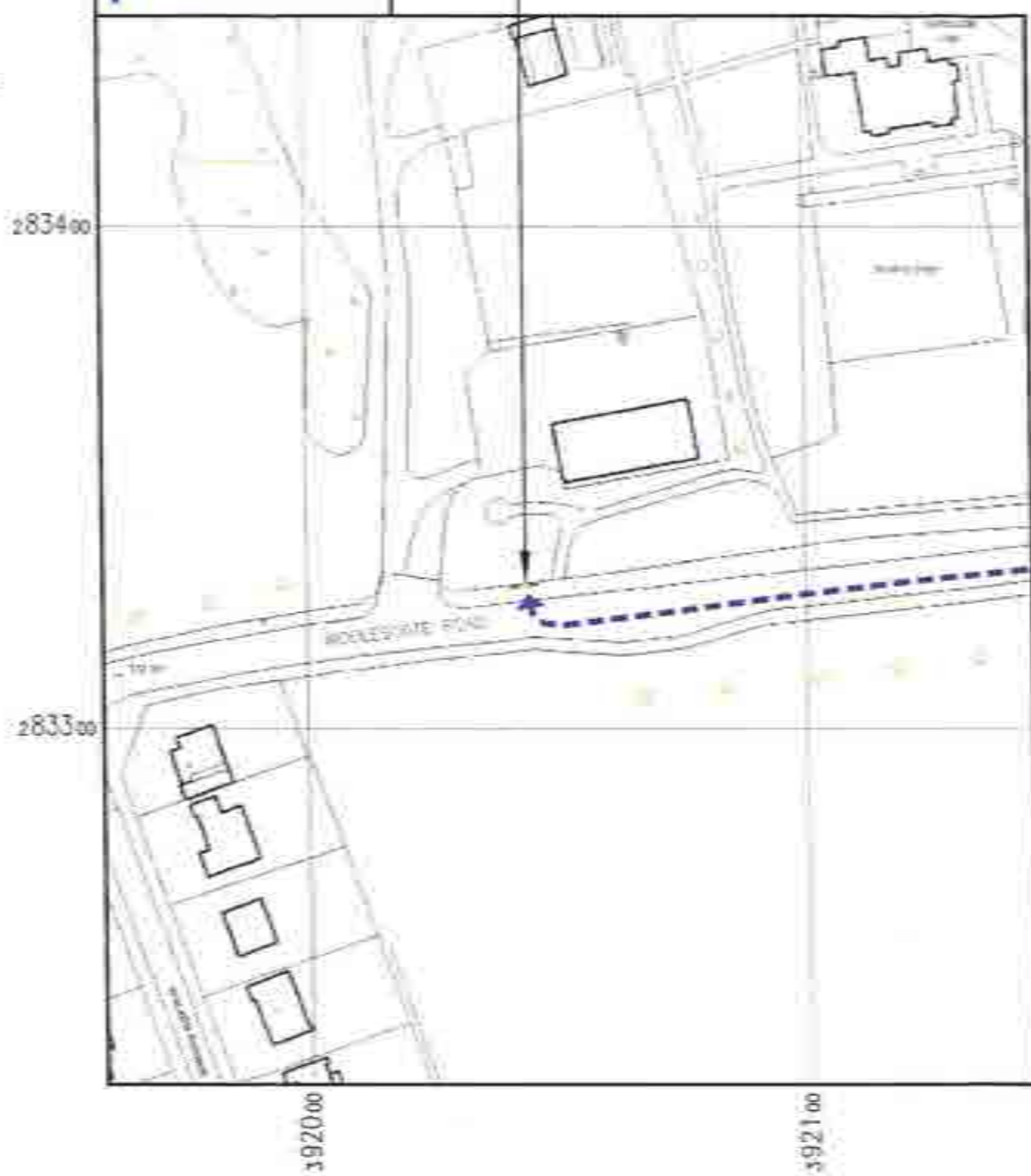
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**SITE PHOTOGRAPH**



--- Access Route  
--- Directions to Site



**DETAILED SITE LOCATION**  
(Scale 1:1250)

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

N.G.R. E: 392046 N: 283326

**Directions**  
HEAD SOUTH ON THE M5 EXIT JUNCTION 3 AT THE ROUNDABOUT, TAKE THE 3RD EXIT ONTO MANOR WAY/A456 CONTINUE TO FOLLOW A456. GO THROUGH 2 ROUNDABOUTS CONTINUE FOR 3.6 MILES AT THE ROUNDABOUT, TAKE THE 3RD EXIT ONTO HAGLEY CAUSEWAY/A456, CONTINUE TO FOLLOW A456 FOR 0.3 MILES, THEN TURN LEFT ONTO LUTLEY LANE, CONTINUE ONTO WYNALL LANE AT THE ROUNDABOUT, TAKE THE 2ND EXIT ONTO WYNALL LANE, CONTINUE FOR 0.3 MILES, THEN TURN LEFT ONTO BROOK HOLLOWAY, CONTINUE ONTO WOLLESCOTE ROAD FOR 0.3 MILES, THE SITE IS LOCATED ON THE RIGHT HAND SIDE.



Issue for Approval	SS	WF	18/02/13
REV	MODIFICATION	BY	DATE

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Drawing Title: SITE LOCATION MAPS

Purpose of Issue: **PLANNING**

Drawing Number: 100

Scale:	As Shown	Drawn:	SS	Date:	18/02/13	Issue:	A
Checked:	WF	Date:	18/02/13	Approved:	SS	Date:	18/02/13