

PLANNING APPLICATION NUMBER:P15/0031

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|-------------------------|---|
| Type of approval sought | Determination on need for approval (GDO) |
| Ward | Hayley Green & Cradley South |
| Applicant | H3G Ltd & EE Ltd |
| Location: | AMENITY OPEN SPACE OFF, LUTLEY MILL ROAD, HALESOWEN |
| Proposal | PRIOR APPROVAL UNDER PART 24 OF THE TOWN AND COUNTRY PLANNING (GPDO) FOR A TELECOMMUNICATIONS DEVELOPMENT COMPRISING OF THE REMOVAL OF 11.7M PHASE 3 MONOPOLE AND REPLACE WITH 11.7M PHASE 4 MONOPOLE WITH SHROUDED HEADFRAME AND 1 NO. ADDITIONAL CABINET |
| Recommendation Summary: | PRIOR APPROVAL IS NOT REQUIRED |

SITE AND SURROUNDINGS

- 1 This site consists of part of the highway verge alongside an area of open space which borders a watercourse (Lutley Gutter). It is located between semi-mature trees near the junction of two footpaths, alongside Lutley Mill Road, near the junction with Stourbridge Road (A458).
- 2 There is a public house on the opposite side of Lutley Mill Road to the application site, and to the south of that, a row of dwellings. There are also houses on the opposite side of the open space fronting Beecher Road East, and onto Stourbridge Road.

PROPOSAL

- 3 This application is a prior approval application for telecommunications equipment under the provisions of Part 24 of the General Permitted Development Order 1995 (as amended). 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 by the expiry date then the applicant is legally able to install the proposed apparatus.

- 4 The application proposes the removal of the existing 3G, 11.7m monopole and replacement with a similar 4G, 11.7m high and 0.25m diameter monopole with shrouded head frame which contains the antennas, together with the provision of an additional equipment cabinet that measures 0.5m by 1.2m with a height of 1.2m.
- 5 The application is submitted with a Design and Access Statement and an ICNERP Certificate.

HISTORY

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|-----------------|--|----------|------------------|
| P05/1086 | Prior approval under part 24 of the GPDO for installation of a 11.7m high monopole, 3 No. antennae incorporating shroud, 3 no. cabinets and ancillary development. | Allowed | 22 November 2006 |

- 6 P05/1086 was refused by the council on visual amenity and green belt grounds. However, the application was subsequently allowed at appeal.

PUBLIC CONSULTATION

- 7 1 letter of objection received, following consultation with 201 adjoining neighbours, the posting of a site notice and the publication of an advert in a local newspaper.

Main issues raised:-

- Appearance of mast
- New mast is 4G
- Interference caused by masts - i.e. car keys
- Possible long term health risks – ill health of mother
- Electromagnetic
- Objected to original application in 2006

OTHER CONSULTATION

8 None.

RELEVANT PLANNING POLICY

- National Planning Guidance

National Planning Policy Framework (2012) - Section 5 – Supporting high quality communications infrastructure

- Black Country Core Strategy (2011)

ENV 2 Historic Character and Local Distinctiveness

- Unitary Development Plan (2005) (Saved Policies)

DD1 Urban Design

DD4 Development in Residential Areas

DD13 Telecommunications

ASSESSMENT

9 The main issues are

- Policy
- Need
- Visual Impact
- Health
- Interference

Policy

10 Section 5 of the NPPF states that local authorities should support the expansion of electronic communications networks, although there is an acknowledgement that new base stations and masts should be kept to a minimum and should be sympathetically designed and camouflaged where appropriate.

- 11 Saved Unitary Development Plan Policy DD13, states that applications for telecommunication development should include an assessment of site share opportunities and other alternatives to a new mast. Where new masts are needed to provide for the efficient operation of the network, masts should be sensitively designed and sited to minimise their impact.
- 12 Both local and national planning policy requires operators to provide evidence that the proposed base station conforms with the ICNIRP (International Commission on Non-Ionizing Radiation Protection) exposure guidelines. The applicant has submitted the necessary certificate confirming that the proposed mast conforms to those guidelines.

Need

- 13 On the basis that the proposal replaces an existing mast the applicant is under no obligation to provide a justification of need for the site. However, the applicant advises that the reason for the replacement is to allow the upgrade of the currently shared site (EE and Hutchinson) from 2G and 3G, to 4G which allows for high speed data services to be provided.
- 14 As the site allows for operators to share and is providing improved communications the proposal essential meets the requirement of the NPPF.

Visual Impact

- 15 The replacement mast is essentially the same scale as the one presently at the site, with an identical height and a similar slim line monopole design. As such there are no concerns regarding the proposed mast and visual impact.
- 16 The proposed additional equipment cabinet is not considered to pose any significant visual amenity concerns as the main visual draw would be the mast rather than the relatively modest cabinet. Moreover, the telecommunications operators have significant permitted development rights to provide such cabinets without resorting

to the prior notification process which is required for the majority of new or replacement masts.

Health

- 17 Whilst health is a material consideration when considering applications for development, the National Planning Policy Framework states that local planning authorities should not reconsider health matters where the applicants have certified that the base station conforms to the International Commission on Non-Ionising Radiation guidelines. In this case the applicant has submitted the required information confirming that the proposal would meet the guidelines.

Interference

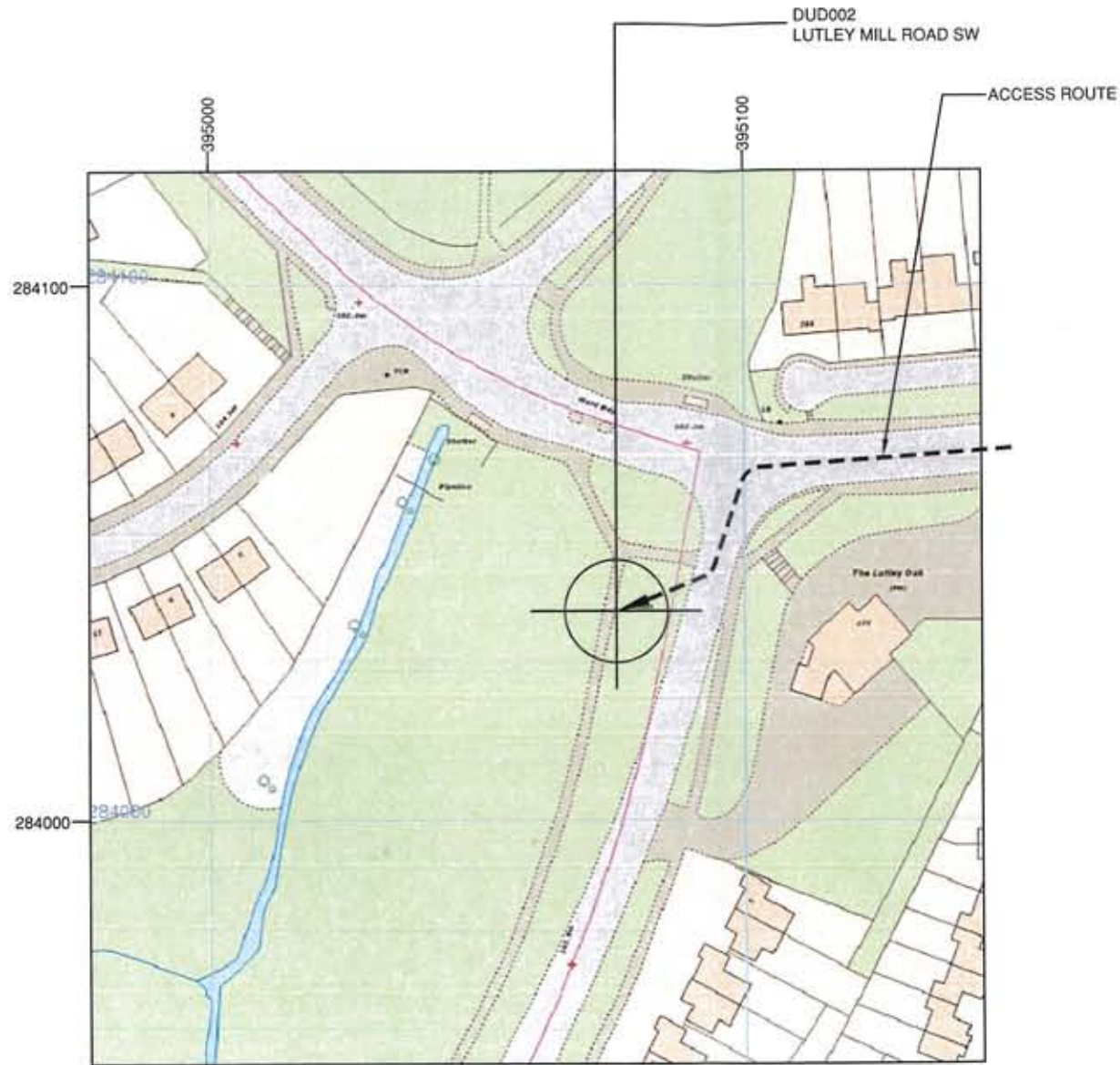
- 18 Interference to radio systems is generally not a planning issue as matters related to radio spectrum planning and allocation are the responsibility of OFCOM.

CONCLUSION

- 19 On the basis the proposal is for the replacement of an existing mast there are no concerns about visual impacts and need does not have to be demonstrated. In terms of health issues, the applicant has provided an ICNREP Certificate. The development conforms to Saved Policy DD13 of the Dudley Unitary Development Plan.

RECOMMENDATION

It is recommended that prior approval is NOT required.



SITE PLAN

SCALE 1:1250
 Ordnance Survey map extract.
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 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DIMENSIONAL ACCURACY AND THE CORRECT SETTING OUT OF ALL WORK ON SITE.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING ALL SITE DIMENSIONS PRIOR TO THE COMMENCEMENT OF WORK.
 8. ALL DISCREPANCIES ARE TO BE REPORTED TO THE ENGINEER.



Hutchison 3G UK Limited
 3rd Floor, 20 Central Road
 Walsworth, Leics LE12 7JN
 Tel: 01530 780 500
 Fax: 01530 780 500
 V32 Data Station Information Sheet
 0845 4040000
 Available Services: HSDPA to HSPA

* EXCLUSION ZONES CONFORM TO THE ICNIRP REFERENCE LEVEL FOR LIMITING RF EXPOSURE TO MEMBERS OF THE GENERAL PUBLIC.*

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| A | 24.11.14 | FIRST ISSUE | APS | IK | IH |
| RV | DATE | DESCRIPTION | DRN | CHK | APP |

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SITE LOCATION

CELL ID: DUD002
 SITE NAME: LUTLEY MILL ROAD SW
 SITE ADDRESS: LUTLEY MILL ROAD SW
 LUTLEY MILL ROAD
 DUDLEY, WEST MIDS
 B63 4HX

G.S. CO-ORDINATES: 395076, 284039

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| DATE: | 24.11.14 | DRN: | APS | SCALE: | 1:1250 |
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