

PLANNING APPLICATION NUMBER:P13/0462

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|-------------------------|---|
| Type of approval sought | Determination on need for approval (GDO) |
| Ward | Netherton Woodside and St Andrews |
| Applicant | Vodafone Ltd |
| Location: | HURST LANE, ENTRANCE TO ENTERPRISE TRADING ESTATE, BRIERLEY HILL, WEST MIDLANDS, DY5 1TX |
| Proposal | PRIOR APPROVAL UNDER PART 24 OF THE TOWN & COUNTRY PLANNING (GPDO) FOR A TELECOMMUNICATIONS DEVELOPMENT COMPRISING THE REMOVAL OF EXISTING 15M HIGH POLE AND REPLACE WITH 15M JUPITER STREETWORKS POLE, 1 NO. EQUIPMENT CABINET AND 1 NO. ELECTRICAL METER CABINET |
| Recommendation Summary: | PRIOR APPROVAL NOT REQUIRED |

SITE AND SURROUNDINGS

1. The application site is at the junction of Hurst Lane and the entrance to the Enterprise Trading Estate, Brierley Hill and the site is occupied by an existing 15 metre high telecommunications monopole mast and two equipment housing cabinets. The mast and equipment are sited at the back of pavement set against an adjacent landscaped area and the Enterprise Trading Estate Units.
2. Hurst Lane is sited between the industrial/commercial and office businesses in Narrowboat Way to the north and the Enterprise Trading Estate to the North. The immediate area surrounding the mast site is industrial/commercial and the nearest residential properties are 220m away in Madison Avenue separated by the Enterprise Trading Estate and the dual carriageway Pedmore Road.

PROPOSAL

3. The proposal would remove the existing 15 metre high joint operator telecommunications monopole mast and replace it with a similar 15 metre high updated joint operator monopole mast and the installation of 2 additional equipment cabinets. The pole would be grey and the cabinets green to match those existing. The proposed installation would be shared by Vodafone Limited and Telefonica UK Limited (O2 UK Limited) (recognised as 'Cornerstone Telecommunications Infrastructure Limited').
4. 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' monopole column structure with shroud (to be painted grey) and the installation of 2 No. ancillary equipment cabinets (to be painted green).
5. 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. The 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.'*

6. *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'.*
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 2 June 2013, then the application would be approved by default.

HISTORY

8.

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|------------------------|--|-----------------|-------------|
| P06/1164 | Installation of 15m high monopole mast and associated equipment housing | Granted | 31/07/06 |
| P10/0997 | Prior approval under part 24 of the town & country (gpdo) for the removal of existing 15m high telecommunications tower and installation of 15m high joint operator street furniture | Granted | 10/09/10 |

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| | telecommunications tower and new equipment cabinet. | | |
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PUBLIC CONSULTATION

9. The application has been advertised by way of press notice, site notice and neighbour notification. Sixty letters were sent to the occupiers of properties within a 200m radius of the site and Ward Councillors were notified. Public consultation time expires 10 May 2013. No objections have been received.

OTHER CONSULTATION

10. Group Engineer (Development) – no objections
11. Head of Environmental Health and Trading Standards – no adverse comments

RELEVANT PLANNING POLICY

12. 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' is relevant.

13. Saved Dudley Unitary Development Plan (2005)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DD5 Development in Industrial Areas
- DD13 Telecommunications

ASSESSMENT

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

- Siting and External Appearance
- Need
- Health and Safety

Siting and External Appearance

15. The application site contains an existing 15m high joint operator monopole that serves Vodaphone and O2. This application proposes to remove the existing 15m high mast and replace with a 15m high joint operator monopole mast serving Vodaphone and O2.

16. The proposed replacement mast would be of identical height and thickness as the existing mast with a marginally broader, but shorter sized shroud to contain the 6 No antenna. The proposed shroud element would be 1m shorter than the existing shroud and 0.05m broader than the existing shroud.

17. The principle of the replacement mast was approved in the previous application. The proposed mast and equipment housing would be sited at the back of pavement within an established commercial and industrial area and set against the backdrop of industrial/commercial units. In this context, it is considered that a replacement mast of identical height would not be out of character at this particular location or adversely impact upon the visual amenities of the area.

Need

18. The applicant has set out that *'the existing ground based installation in its current form does not meet the operator's technical requirements and has become technically obsolete due to its design limitations and its inability to accommodate the required apparatus in this next phase of infrastructure consolidation. Therefore the existing base station cannot be utilised and requires upgrading and redevelopment'*, hence this current application.
19. 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.

Health and Safety Issues

20. 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'*.
21. 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

22. 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 proposed upgrade works that would enable continued site sharing and help avoid the proliferation of phone masts. The proposed replacement mast and ancillary housing to allow for continued joint operation is considered acceptable and in accordance with Paragraph 43 of the National Planning Policy Framework (NPPF).
23. 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, DD5 and DD13 of the adopted UDP (2005).

RECOMMENDATION

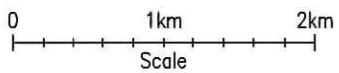
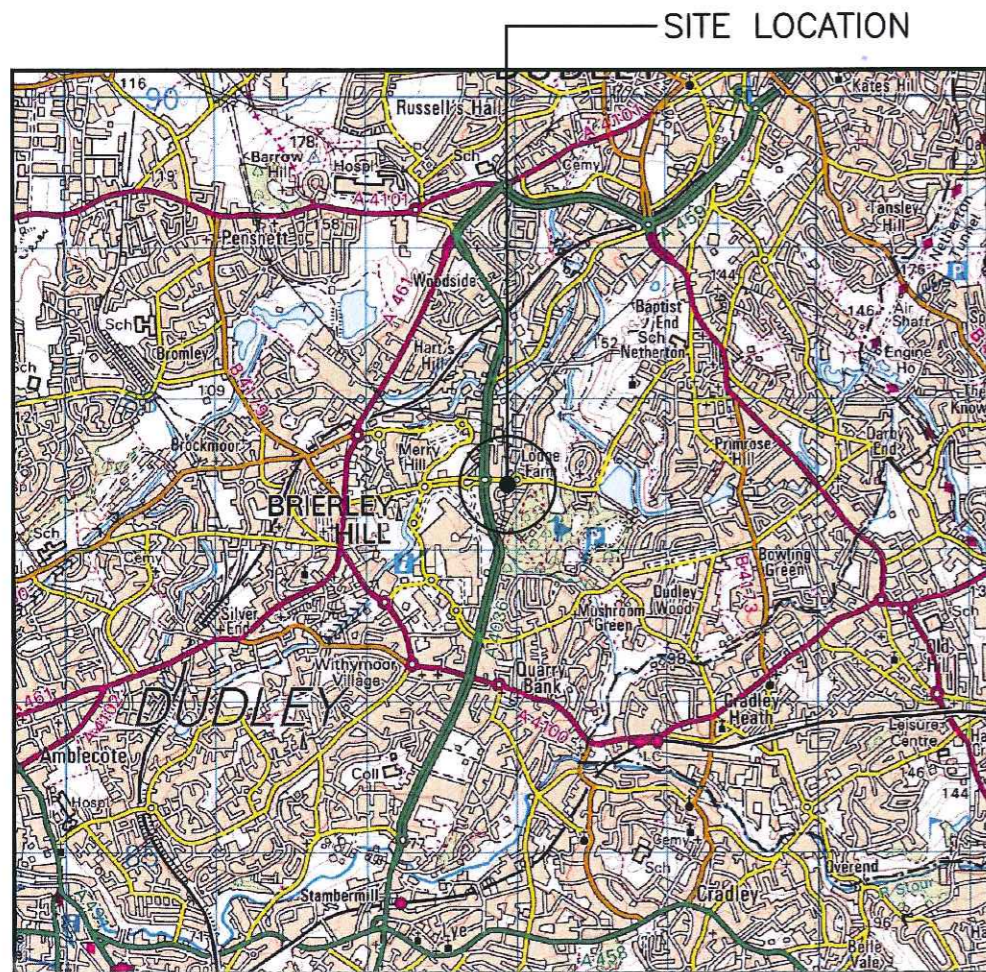
24. Prior Approval is not required.

Reason for Approval

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 proposed upgrade works that would enable continued site sharing and help avoid the proliferation of phone masts. The proposed replacement mast and ancillary housing to allow for continued joint operation is considered acceptable and in accordance with Paragraph 43 of the National Planning Policy Framework (NPPF).

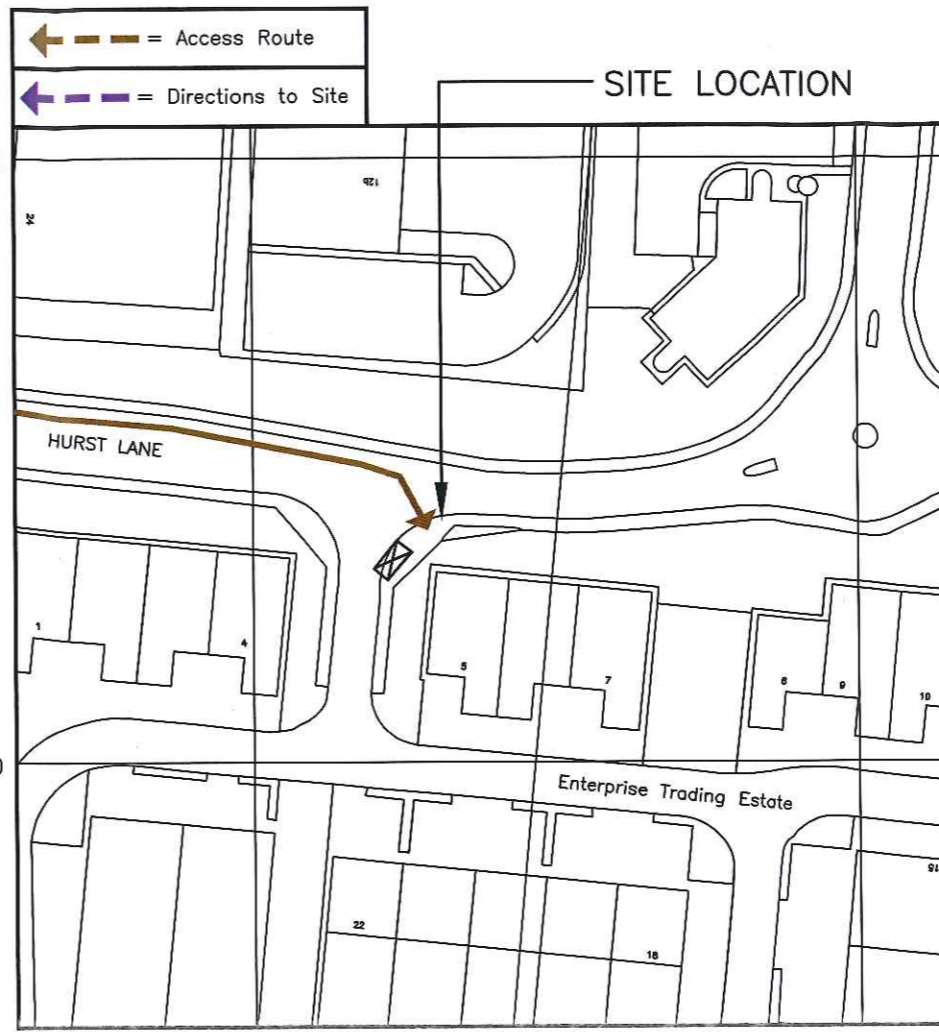
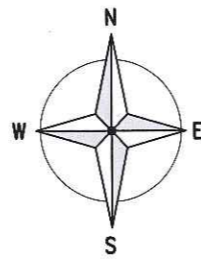
The siting of the 15m replacement mast and its external appearance is considered to be acceptable and would not adversely impact upon amenity and the street scene, in accordance with saved policies DD4, DD5 and DD13 of the adopted UDP (2005).

This decision 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. For further detail on the decision please see the application report.



SITE LOCATION
(Scale 1:50000)

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DETAILED SITE LOCATION
(Scale 1:1250)

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N.G.R. E: 392926 N: 287434

NOTES:
1. ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE
2. SITE ACCESS:

FROM JUNCTION 2 OF THE M5 TAKE THE A4123 NORTH TOWARDS DUDLEY. CONTINUE ON THE A4123 UNTIL AN ISLAND, TAKE THE EXIT ONTO A4036. CONTINUE ON THE A4036 TOWARDS QUARRY BANK / BRIERLEY HILL UNTIL A LEFT HAND TURN ONTO HURST LANE. SITE IS SITUATED ON THE HURST LANE, ENTERPRISE TRADING ESTATE ENTRANCE JUNCTION ON THE RIGHT HAND SIDE.



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| A | Issued for Approval | MS | SR | 14.01.13 |
| REV | MODIFICATION | BY | CH | DATE |

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| | | |
|------------|-------|-------|
| Cell Name | | Opt |
| HURST LANE | | A |
| Cell ID No | | |
| CTIL | TEF | VF |
| 133023 | 37729 | 80395 |

Site Address / Contact Details
HURST LANE
HURST BUSINESS PARK
DUDLEY
DY5 1US

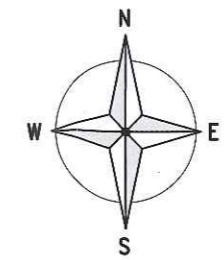
Drawing Title: SITE LOCATION MAPS
Purpose of issue: PLANNING
Drawing Number: 100

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| Scale: | As Shown | Drawn: | JP | Date: | 27.12.12 | Issue: | A |
| Checked: | SR | Date: | 27.12.12 | Approved: | MS | Date: | 27.12.12 |



SITE PHOTOGRAPH

NOTES:
 1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE SPECIFIED
 2. ASSUME ALL SITE DETAILS ARE EXISTING UNLESS OTHERWISE NOTED.
 3. THESE DRAWINGS COMPLY WITH STANDARD ICNIRP GUIDELINES.

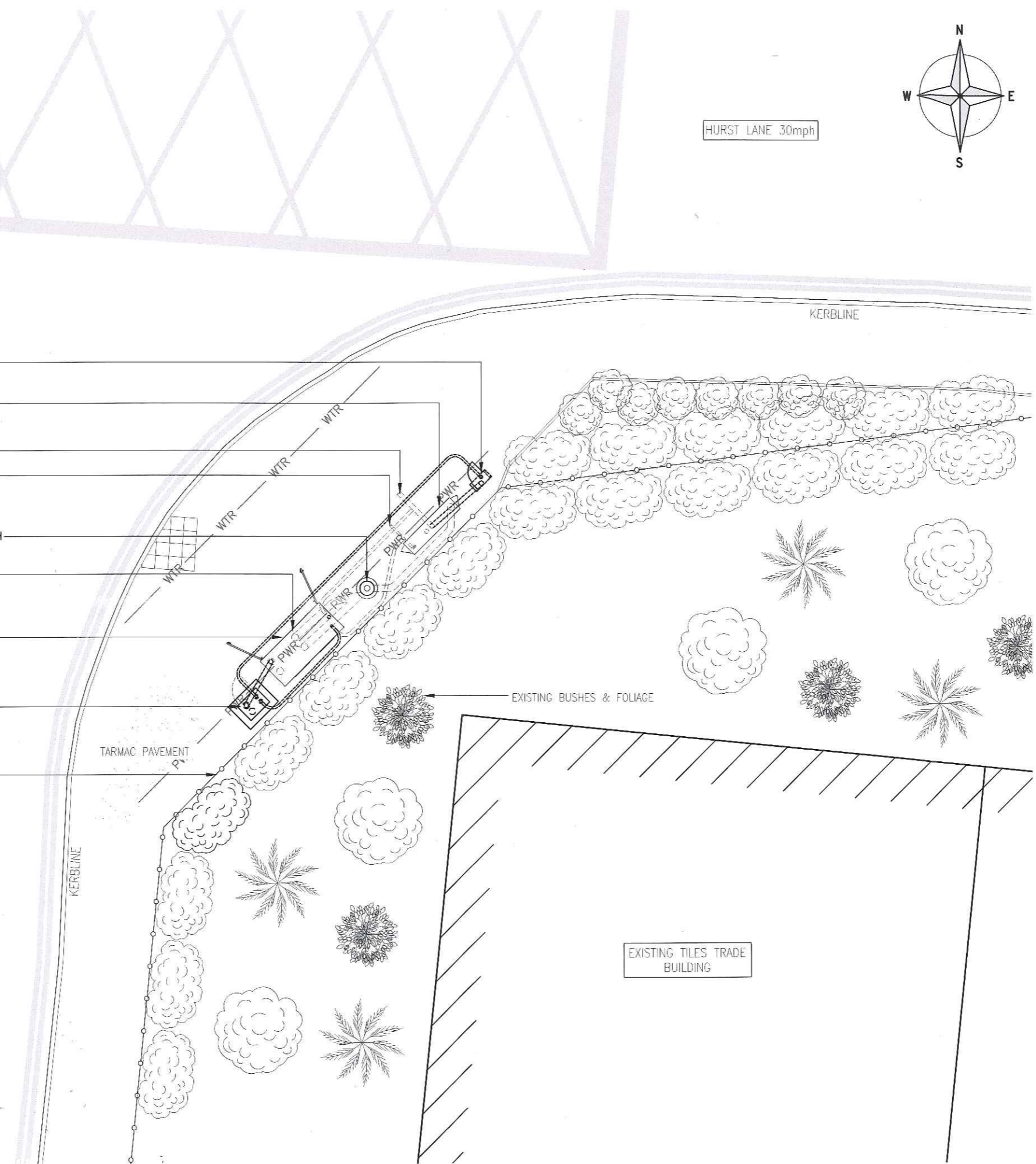


HURST LANE 30mph

ELEVATION

- PROPOSED ELECTRICAL METER CABINET ON CONCRETE BASE
- EXISTING CANNON 'G' EQUIPMENT CABINET ON A CONCRETE FOUNDATION. TO BE RETAINED FOR REC & BT SUPPLY
- EXISTING INCOMING POWER DUCT.
- EXISTING INCOMING BT DUCT.
- EXISTING 15.0m HIGH JUPITER 861 POLE TO BE REMOVED AND REPLACED WITH PROPOSED 15.0m HIGH JUPITER S3 STREETWORKS POLE ON EXISTING ROOT
- EXISTING VULCAN EQUIPMENT CABINET ON A ROOT FOUNDATION.
- EXISTING HUAWEI BTS EQUIPMENT WITHIN VULCAN CABINET TO BE UPGRADED FOR U21 & GU09. L8/G9 DIPLEXORS TO BE MOUNTED ON RIGHT HAND SIDE
- PROPOSED TEF/VF BTS 3900A EQUIPMENT CABINET FOR L08 ON CONCRETE BASE, (COLOUR : FIR GREEN, RAL 6009)
- EXISTING 1.8m HIGH STEEL RAILINGS

NOTE: FOR DUCT LAYOUT REFER TO DRAWING 400



SITE PLAN PROPOSED
1:100

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vodafone
CTIL

| | | |
|------------|-------|-------|
| Cell Name | | Opt |
| HURST LANE | | A |
| Cell ID No | | |
| CTIL | TEF | VF |
| 133023 | 37729 | 80395 |

Site Address / Contact Details

HURST LANE
 HURST BUSINESS PARK
 DUDLEY
 DY5 1US

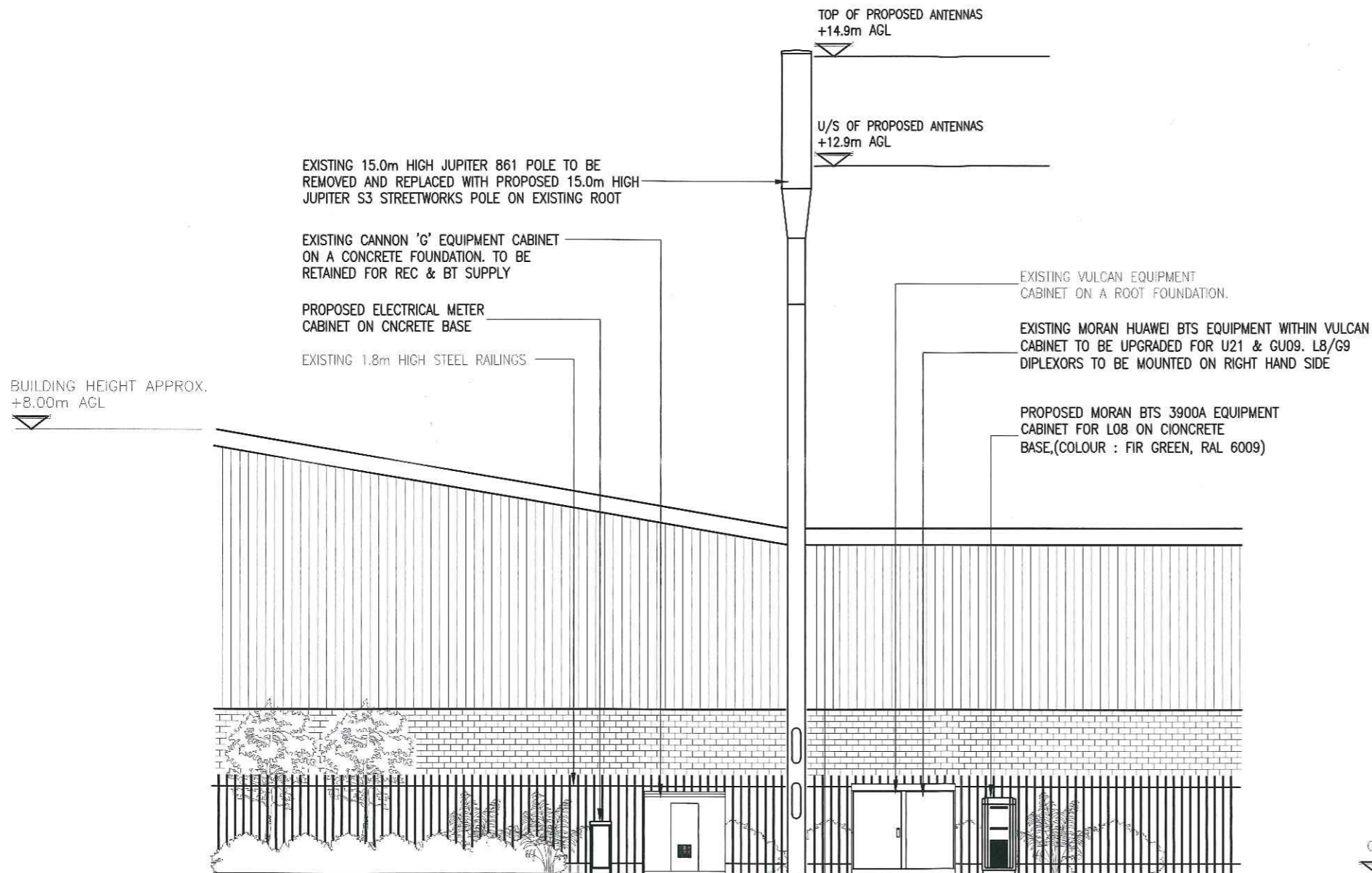
Drawing Title: **SITE PLAN PROPOSED**

Purpose of issue: **PLANNING**

Drawing Number: **202**

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| Scale: As Shown | Drawn: JP | Date: 27.12.12 | Issue: |
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PROPOSED ELEVATION 'A'
1:100

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| Cell Name | Opt |
| HURST LANE | A |

| | | |
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| CTIL | TEF | VF |
| 133023 | 37729 | 80395 |

Site Address / Contact Details

HURST LANE
HURST BUSINESS PARK
DUDLEY
DYS 1US

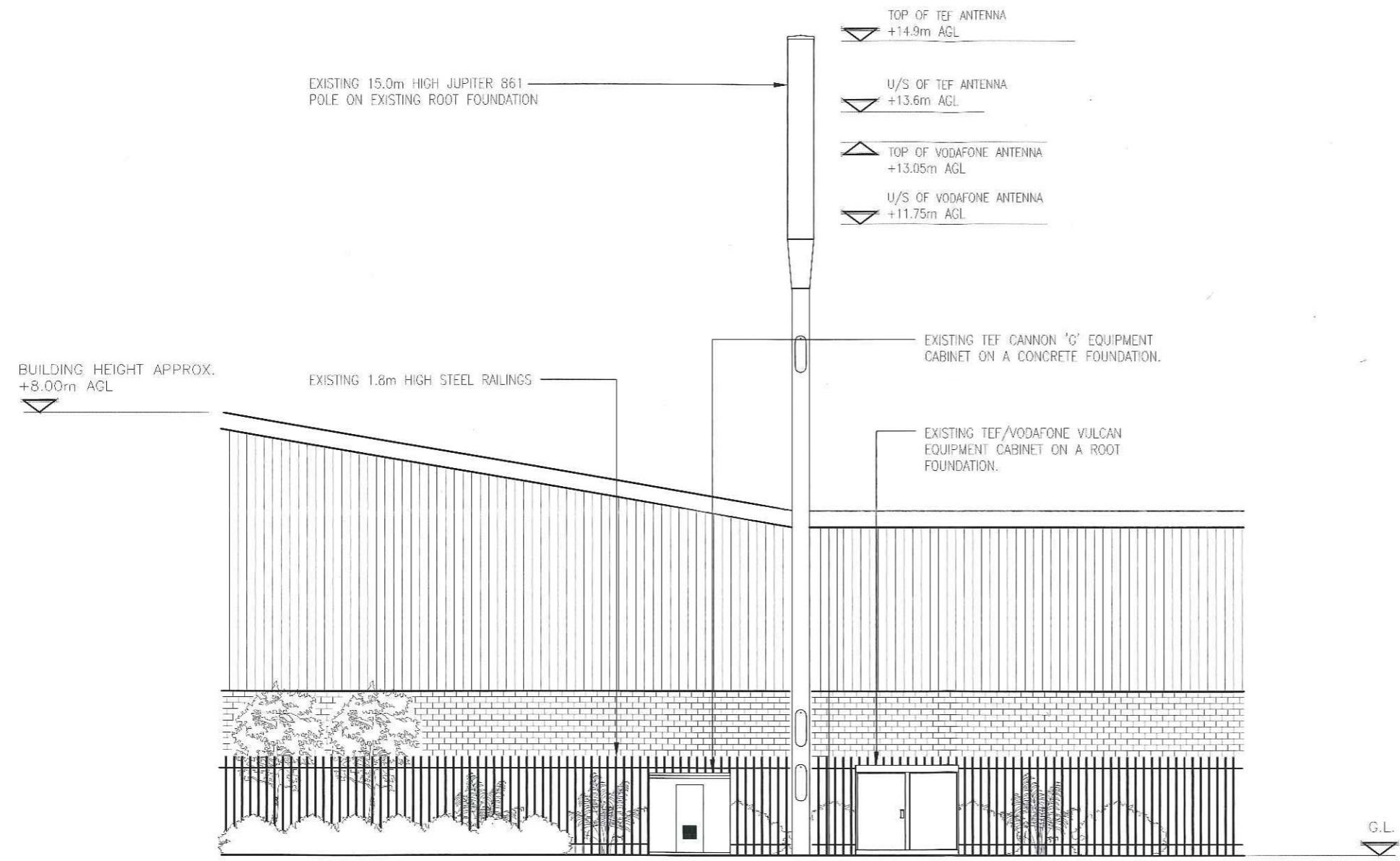
Drawing Title: SITE ELEVATION PROPOSED

Purpose of issue: PLANNING

Drawing Number: 302

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| Scale: As Shown | Drawn: JP | Date: 27.12.12 | Issue: |
| Checked: SR | Date: 27.12.12 | Approved: MS | Date: 27.12.12 |
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EXISTING ELEVATION 'A'
1:100

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| REV | MODIFICATION | BY | CH | DATE |

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| CTIL | TEF | VF |
| 133023 | 37729 | 80395 |

Site Address / Contact Details

HURST LANE
HURST BUSINESS PARK
DUDLEY
DY5 1US

Drawing Title: SITE ELEVATION EXISTING

Purpose of issue: **PLANNING**

Drawing Number: 301

| | | | |
|-----------------|----------------|----------------|----------------|
| Scale: As Shown | Drawn: JP | Date: 27.12.12 | Issue: |
| Checked: SR | Date: 27.12.12 | Approved: MS | Date: 27.13.12 |
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