

PLANNING APPLICATION NUMBER:P07/0470

Type of approval sought	Determination on need for approval (GDO)
Ward	Gornal
Applicant	T-Mobile UK
Location:	CORNER OF WOOD ROAD AND STICKLEY LANE, LOWER GORNAL, DUDLEY, DY3
Proposal	PRIOR APPROVAL UNDER PART 24 OF THE TOWN & COUNTRY PLANNING (GPDO) FOR THE INSTALLATION OF A 12 METRE HIGH MONOPOLE SUPPORTING 3 ANTENNAS.
Recommendation Summary:	APPROVAL BE SOUGHT AND APPROVE + COND'S

SITE AND SURROUNDINGS

1. The site comprises a pavement with associated grass verge located on the corner of Stickley Lane, Wood Lane and Kennedy Crescent. The street frontage within close proximity to the site comprises a mix of street furniture with road signs, lamp posts, bus shelters, utility equipment cabins and telegraph poles. To the west of the site is a row of garages providing off street parking facilities for the occupiers of nearby residential properties. Immediately to the north, east and south of the site are residential properties.

PROPOSAL

2. 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 for the siting and appearance of the installation of a 12m high imitation telegraph monopole supporting 3 no. antennae.
3. The applicants have stated that the primary purpose of the proposed installation is to provide 2G 'in-building' network coverage to the locality. Plans have been submitted to show a coverage gap that the proposed installation would fill in, and information submitted to show that alternative sites have been considered but have

been dismissed. 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).

HISTORY

4. None of relevance.

PUBLIC CONSULTATION

5. The application was advertised by way of letters being sent to the occupiers of properties within a 204m radius of the site. The application was also advertised by the display of a site notice, displayed on 23/03/07, inviting written representations to be made within 21 days of the notice being put on view. Six letters and one petition signed by 30 people have been submitted at the time of writing this report. The following material planning concerns have been raised with the proposed development:

- Excessive height of the monopole obstructing views from nearby bungalows and houses.
- Questioning the site selection process utilised by the applicant.
- Siting and appearance of the monopole would be unduly prominent and intrusive into the outlook from nearby residential properties and the immediate area.
- Siting would result in the obstruction of the footway resulting in a health and safety issue for pedestrians and also in relation to vehicular movements associated with the adjacent garage site.

OTHER CONSULTATION

6. Group Engineer Development and the Head of Public Protection raise no objections to the proposals

RELEVANT PLANNING POLICY

Adopted Dudley Unitary Development Plan (2005)

- DD4 – Development in residential areas
- DD13 – Telecommunications

National Planning Guidance

- Planning Policy Guidance (PPG) 8 – Telecommunications (2001)

ASSESSMENT

The Key Issues are;

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

Siting and Visual Impact

7. Policy DD13 (Telecommunications) of the Adopted 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 ...'*

8. The application site closely borders established residential uses. Given the close proximity of established residential occupiers, Policy DD4 (Development in Residential Areas) of the adopted Dudley UDP would also be relevant. Policy DD4 confirms that: *'Residential development, extensions and/ or alterations to existing buildings and other non-residential development will be allowed where: there would be no adverse effect on the character of the area or upon residential amenity; the scale, nature and intensity of use of the proposed development would be in keeping with the surrounding area;...'*
9. National planning guidance on telecommunications development is set out in Revised Planning Policy Guidance Note 8 (PPG 8) (August 2001) *'Telecommunications'*. Referring to visual intrusion considerations, paragraph 14 is clear that protection from visual intrusion and the implications for subsequent network development will be important considerations in determining planning applications.
10. The proposal comprises the erection of a replica telegraph pole topped by a shroud which would enclose 3 antennae with an overall height of 12m. The equipment would be positioned on the back edge of a 4m wide footpath on the southern side of Stickley Lane.
11. Stickley Lane, Kennedy Crescent and Wood Lane are lined on both sides with 10m high single lamp columns with single projecting luminaries. The northern side of Stickley Lane opposite the application site comprises a bus shelter. There is a utility equipment cabin on the corner of Stickley Lane and Kennedy Crescent. Two 9m high telegraph poles are also located to the north of the site in Kennedy Crescent. The existing street furniture along Stickley Lane, Wood Lane and Kennedy Crescent form standard street furniture within the immediate area of the site. The proposed mast would therefore not be seen in isolation when viewed from the street scene

whilst travelling along Stickley Lane, Wood Lane and Kennedy Crescent and the visual prominence of the mast would therefore be softened.

12. The Group Engineer Development raises no objections to the proposed siting of the monopole in relation to impairing visibility splays or resulting in highway safety concerns associated with manoeuvring from the nearby garages.

Need

13. PPG8 confirms that the government considers that operators have an obligation to maintain its public mobile telecommunications network across the UK so that it is able to meet reasonable customer demands that may be placed upon it. The proposals seek to improve poor coverage within the network providing 2G 'in-building' network coverage to the locality. Within the supporting statement accompanying this application, the applicant confirms that there is gap in coverage and it is this gap that the proposals seek to fill. The supporting information illustrates that there is a need for an additional base station in this locality to provide the required level of 2G service required under the terms of the operator's licence.
14. In looking for a suitable site within the cell search area, site sharing on existing base stations or installing apparatus on commercial rooftops have been investigated to avoid the proliferation of phone masts. Each of these options has proven unsuccessful. The applicant cannot upgrade any of its existing base stations due to the distance of the base stations from the coverage hole and the characteristics of the local topography. The use of existing structures/buildings is not possible due to existing buildings having pitched roofs and not being able to accommodate the physical weight and wind loadings associated with a telecommunications installation. Given the constraints regarding the cell size, the varying topography of the area which restricts the propagation of signals and the lack of suitable tall structures and buildings within the cell search area due to the predominant residential makeup, it is considered that the applicant has carried out a thorough examination of potential alternatives.

15. 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 application site would significantly improve coverage within the local area.

Consultation

16. PPG8 advises operators to carry out a consultative approach in terms of developing their networks prior to the submission of planning applications. The applicant has confirmed that prior to submitting the application that consultation letters were sent to the Local Planning Authority, ward councillors and to the nearby Ellowes Hall School. However, this is not a statutory requirement, nor a material consideration in the determining of this application.

Health and Safety Issues

17. National planning guidance (PPG8) states that it is not necessary for a local planning authority in considering planning applications to take into account health related matters associated with telecommunications development. In determining planning applications, local planning authorities should not duplicate other legislation through the planning system. In the UK, existing health and safety legislation falls under the responsibility of the Health and Safety Executive and therefore it is not reasonable to apply such considerations in the determination of this prior approval application.
18. Despite the above, there are guidelines issued by the International Commission for Non-Ionizing Radiation Protection (ICNIRP) in relation to the health and safety aspects of telecommunication equipment. The applicant has confirmed that the new equipment proposed complies with the guidelines adopted by ICNIRP. Paragraph 98 of PPG8 states that:

'...In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.'

19. PPG8 confirms that the perception of risk to health and safety in relation to telecommunications proposals is not a material planning consideration and that where ICNIRP certification is given that the local planning authority should not consider the health aspects and concerns about them.

20. The report by the Independent Expert Group on Mobile Phones (Stewart Report) published in May 2000 concluded that the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. More recently, the Advisory Group on Non-Ionising Radiation (Swerdlow Report), whilst acknowledging that published research on radio frequency exposures and health has limitations, came to the conclusion that the weight of evidence does not suggest that there are adverse health effects from exposure to frequency fields below guideline levels. It is therefore considered that despite some residents being deeply concerned about the effects of exposure to radio waves from the proposed equipment on their health, there is no scientific basis for concluding that the development would adversely affect the health of residents of this locality.

21. Notwithstanding the scientific evidence, some residents feel that masts should not be permitted in or near residential areas or within close proximity to schools. It is clear from the representations that the prospect of the equipment being installed has resulted in anxiety amongst some. Whilst it is accepted that these fears are not irrational, these concerns appear to be based on assuming the worst case outcome and consequences that contradict a substantial body of scientific research and opinion. Moreover, the level of risk is low in relation to the need and benefits of the development. Therefore, on balance, whilst the concerns of local residents are fully appreciated, it is considered that the health concerns raised are insufficient to outweigh the guidance contained within paragraph 98 of PPG8.

CONCLUSION

22. Stickley Lane, Wood Lane and Kennedy Crescent are lined on both sides with 10m high single lamp columns with single projecting luminaries and there are a number of 9m high telegraph poles located directly to the north of the site along Kennedy Crescent. These lighting columns combined with the telegraph poles and other street furniture (highway signage and utility cabins) constitute street furniture within the area. The proposed siting of the mast would not obstruct any pedestrian or vehicular visibility splays nor would it be seen in isolation when viewed from the streetscene whilst travelling along Stickley Lane due to the presence of other street furniture. The design of the telecommunications mast in the guise of a replica telegraph pole topped by a shroud enclosing 3 antennae with an overall height of some 12m would not prove detrimental to existing amenity levels. It is considered that the mast would bridge a significant gap in the operator's 2G coverage and without the mast there would be a significant disadvantage to domestic and commercial customers within and passing through this cell.

RECOMMENDATION

23. It is recommended that prior approval is granted.

Reason for Determination of Planning Permission

Stickley Lane, Wood Lane and Kennedy Crescent are lined on both sides with 10m high single lamp columns with single projecting luminaries and there are a number of 9m high telegraph poles located directly to the north of the site along Kennedy Crescent. These lighting columns combined with the telegraph poles and other street furniture (highway signage and utility cabins) constitute street furniture within the area. The proposed siting of the mast would not obstruct any pedestrian or vehicular visibility splays nor would it be seen in isolation when viewed from the streetscene whilst travelling along Stickley Lane due to the presence of other street furniture. The design of the telecommunications mast in the guise of a replica telegraph pole topped by a shroud enclosing 3 antennae with an overall height of some 12m would not prove detrimental to existing amenity levels. It is considered that the mast would

bridge a significant gap in the operator's 2G coverage and without the mast there would be a significant disadvantage to domestic and commercial customers within and passing through this cell.

The decision to grant planning permission has been taken with regard to the policies and proposals in the Dudley Unitary Development Plan set out below and to all relevant material considerations including supplementary planning guidance:

- DD4 – Development in residential areas
- DD13 – Telecommunications

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.

Note to Applicant

This permission relates to Drawing Numbers 10420411-801/54946/001, 10420411-801/54946/002 and 10420411-801/54946/003 unless otherwise agreed in writing by the Local Planning Authority.