

PLANNING APPLICATION NUMBER: P05/2297

Type of approval sought	DETERMINATION ON NEED FOR APPROVAL (GDO)
Ward	ST. JAMES'S
Applicant	ORANGE PCS LTD
Location:	HIGH STREET, (OPPOSITE TENNYSON STREET), DUDLEY, WEST MIDLANDS, DY5 4JB
Proposal:	PRIOR APPROVAL UNDER PART 24 OF THE TOWN & COUNTRY PLANNING ACT TO ERECT A 10 M HIGH REPLACEMENT LAMP POST ANTENNA SUPPORT COLUMN AND ASSOCIATED EQUIPMENT CABINETS
Recommendation summary:	PRIOR APPROVAL IS REQUIRED AND IS GRANTED

SITE AND SURROUNDINGS

1. The application site is an existing 12m high lamppost located to the rear of the public footpath along the north side of High Street, Pensnett, opposite the junction with Tennyson Street.
2. The site is set between Russell's Hall Hospital to the north and a residential estate to the south. High Street, Pensnett, is a busy traffic route which is lined on both sides with 12m high lampposts and standard street furniture in the form of telegraph poles and highway signage.
3. To the southeast at a distance of approximately 100m is a site designated on the Adopted Dudley Unitary Development Plan 2005 Proposals Map as Green Belt and a Site of Special Scientific Interest and a National Nature Reserve. To the northwest at a distance of approximately 200m is a site designated on the Adopted Dudley Unitary Development Plan 2005 Proposals Map as Green Belt and a Site of Importance for Nature Conservation. There are also a number of sites in the general vicinity designated on the Adopted Dudley Unitary Development Plan 2005 Proposals Map as Sites of Local Importance for Nature Conservation, the nearest of which is located to the southeast at a distance of approximately 200m.

PROPOSAL

4. Prior Approval is sought under Part 24 of the GDPO to erect a 10m high replacement lamppost incorporating 3 antennae and 1 radio equipment cabinet.
5. The antennae would be located beneath the light fixture within a cylindrical shroud at a height of approximately 9m. The radio equipment cabinet would be located on the grass verge behind the lamppost and would measure 1.6m wide x 0.8m deep x 1.2m high.
6. In accordance with the requirements of the applicant's licence and relevant planning policy, a search was carried out by the applicant to investigate the possibility of using alternative sites or any existing facilities within the search area that may be used for the proposed installation rather than propose the use of a new installation. The applicants have submitted details of the other sites which were considered but discounted for various reasons. These include a CN Pylon on Barrow Hill, which was discounted as the site was too far from the search area to achieve the required coverage, and Servosteel, High Street, which was discounted as the applicant was unable to agree terms with the site provider.
7. The applicants have confirmed that the proposed installation has been designed and sited as a direct replacement for an existing lamppost in order to dramatically reduce any visual impact on the immediate area. The installation is required as there is currently inadequate coverage in this location.
8. Information confirming that the proposed installation conforms to the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines has been submitted.

HISTORY

9. None

PUBLIC CONSULTATION

7. 6 Councillors, Russell's Hall Hospital and 159 surrounding residential dwellings have been directly notified.
8. A Site Notice was posted on 1 November 2005.
9. 25 written responses have been received at the time of writing.
10. The grounds for objection are as follows:
 - Health risk
 - Inappropriate/unsympathetic siting in a residential area, and near to the hospital, two schools, two nature and wildlife reserves, and a public bus stop
 - Unsightly in appearance and detrimental to the view
 - More appropriate sites are available elsewhere
 - Queries relating to the need for another mast in the area
 - Detrimental impact to property values

OTHER CONSULTATION

11. **Environmental Protection**

Recommends that the operator ensures that the equipment meets the guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) for public exposure, and that condition L04A 'Noise from fixed plant machinery' be attached to the permission.

12. The applicants have consulted with the local residents from Nos. 242 to 252 High Street, the Head Teacher of Jessons C of E Primary School and the Ward Councillors in line with the requirements of the Mobile Phone Network Operators 'Ten Commitments' consultation contained in the ODPM Code of Best Practice. A small number of objections have been received from the local residents and a telephone call was received from the school confirming they have no objections to the proposal.

RELEVANT PLANNING POLICY

13. PPG 8 'Telecommunications' 2001

National Planning Guidance on telecommunications development is set out in PPG 8 'Telecommunications' 2001. Paragraph 1 of the guidance is clear in its view that:

"The Government's Policy is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The Government also has a responsibility for protecting public health."

With regard to health considerations PPG 8 clearly states that:

"It is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. 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."

14. Policy DD 13 'Telecommunications' Adopted UDP 2005

15. Supplementary Planning Guidance Note 30 'Telecommunications Masts and Equipment'. The guidance states that:

"The development of telecommunications masts and equipment is likely to be considered in appropriate...where a building in residential use is located closer than twice a distance of twice the height of a proposed mast above ground level from the boundary of the application site in order to prevent visual dominance by the mast and minimise the impact on residential amenity that may result from the perception of potential harm to health."

16. Policy DD4 'Development in Residential Areas' Adopted UDP 2005

17. The key issue in the determination of an application for prior approval under part 24 of the GPDO relates to the siting and design of the proposed development. The determining issue is whether the installation of the proposed equipment would have any adverse impact on the visual amenities of nearby residents and the setting of the nearby Green Belt, Site of Special Scientific Interest and National Nature Reserve, Site of Importance for Nature Conservation, and Sites of Local Importance for Nature Conservation.

Siting and Design

18. The proposed installation would be located more than 30m from the nearest residential dwelling, which is three times the height of the proposed installation, and therefore it is considered to be compliant with the requirement of Supplementary Planning Guidance Note 30 'Telecommunications Masts and Equipment'.
19. The proposed development has been designed as a standard lamppost in order to minimise its visual impact upon the landscape. When set amongst the existing lampposts and street furniture it is considered that the installation would blend into the surrounding landscape and therefore not appear as a prominent or incongruous feature in the street scene. In addition, the proposed equipment cabinet would be on the grass verge to the rear of the public footpath and would not interfere with the pedestrian flow past the site. The proposal is therefore considered to be in accordance with Policy DD4 'Development in Residential Areas' Adopted UDP 2005.
20. With regard to the impact of the installation on the visual setting of the nearby Green Belt, Site of Special Scientific Interest and National Nature Reserve, Site of Importance for Nature Conservation and Sites of Local Importance for Nature Conservation, it is considered that the as the application proposes the replacement of an existing feature, which would be of a similar design and smaller in scale, there would be no worsening of the visual appearance of the site in accordance with Policy DD13 'Telecommunications' of the Adopted UDP 2005.
21. Overall it is considered that the siting and design of the proposed installation is acceptable.

22. With regard to the condition recommended by Environmental Protection, as the application seeks prior approval and not full planning permission this condition cannot be attached to the permission.
23. This application has been submitted with an ICNIRP certificate and therefore it is considered that the concerns regarding health should not be a consideration in the determination of prior approval for the proposed development.

CONCLUSION

24. It is considered that the proposed installation would not cause any undue harm to the visual amenities of the site, or to the residential amenity of the nearby occupants, due to its design which would blend with the existing lampposts and street furniture. As such it is considered that the proposal is in accordance with Policy DD13 'Telecommunications' and Policy DD4 'Development in Residential Areas' of the Adopted Unitary Development Plan 2005.

RECOMMENDATION

25. It is recommended that prior approval is granted