

# Report to Planning Committee

**26 June 2024**

<b>Application reference</b>	PD/24/02680
<b>Application address</b>	Land fronting 3-7 Park Lane, Wednesbury,
<b>Application description</b>	Proposed 15m M-Range V2 pole with 6 No. antennas, 1 No. 300mm transmission dish, 3 No. equipment cabinets, 1 No. meter cabinet and ancillary development.
<b>Application received</b>	24 April 2024
<b>Ward</b>	Wednesbury North
<b>Contact officer</b>	Name: Mr Anjan Dey <a href="mailto:anjan_dey@sandwell.gov.uk">anjan_dey@sandwell.gov.uk</a>

## 1 Recommendations


1.1 That prior approval in respect of siting and appearance is granted.

## 2 Reasons for Recommendations

2.1 The proposed mast is considered to have moderate harm to the locality of the area in terms scale, siting and appearance, but is lessened due to the reduction in height to a degree that is acceptable and would not have a significant impact on public visual amenity to outweigh the benefits of an improved communications network.



### 3 How does this deliver objectives of the Corporate Plan?

	A connected and accessible Sandwell
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### 4 Context

- 4.1 The application is being reported to Planning Committee at the request of Councillor Peter Hughes.
- 4.2 To assist members with site context, a link to Google Maps is provided below:

[Land fronting 3-5 Park Lane, Wednesbury.](#)

### 5 Key Considerations

- 5.1 The proposed location is Highway land and is unallocated within the development plan.
- 5.2 Material planning considerations (MPCs) are matters that can and should be taken into account when making planning decisions. By law, planning decisions should be made in accordance with the development plan unless MPCs indicate otherwise. This means that if enough MPCs weigh in favour of a development, it should be approved even if it conflicts with a local planning policy.
- 5.3 The material planning considerations which are relevant to this application are:
- Government policy (NPPF);
  - Local Policy;
  - Public Visual Amenity;
  - Highway considerations - traffic generation, access, highway safety, parking and servicing.



## 6. The Application Site

- 6.1 The application site is essentially footpath located next to a grass verge on the western side of Park Lane, Wednesbury close to the junction with Hawthorn Road, Manor House Road and Hobs Road. The surrounding area is largely residential in character and includes a small row of local shops. Wood Green Junior school is located to the south-east of the proposed location.

## 7. Planning History

- 7.1 None relevant.

## 8. Application Details

- 8.1 This application is seeking prior approval for the siting and appearance of a proposed 15m M-Range V2 pole with 6 No. antennas, 1 No. 300mm transmission dish, 3 No. equipment cabinets, 1 No. meter cabinet and ancillary development. These proposed telecommunication works are to provide 5G network coverage in the area. The application has been made under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 16, Class A.
- 8.2 The V2 pole was originally proposed at 17.5 metres in height and the agent has now submitted revised plan to show a reduction in height to 15 metres. A reduced height was discussed with the agent due to the lack of available natural screening – trees etc. The description of development has been amended accordingly to reflect the reduced height. Objectors have also been re-consulted in respect of the reduced height of the monopole.

## 9. Publicity

- 9.1 The application has been publicised by 34 neighbour notification letters and by site notice. Local ward members have also been notified of the



application. Two objections have been received and Councillor Hughes is concerned that the mast would result in there being too many in the locality, and also about possible health implications plus the impact on highway safety.

## 9.2 Objections have been received on the following grounds:

- i. The land is not owned by the Council or by the applicant;
- ii. The monopole would affect visual amenity;
- iii. There would be too many in the locality.

Non-material objections have been raised regarding loss of commercial business.

These objections will be addressed in under paragraph 13 (Material considerations).

## 10. Consultee responses

### 10.1 Highways

Highways has no objections to the proposed siting of the telecoms mast.

## 11. National Planning Policy Framework (NPPF)

11.1 The NPPF sets out government's planning policies for England and how these are expected to be applied. National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

11.2 Government policy, specifically paragraph 118 of the National Planning Policy Framework (NPPF) states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Furthermore, Planning policies and decisions should support the expansion of electronic communications networks,



including next generation mobile technology (such as 5G) and full fibre broadband connections.

- 11.3 The framework promotes sustainable transport options for development proposal and states that developments should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

## 12. Development Plan Policy

- 12.1 The following policies of the council's development plan are relevant:

SAD TEL 1 Telecommunication Antenna and Masts

- 12.2 SAD TEL 1 (Telecommunications Antenna and Masts) of the Site allocations and Delivery Plan Document requires equipment to be sympathetically designed to minimise the impact of the development on amenity.

## 13. Material Considerations

- 13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below:

### 13.2 Government Policy (Health Considerations)

With reference to health concerns of the proposal. Paragraph 122 of the National Planning Policy Framework (NPPF) states *“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”*.



The applicant has provided the appropriate ICNIRP Certificate confirming the proposal has been designed to be in full compliance with the requirement of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). As the proposal complies with these guidelines, the proposal is in compliance with the NPPF and therefore health grounds are not material to the determination of this application.

### 13.3 Local Policy

SAD TEL 1 (Telecommunications Antenna and Masts) of the Site Allocations and Delivery Plan Document requires equipment to be sympathetically designed to minimise the impact of the development on amenity. Opportunities for screening are limited due to the proposed location in front of shops. However, it is considered that these masts are of a significant height by their nature to provide the required level of network coverage. The monopole has been reduced and this would lessen its visual impact to a moderate level, particularly when seen in relation to existing street furniture; street light columns etc. It is therefore my view that the proposal complies with SAD TEL 1.

### 13.4 Public Visual Amenity

With regards to visual amenity, again SAD TEL 1 (Telecommunications Antenna and Masts) of the Site allocations and Delivery Plan Document requires equipment to be sympathetically designed to minimise the impact of the development on amenity. As stated in 13.3 it is noted that the proposed height is not significantly higher than existing street furniture. Furthermore, the proposed location is not directly opposite the front elevations of residential houses on the opposite side of Park Lane, but directly fronts commercial businesses within the small parade of shops. Therefore, having moderate harm to the visual amenity of the area.



### 13.4 Highway considerations – traffic generation, access, highway safety, parking and servicing;

The proposed location is on highway land and the developer does not require the direct consent of the Council's Highways to erect the monopole in this location. Notwithstanding this, Highways does not object to the proposed siting of the mast, and the agent has updated the proposed site plan to show that the street name plate will be relocated as per Highway's request.

### 13.5 Appeal decisions

In determining this application, consideration should be given to previous appeal decisions for telecommunications mast. Of note a recent refusal on the grounds of the impact of a mast on the character of the area due to siting and appearance was allowed by the Planning Inspectorate (ref: APP/G4620/W/21/3271293). The application site was not dissimilar to this proposal being a residential area with the mast sited on a grass verge (appeal decision attached). The inspector concluded that the siting and appearance of the proposal would harm the character and appearance of the local area, causing moderate visual harm to the street scene at this particular location. However, it was considered that the moderate harm to the character and appearance of the locality, would, on balance, be outweighed by the substantial economic and social benefits that would be a result of the proposed new telecoms mast, and on this basis the proposal was deemed to be acceptable.

## 14. Conclusion and planning balance

14.1 All decisions on planning applications should be based on an objective balancing exercise. This is known as applying the "planning balance". It is established by law that planning applications should be refused if they conflict with the development plan unless material considerations indicate otherwise. This essentially means that the positive impacts of a development should be balanced against its negative impacts.



14.2 In this case, the siting of the mast is considered to cause moderate harm to the character and appearance of the area but has been lessened by the reduction in height on the mast. The moderate harm, on balance is outweighed by the substantial economic and social benefits that the proposed upgrade provides in improving the communications network. Therefore, it is considered in this instance that the proposal is acceptable.

## 15 Alternative Options

15.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

**It should also be noted that if the local planning authority does not issue a decision on the application, then there is an assumption in favour of the proposal. The applicant can then proceed to erect the monopole, and ancillary equipment, after the stated deadline date including any agreed extension to the determination date.**

## 16 Implications

<b>Resources:</b>	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the council.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the





need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.

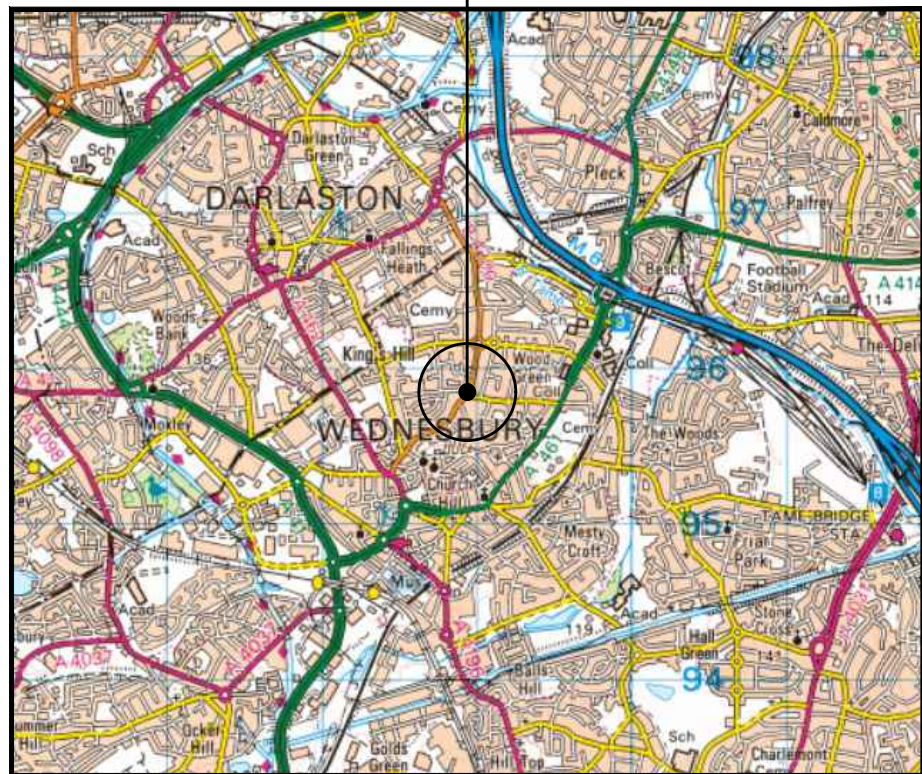
## 17. Appendices

Location Plan 100 A

LAYP - Planning Layout - Proposed 201 REV B

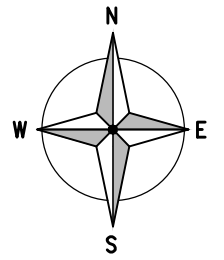
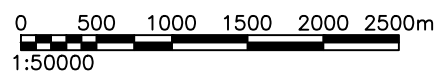
ELV - Elevation Plans - Proposed 301 REV B



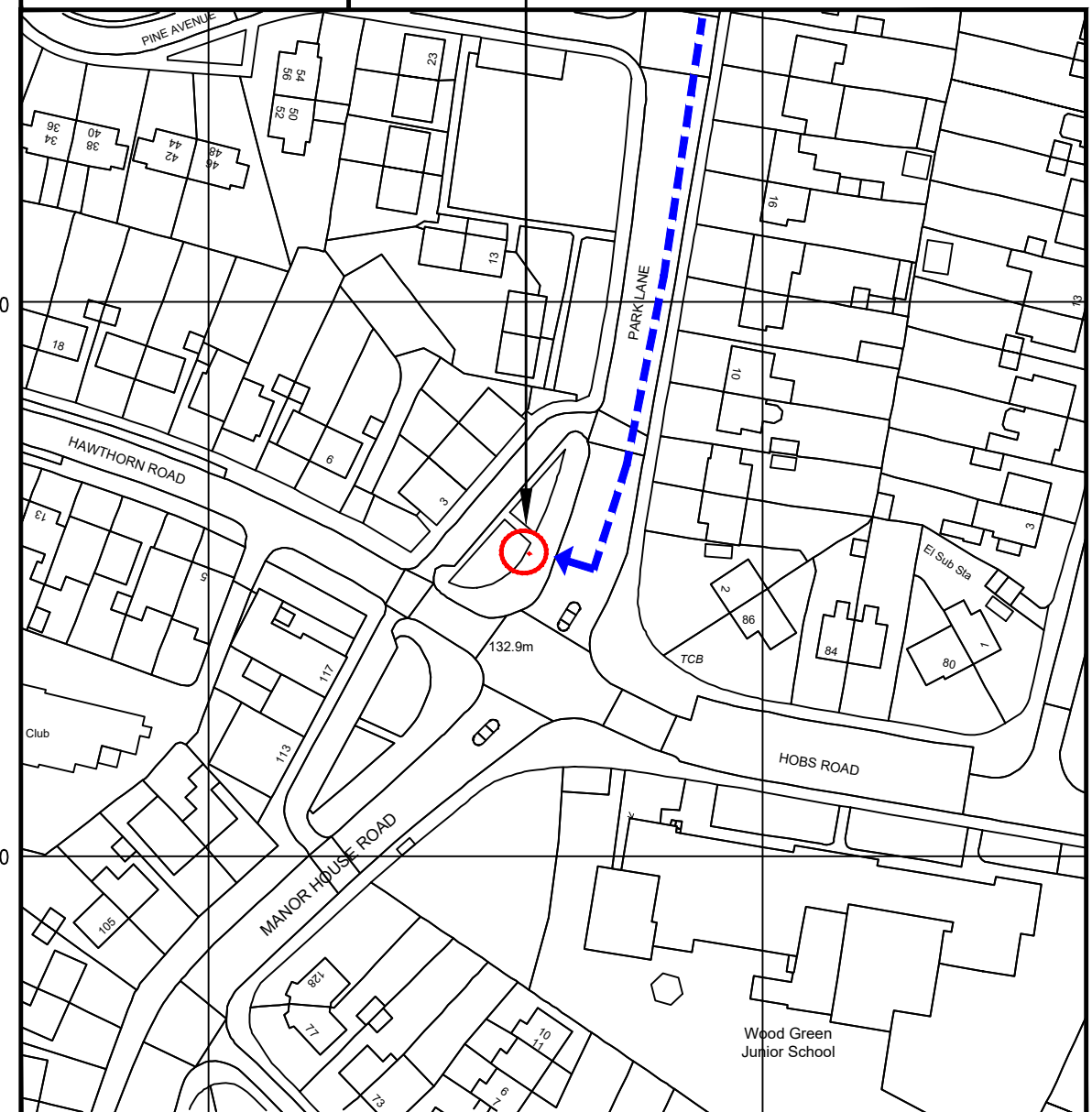


SITE LOCATION

**SITE LOCATION**  
(Scale 1:50000)  
Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office Licence no. 100052104 Crown copyright.



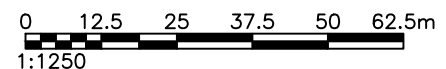
← = Access Route  
← = Access Route



SITE LOCATION

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

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SITE PHOTOGRAPH

The drawings comply with VF Standard ICNIRP guidelines, under configuration VU7F. Designed in accordance with Cornerstone documents: SDN0009 v6.0

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 398959 N: 295857

**DIRECTIONS TO SITE:**  
DRIVE ALONG M6 AND EXIT 10. TAKE THE EXIT TOWARD BENTLEY (B4464)/ BENTLEY MILL WAY FROM BLACK COUNTRY RTE/A454. TURN LEFT ONTO BENTLEY MILL WAY. DRIVE TO PARK LN/B4200 IN WEDNESBURY. DESTINATION WILL BE ON THE RIGHT HAND SIDE.

REV	MODIFICATION	BY	CH	DATE
A	Issued for Approval	CDN	DVH	22.02.24

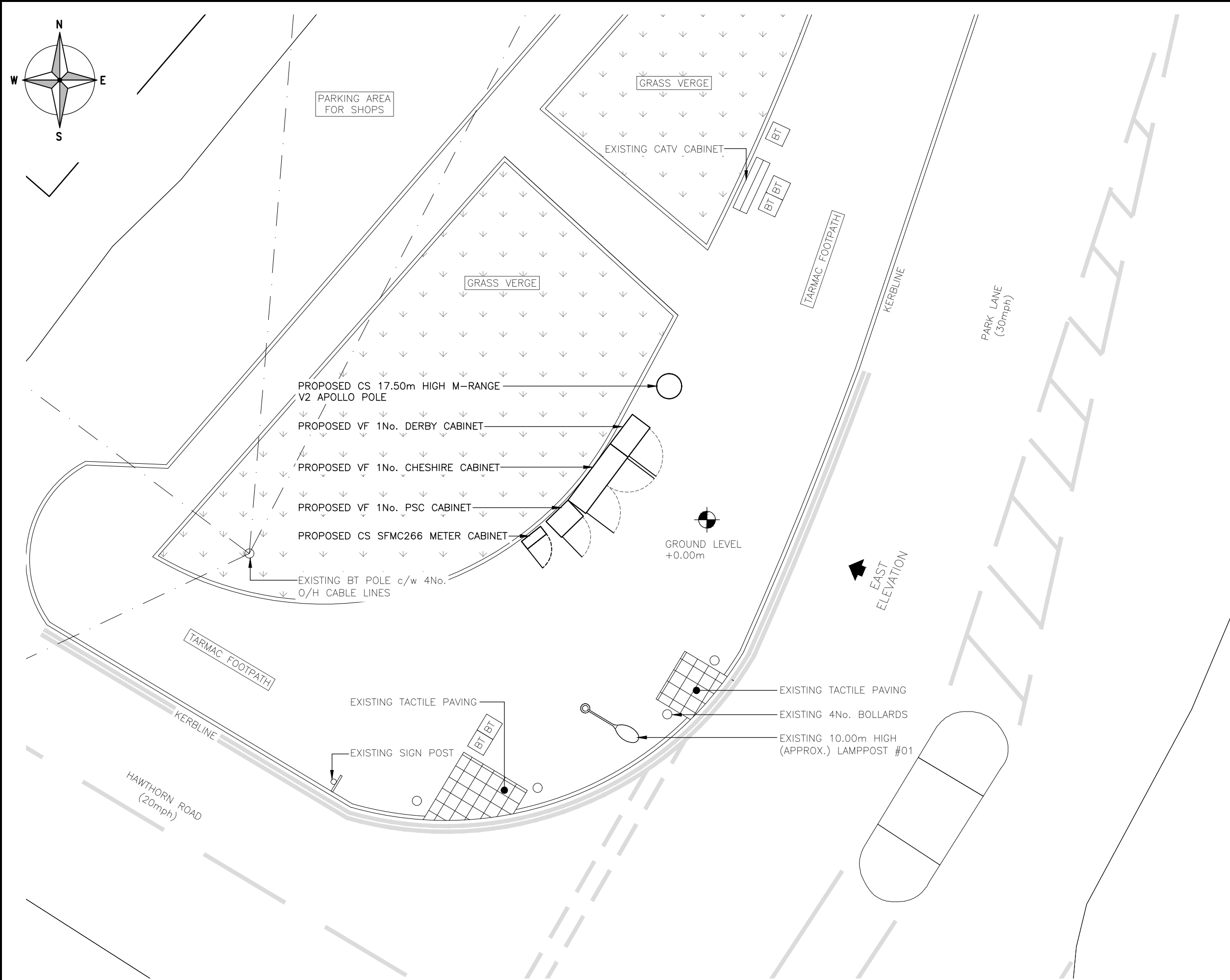
**WHP Telecoms Ltd**  
Faraday Court  
401 Faraday Street  
Birchwood Park  
Warrington WA3 6GA  
Tel: 01925 424100 Fax: 01925 424101  
e-mail: info@whptelecoms.com



Cell Name		Opt.
PARK LANE		-
Cell ID No		
CORNERSTONE	VMO2	VF
30800200	N/A	23548_0

**Site Address / Contact Details**  
PARK LANE  
WOOD GREEN  
WEDNESBURY  
WEST MIDLANDS  
WS10 9PR

Drawing Title: SITE LOCATION MAPS				
Purpose of issue: PLANNING				Dwg Rev:
Drawing Number: 100				A
Surveyed By: MA		Original Sheet Size: A3		Pack Issue:
Drawn: CDN	Date: 22.02.24	Checked: DVH	Date: 22.02.24	B



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

N.G.R | E: 398959 N: 295857

NOTES:

A	Issued for Approval	CDN	DVH	22.02.24
REV	MODIFICATION	BY	CH	DATE

**WHP Telecoms Ltd**  
 Faraday Court  
 401 Faraday Street  
 Birchwood Park  
 Warrington WA3 6GA  
 Tel: 01925 424100 Fax: 01925 424101  
 e-mail: info@whptelecoms.com



Cell Name	Opt.
PARK LANE	-

Cell ID No

CORNERSTONE	VMO2	VF
30800200	N/A	23548_0

Site Address / Contact Details

PARK LANE  
 WOOD GREEN  
 WEDNESBURY  
 WEST MIDLANDS  
 WS10 9PR

Drawing Title: PROPOSED SITE PLAN

Purpose of issue:	Dwg Rev:
PLANNING	

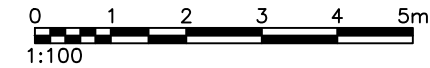
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201	

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MA	A3	

Drawn:	Date:	Checked:	Date:	
CDN	22.02.24	DVH	22.02.24	B

The drawings comply with VF Standard ICNIRP guidelines, under configuration VU7F.  
 Designed in accordance with Cornerstone documents: SDN0009 v6.0

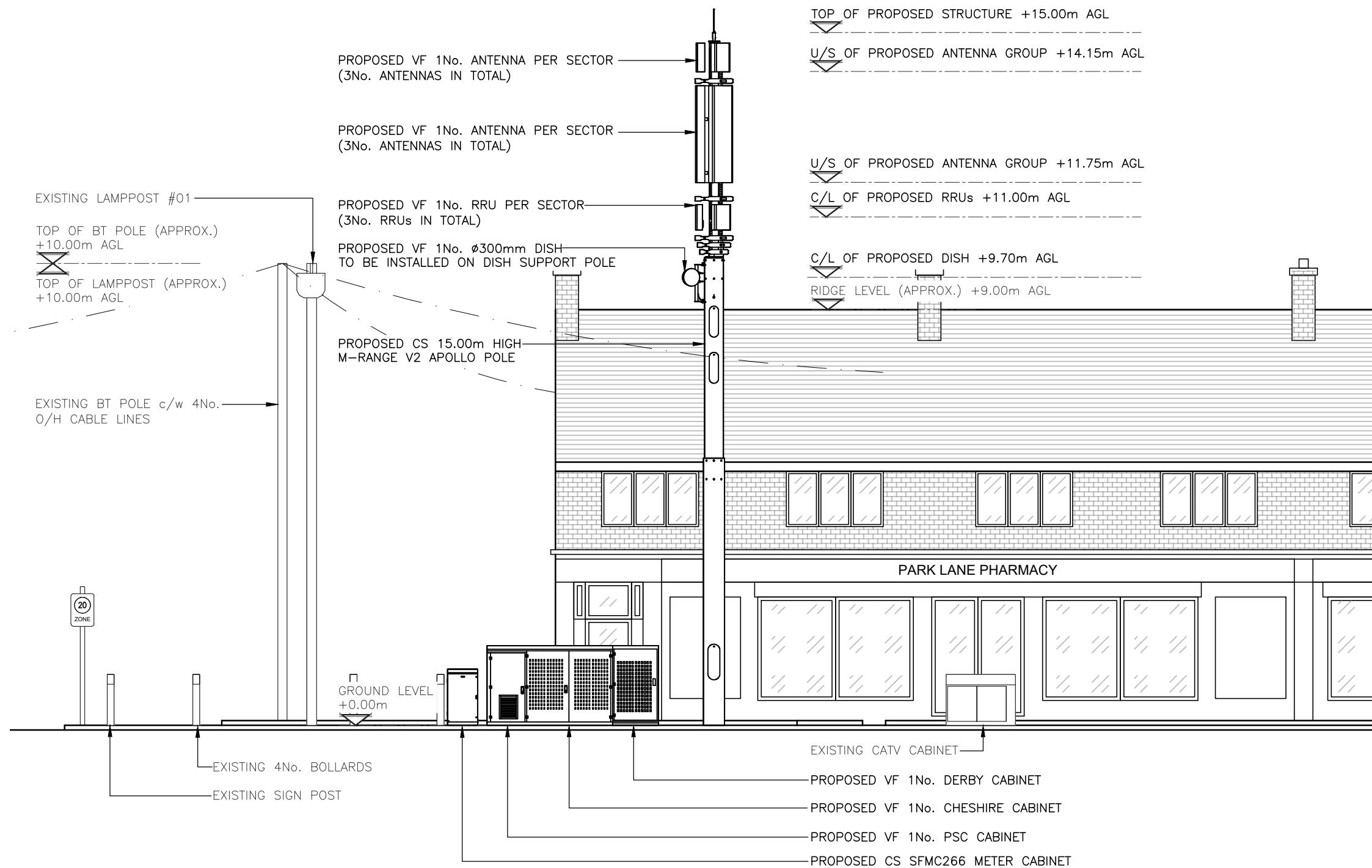
PROPOSED SITE PLAN  
 (1:100)



ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE

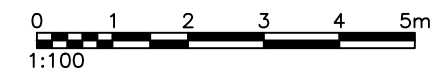
N.G.R | E: 398959 N: 295857

NOTES:



PROPOSED EAST ELEVATION  
(1:100)

The drawings comply with VF Standard ICNIRP guidelines, under configuration VU7F.  
Designed in accordance with Cornerstone documents: SDN0009 v6.0



B	Updated from 17.50m to 15.00m pole	CDN DVH	03.05.24
A	Issued for Approval	CDN DVH	22.02.24

REV	MODIFICATION	BY	CH	DATE
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**WHP Telecoms Ltd**  
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 401 Faraday Street  
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 Tel: 01925 424100 Fax: 01925 424101  
 e-mail: info@whptelecoms.com



Cell Name	Opt.
PARK LANE	-

Cell ID No
CORNERSTONE VMO2 VF

30800200	N/A	23548_0
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Site Address / Contact Details  
 PARK LANE  
 WOOD GREEN  
 WEDNESBURY  
 WEST MIDLANDS  
 WS10 9PR

Drawing Title:  
 PROPOSED SITE ELEVATION

Purpose of issue:	Dwg Rev:
PLANNING	B

Drawing Number:	Pack Issue:
301	C

Surveyed By:	Original Sheet Size:	Pack Issue:
MA	A3	C
Drawn:	Date:	Checked:
CDN	22.02.24	DVH
Date:	22.02.24	



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## Appeal Decision

Site visit made on 20 July 2021

**by C McDonagh BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 August 2021**

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**Appeal Ref: APP/G4620/W/21/3271293**

**Land at Hurst Road, Brinstall Fields, Oldbury B67 6LZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Cornerstone and Telefonica UK Ltd against the decision of Sandwell Metropolitan Borough Council.
  - The application Ref ADE/PD/20/01624, dated 12 November 2020, was refused by notice dated 11 January 2021.
  - The development proposed is a 17.5m monopole, together with the installation of ground-based equipment cabinet and ancillary development thereto.
- 

### Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the installation of a 17.5m monopole, together with the installation of ground-based equipment cabinet and ancillary development thereto at Land at Hurst Road, Brinstall Fields, Oldbury B67 6LZ in accordance with the terms of the application ref ADE/PD/20/01624, dated 12 November 2020, and the plans submitted with it, including: Detailed Site Location, Ref 100 Rev A; Proposed Site Plan, Ref 201 Rev B; Proposed South West Elevation, Ref 301 Rev B.

### Preliminary Matters

2. During the course of the appeal, the updated National Planning Policy Framework (July 2021) (the Framework) was published. Parties were provided with an opportunity to comment on the relevance of this, and I have taken any subsequent comments received into account in my consideration of this appeal.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. The Framework supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of Schedule 2, Part 16 of The

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. Therefore, matters such as the need for the development are not at issue in this appeal.

5. While the appellant disputes the consistency of the relevant development plan policies and supplementary guidance with the Framework, the provisions of the GPDO do not require regard to be had to the development plan. Accordingly, I have had taken into account these policies and related supplementary guidance only in so far as they are a material consideration relevant to matters of siting and appearance.

### **Main Issue**

6. The main issue is the effect of the siting and appearance of the proposal on the character and appearance of the area.

### **Reasons**

7. The appeal site lies within a roughly triangular grassed area of land at the junction of Hurst Road, Salop Road and Broadmoor Avenue. There is an existing telecommunications mast within the same parcel of land which is approximately 12.5 metres in height which would be retained. The area is predominantly residential although there are commercial units and a community centre nearby. The appeal scheme proposes a new 17.5m telecommunications mast with ancillary equipment including ground cabinets to improve the existing mobile signal offering in the area and to provide a '5G' network.
8. Houses along Hurst Road are two-storey and set well back from the highway, while tree lined grass verges create a relatively spacious character. This opens up further when reaching the triangular parcel of land. Street furniture such as streetlights and telegraph poles, along with the existing mast, are notable features in the immediate locality.
9. The proposed mast would be significantly taller than any of these existing vertical elements, including the existing mast nearby. While I appreciate the proposed mast must be taller than other objects in the vicinity in order to 'see' over obstructions, the large size and utilitarian appearance of the proposed equipment would appear out of scale and overly prominent within its immediate residential setting. This is regardless of whether the appeal site is located within a designated landscape. The trees on the parcel of land would offer some screening and natural backdrop but not to sufficiently reduce the visual impact of the mast given its size.
10. I therefore conclude that the siting and appearance of the development would have a moderately harmful visual effect on the character and appearance of the local area. Insofar as they are material considerations, I have had regard Policy SAD TEL 1 of the Site Allocations and Delivery Development Management Document. This advises in considering proposals for telecommunication development for which the prior approval procedure is applicable, the siting and external appearance of apparatus have been designed so as to minimise impacts on amenity.

### **Other Considerations**

11. I have found that the siting and appearance of the proposal would harm the character and appearance of the local area causing moderate visual harm to the streetscene at this particular location.
12. Nevertheless, paragraph 114 of the Framework also recognises that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.
13. There is clear need for, and importance of, the rollout of the 5G network. The proposed new infrastructure would provide coverage for local people in the coverage area. The proposed monopole is said by the appellant to be the minimum height and width possible to accommodate multiple-generation technologies, which cannot be placed on the existing mast nearby due to transmission issues. I further acknowledge that the height of the mast was reduced from 20m after a previous application was refused.
14. In this case, I conclude that the moderate harm to the character and appearance would, on balance, be outweighed by the substantial economic and social benefits that would stem from the proposed upgrade and on this basis the proposal is acceptable.

### **Conditions**

15. Planning permission granted for the appeal proposal under Article 3(1) and Schedule 2, Part 16, Class A is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

### **Conclusion**

16. Having regard to the above, the weight that I attach to the substantial economic and social benefits of the proposal would be sufficient in this case to outweigh the harm that would be caused to the character and appearance of the area as a result of the siting and appearance of the mast. I therefore conclude that the appeal should be allowed.

*C McDonagh*

INSPECTOR