

AREA COMMITTEE: WEST LUTON

DATE: 24 JANUARY 2005

SUBJECT: PETITION RECEIVED RE INSTALLATION OF ONE 12 METRE HIGH SLIM LINE MONOPOLE MAST AND ANCILLARY EQUIPMENT CABINET. ACKWORTH CRESCENT, LUTON (APPLICANT: T-MOBILE (UK) LTD) (APPLICATION NO. 04/01255/FUL)

REPORT BY: DEVELOPMENT CONTROL MANAGER

CONTACT OFFICER: WENDY ROUSELL 546317

IMPLICATIONS:

LEGAL	COMMUNITY SAFETY
EQUALITIES	ENVIRONMENT
FINANCIAL	CONSULTATIONS
STAFFING	OTHER

WARDS AFFECTED: LEAGRAVE

PURPOSE

1. To report to the Area Committee that a petition of 178 signatures has been received in respect of the above submission for Prior Approval.

RECOMMENDATION(S)

2. **Challney, Leagrave and Lewsey Area Committee are recommended to note the contents of the attached report to Development Control Committee.**

BACKGROUND

3. On 31 December 2003 a submission from T-Mobile was received by the Development Control Section under the Prior Notification procedure for telecommunications, for a 15m high monopole mast, equipment cabin and ancillary development (application number 03/01733/TEL). This was to be located on the grass

area in front of the shops, known as The Green. This area of land is within the ownership of LBC and is designated as a housing policy area.

4. The application was withdrawn on 2 March 2004 following discussions with LBC Capital and Asset Management Division, who confirmed that the permission of the Council as landlord would not be given for a mast in this location.

5. On the 19 August 2004 a further prior notification submission was submitted and was registered under reference 04/01255/TEL. This submission showed the installation of one 12-metre high slim line monopole mast and ancillary equipment cabin on highway land.

REPORT

6. Appended to this report is the report to Development Control Committee on 6 October 2004. The report sets out the procedure for prior notification submissions and how they differ from planning applications.

7. Paragraph 9 refers to alternative locations and sets out the powers Statutory Undertakers, such as Telecommunications Operators, have in respect of highway land.

8. Paragraph 10 of the attached report refers to public consultation. As part of the registration process, all properties within 150m of the proposed installation were consulted. This amounted to 524 letters. The report notes that 5 letters of objection were reported to the Members of Development Control Committee, no additional letters were received before the meeting. Under the "Right to Speak" procedure, letters were sent to the five objectors offering them the opportunity to address the Committee if they so wished, but the opportunity was not taken up by any of the objectors.

CONCLUSION

9. The concerns of local residents regarding telecommunications operators are well known to Members of LBC. However, in view of the constraints embodied in national planning legislation, as set out in the appended report, there are no planning grounds for challenging the operator's proposals in this instance. Letters have been sent to the Office for the Deputy Prime Minister and previously the Department for Environment, Transport and the Regions setting out the concerns of the Council in respect of procedures for dealing with prior notification submissions.

APPENDIX

10. Report to Development Control Committee dated 6 October 2004

LIST OF BACKGROUND PAPERS **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

11. Application File Nos. 04/01255/TEL and 03/01733/TEL

12. Borough of Luton Local Plan.

13. PPG8 'Telecommunications'.