

Mobile Broadband Network Limited Whites Road off , Church Street,, Giles Machine Tools., B71 1AR.

Mr George Oliver Beacon Comms Group, 131, Trinity Street, Huddersfield, HD1 4DZ

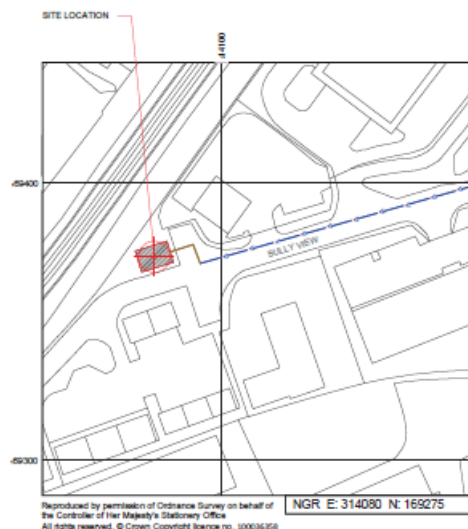
**Communication Station, Priority Business Park, Barry**

The removal of the existing 14m monopole, replaced with a 20.2m slim line lattice tower with 6 no. apertures (or "airspace") measuring 3m x 0.55m, each of which can house 2 no. antenna and 4 ground based antennas in the existing compound

**SITE AND CONTEXT**

The application site relates to fenced compound located within Ty Verlon Industrial Estate, Barry. The site is bound by a railway line to the north west and commercial units to the north east, south east and south west.

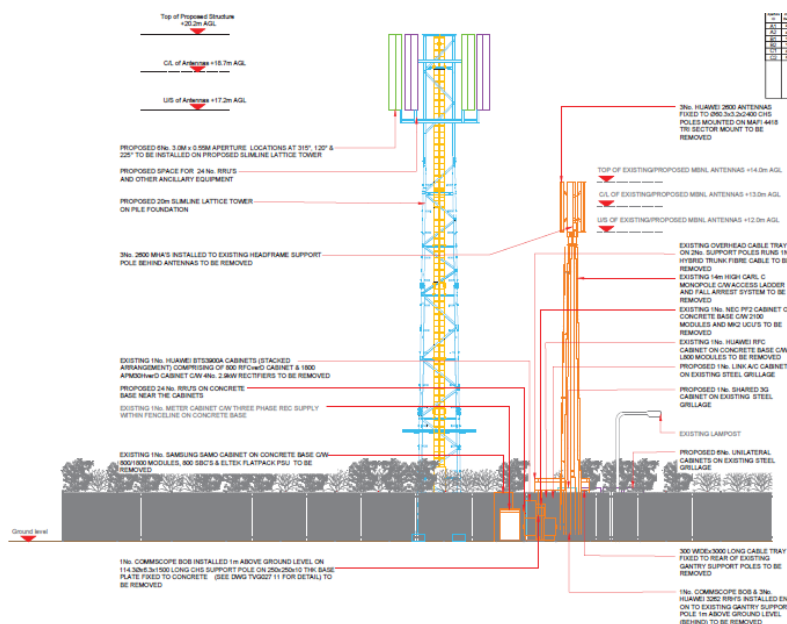
The application site lies with the Barry settlement boundary but outside any conservation area.



**DESCRIPTION OF DEVELOPMENT**

The application seeks consent for the replacement of the existing 14m pole with a 20.2m slim line lattice tower with 6no apertures and 2no antennas together with 4no associated ground based equipment cabinets within the existing compound.

The supporting information states that the existing monopole is not able to support the required additional antennas needed to maintain acceptable levels of capacity and coverage for the network in this area.



## PLANNING HISTORY

1980/01078/OUT, Address: Land at Biglis, Barry, Proposal: Industrial warehousing and storage, Decision: Approved

1983/00722/OUT, Address: Land off Dobbins Road and Glenbrook Drive, Palmerston, Barry, Proposal: Industrial development of land at rear, Decision: Approved

1990/01227/OUT, Address: Land off Sully View, Ty Verlon, Barry, Proposal: Industrial development (Class B1 and B8 uses), Decision: Approved

1991/00494/FUL, Address: Ty Verlon Industrial Estate, Cardiff Road, Barry, Proposal: Proposed offices and storage for haulage vehicles, Decision: Approved

1995/00313/FUL, Address: Glen Harry Haulage Depot, Ty Verlon Estate, Barry, Proposal: Lorry inspection ramp, Decision: Approved

2000/00875/FUL, Address: Glen Harry Haulage Depot, Ty Verlon Industrial Estate, Barry, Proposal: Drainage alterations to discharge steam cleaner effluent into a foul sewer, Decision: Approved

2000/01200/FUL, Address: Next to existing haulage Workshop, Ty Verlon Estate, Barry, Proposal: Erection of a steel framed storage extension, Decision: Approved

## CONSULTATIONS

Barry Town Council were consulted on 7 May 2019. A response received on 30 May 2019 confirms no objection.

Shared Regulatory Services (Pollution) were consulted on 7 May 2019. A response received on 07 May 2019 confirms no comment.

Cadoc Ward Members were consulted on 07 May 2019. No response was received at the time of writing this report.

## REPRESENTATIONS

The neighbouring properties were consulted on 7 May 2019 and a site notice was also displayed on 08 May 2019. To date no letters of representations have been received.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

#### **Managing Development Policies:**

POLICY MD2 - Design of New Development

POLICY MD5 – Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 19 – Telecommunications (2002)

## **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Residential and Householder Development (2018)

## **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

## **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Issues

The main issues to consider in the assessment of this application relate to whether the location of the telecommunications system is appropriate with regard to the visual impact of the development on the character of the area and neighbouring amenity.

### Visual Impact

The proposed apparatus would replace an existing pole and cabinets and the existing equipment would be demolished. In terms of scale and design, the proposed monopole will be taller and wider than the existing. The application site is generally well screened and is discreetly located within an industrial estate.

The development site is already established, and therefore it is not considered that the proposal will have any further demonstrable impact upon the character of the area, in accordance with aims of the above Policies of the LDP.

### Neighbouring amenity

The nearest neighbouring dwellings are located on Greenacres (approx. 65m north of the mast) and are separated from the site by a train track. The mast and equipment is a sufficient distance from these neighbouring properties to ensure that it would not be harmful to residential amenity. The structure would not be overbearing given the distance, the appropriate design, scale and bulk of the development.

The Council's Environmental Health officer has confirmed that they do not have any objections to the proposal.

With respect to general health concerns expressed regarding telecommunications development, Planning Policy Wales outlines the following in paragraph 5.2.15: -

*Provided that the development meets the International Commission on Non-Ionising Radiation Protection 79 (ICNIRP) guidelines, planning authorities should not consider the health aspects of mobile telecommunication equipment. All new base stations are expected to meet the ICNIRP guidelines.*

The equipment is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP). The applicant has confirmed compliance. In the absence of an objection from Environmental Health and in line with the advice contained in TAN19 and Planning Policy Wales it is considered that the proposed does not represent a potential risk to health.

On this basis, it is considered that the development would not unacceptably impact upon residential amenity or public health, in accordance with Policies MD1 and MD2 of the Adopted LDP

On this basis, the application is considered acceptable.

### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1– Delivering the Strategy, MD1 - Location of New Development, MD2 - Design of New Development, MD5 – Development within Settlement Boundaries and MD7 - Environmental Protection of the Council Adopted Local Development Plan 2011-2026 along with Technical Advice Note 19 (Telecommunications) and Planning Policy Wales (Edition 10, 2018) it is considered that the proposal is acceptable, by reason of its appropriate design, and scale, with no significant detrimental impact to the character of the area, or the amenities of neighbouring occupiers. The proposal is therefore compliant with the relevant planning policies and supplementary planning guidance.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

### RECOMMENDATION

#### APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

265 MAX CONFIGURATION ELEVATION PLAN RECEIVED ON 18 APRIL 2019.

215 MAX CONFIGURATION SITE PLAN PLAN RECEIVED ON 18 APRIL 2019.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The existing mast and equipment cabinet shall be fully removed from site within two weeks of the erection of any of the cabinets or the mast hereby approved.

Reason:

In the interests of visual amenity in accordance with Policies MD1 and MD2 of the Local Development Plan.

4. The telecommunication equipment hereby permitted shall be removed from the land as soon as reasonably practicable after it is no longer required for telecommunication purposes and the land shall at that time be restored to its former condition.

Reason:

In the interests of visual amenity in accordance with Policies MD1 and MD2 of the Local Development Plan.

**NOTE:**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**