

**APPLICANT:** Cornerstone and Vodafone Ltd Hive 2, 1530 Arlington Business Park, Theale, RG7 4SA

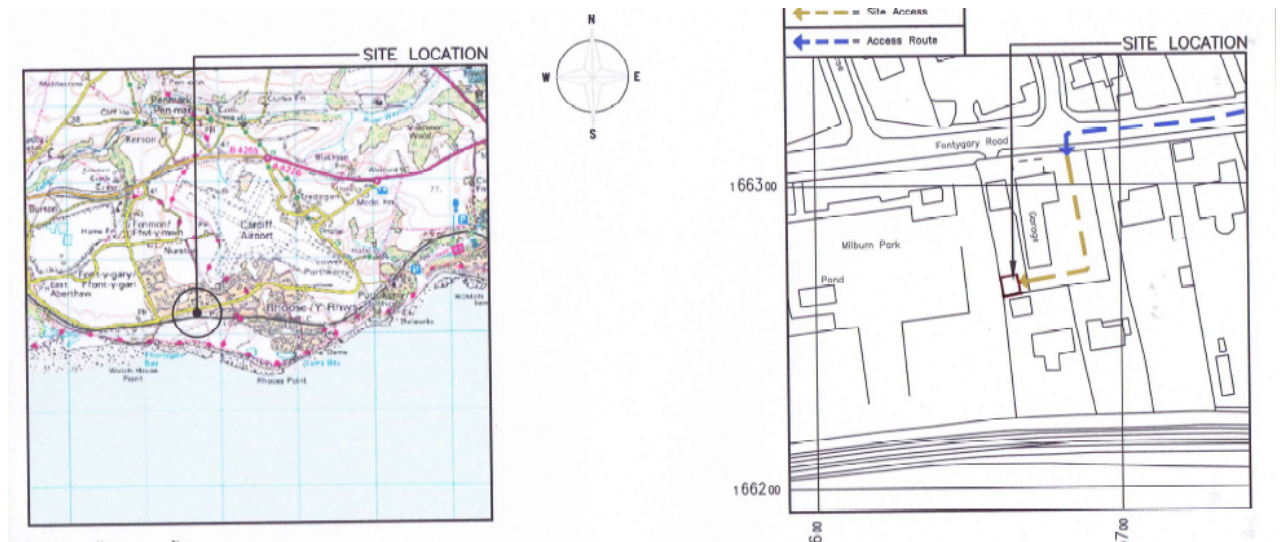
**AGENT:** Chris Andrews Suite H, KBF House, 55 Victoria Road, Burgess Hill, RH15 9LH

### **Vale Garage Services, 87, Fontygary Road, Rhoose**

The removal of the existing 15m monopole and its replacement with a 20m monopole supporting 6 no. antennas, the removal of an equipment cabinet and its replacement with 2 no. new cabinets and ancillary equipment thereto.

### **SITE AND CONTEXT**

The application site is land at Vale Garage, 87 Fontygary Road, Rhoose. The site is shown on the plan below:



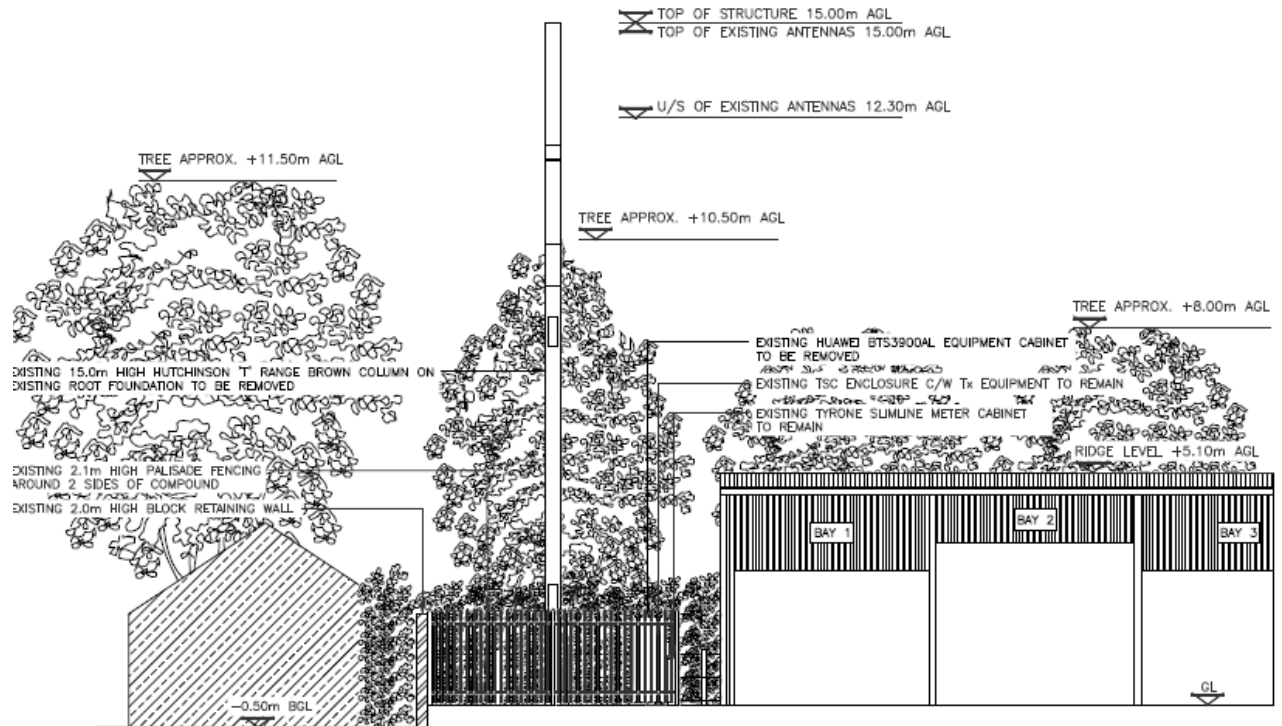
Milburn Park lies to the west, there are residential properties to the south and north, and Vale Garage lies to the east.

### **DESCRIPTION OF DEVELOPMENT**

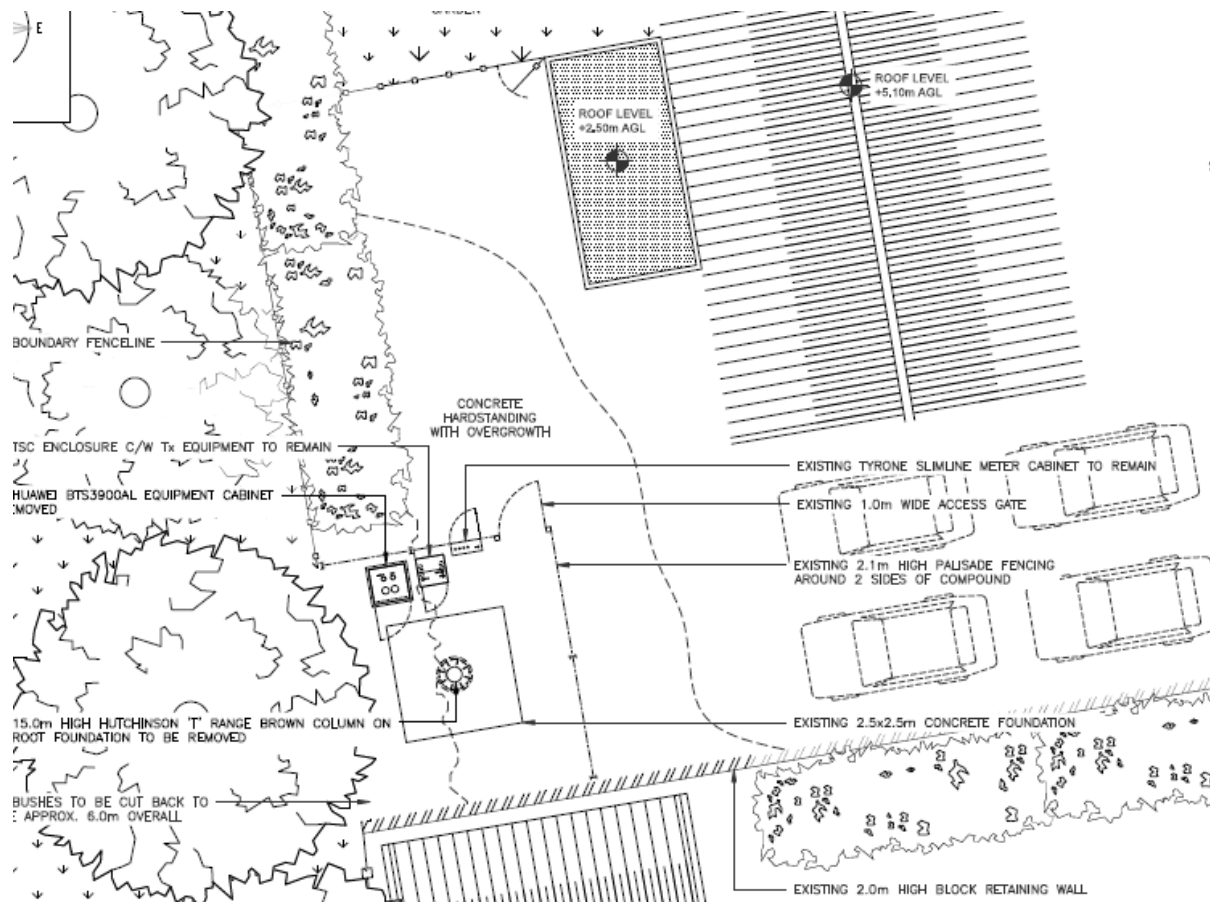
The application proposes the development as follows:

The removal of the existing 15m monopole and its replacement with a 20m monopole supporting 6 no. antennas, the removal of an equipment cabinet and its replacement with 2 no. new cabinets and ancillary equipment thereto.

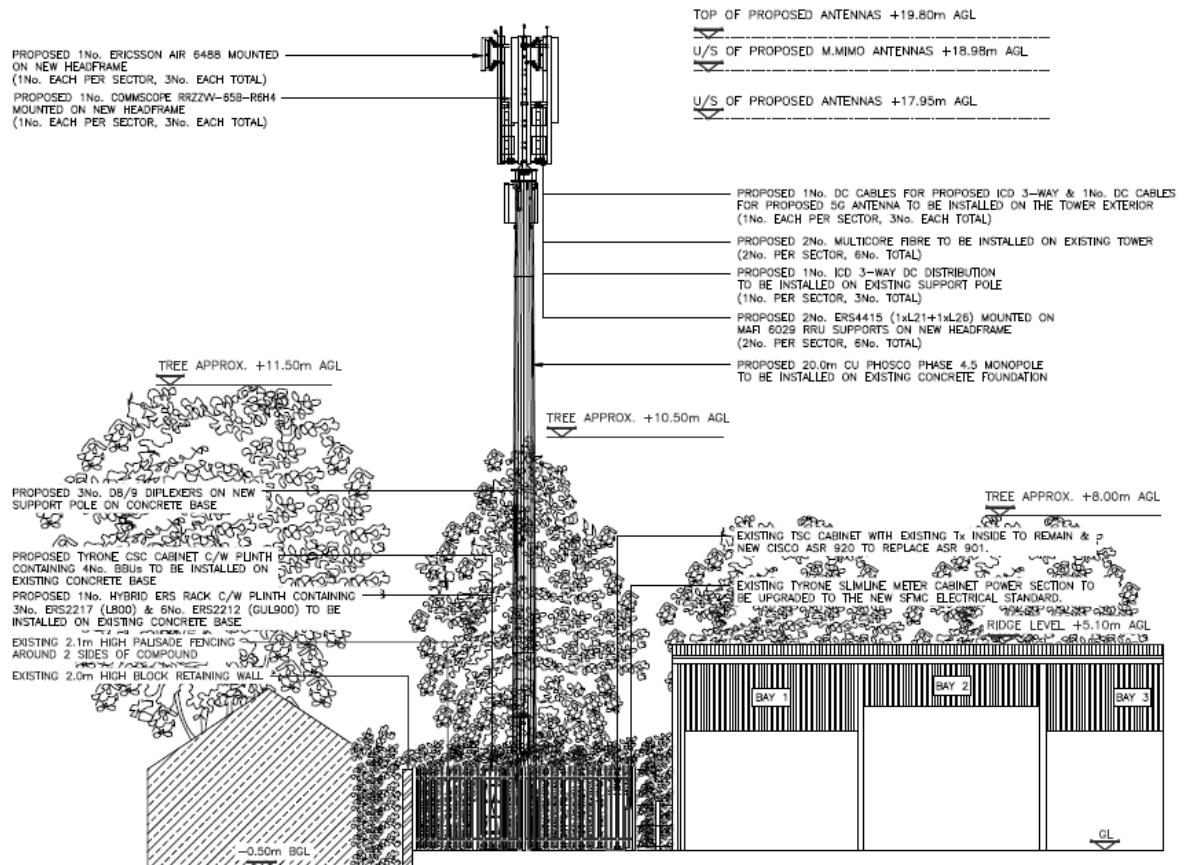
The existing monopole is shown below:



EAST ELEVATION EXISTING  
(1:100)



The proposed elevations and layout are shown below:





## REPRESENTATIONS

The neighbouring properties were consulted. One representation has been received, as follows:

The existing mast is relatively unobtrusive so though visible, doesn't dominate the skyline. The proposed mast will be a significant departure- the added height and antennae causing an eyesore and reduction of amenity of the area- it will loom above houses and trees. The mast will be erected alongside Milburn Park and will be a domineering, overshadowing presence that will be view viewable throughout the park and cause a significant visual detriment to park users, and the surrounding residents. No attempt has been made to minimise the visual impact on this mast; it will be the highest feature in the vicinity. The planning documents do not address: 1.What is the need for this change to the existing mast? 2.What alternative sites have been explored, that are further from residential housing? 3.Has mast sharing been explored before considering building this mast close to housing? 4.How the proposers will survey and ensure the radio frequency stays within INCNIRP guidelines

## 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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP 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 MD1 - Location of New Development

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.

#### **Future Wales: The National Plan 2040:**

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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 12 – Design (2016)
- Technical Advice Note 19 – Telecommunications (2002)

### **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Parking Standards (2019)
- Sustainable Development - A Developer's Guide

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

### **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

### Background

The application proposes the removal of an existing 15m monopole and its replacement with a 20m monopole that would support 6 antennas, the removal of an equipment cabinet and its replacement with 2 new cabinets and ancillary equipment. The existing monopole was erected. The existing monopole was erected as permitted development, following the prior notification procedure being carried out. The purpose of the new pole and additional antennae is to give 5G coverage for Vodafone and enhanced coverage to Telefonica (O2).

### Site selection

The supporting documents state that Vodafone take a hierarchical approach to the roll out of 5G coverage by first replicating and upgrading their existing network. The 5G network rollout is therefore predominantly focussed on upgrading existing mast sites. The site is an existing Vodafone and Telefónica installation, which has previously been selected by a qualified network radio planner as the most appropriate site to provide network coverage and meet local demand. The application documents state that this position has recently been reconfirmed through technical assessment during a physical search of the area.

It is considered that the principle of re-using an existing site is appropriate and this should be prioritised, where practicable over developing a wholly new site. While re-using an existing monopole would likely be desirable, where practicable, in this case a taller pole is required in order to deliver good coverage and the existing structure is not physically designed to support the greater number of antennae of this type. I.e. the slightly less slim line pole is a 'physical' requirement to safely support the number and type of antennae. PPW advocates sharing masts where possible and in this case, the structure would support antennae from two different telecommunications operators. It is considered that the re-use of an existing site, with a pole to be shared by two operators is in line with the principles advocated by PPW.

It is considered that the principle of re-using this existing telecoms site is acceptable and consequently, the acceptability of the proposal is considered below in respect of the detail of the scheme.

### ICNIRP compliance

PPW states that:

Provided that the development meets the International Commission on

Non-Ionising Radiation Protection (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. Planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

The application is accompanied by a declaration of compliance with ICNIRP Guidelines, and there is no evidence to suggest that the development does not comply with these guidelines.

### Design and visual impact

The existing pole is slimmer than the proposed development and it is not particularly prominent within views from Fontygary Road. The proposed pole would be thicker than the existing and the antennae would not be 'shrouded' in the same way that the existing are. It would also be approximately 5m taller. As a consequence, the development would have a somewhat heavier presence than the existing structure and it would likely be more highly visible from the main road. Notwithstanding that, it would be in the region of 45m back from the street and would also not be unduly prominent. While materially taller than the garage buildings, it would still be viewed in the semi-industrial/commercial context of them and, taken together with the distance back from the highway, the development would not unacceptably impact upon the character of the area. The associated cabinets and ancillary equipment are small in scale and would be well screened from public viewpoints. In summary, while it is acknowledged that the development would have a more pronounced impact than the existing pole, it is considered on balance, having regard to the benefits associated with improved telecommunications coverage that the development would not unacceptably impact upon visual amenity, in accordance with Policies MD2 and MD5 of the LDP.

### Impact on neighbours

The development would be most visible from the fronts of 85a and 85b Fontygary Road, and from the rear of number 89. It appears that 89 is under the same ownership as the garage. This has been confirmed by staff at the garage and the car forecourt extends across the front of 89. In any case, the development would be far enough away from the rear of this property to ensure it is no overbearing or unneighbourly.

From the fronts of 85a and 85b Fontygary Road the development would be visible and it would affect the wider outlook from both properties, however, it is considered that the development would be sited sufficiently far away from those dwelling houses to ensure that it would not be overbearing, and would not unacceptably impact upon the immediate outlooks from those properties. It is acknowledged that there would be a greater impact than that associated with the existing pole, however, it is considered that there would not be a harmful impact on living conditions that would justify the refusal of planning permission.



## 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 and Future Wales – the National Plan 2040.

Having regard to Policies SP1, MD1, MD2, MD5 and MD7 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales – the National Plan 2040, PPW 11, and TANs 12 and 19, the proposed development is considered acceptable in respect of the principle, design, visual impact, and impact on neighbours.

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.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

## 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:

:plans 201b and 301b

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.

## 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.**