

APPLICANT: Cornerstone Hive 2, 1530 Arlington Business Par, Theale, Berkshire, RG7 4SA

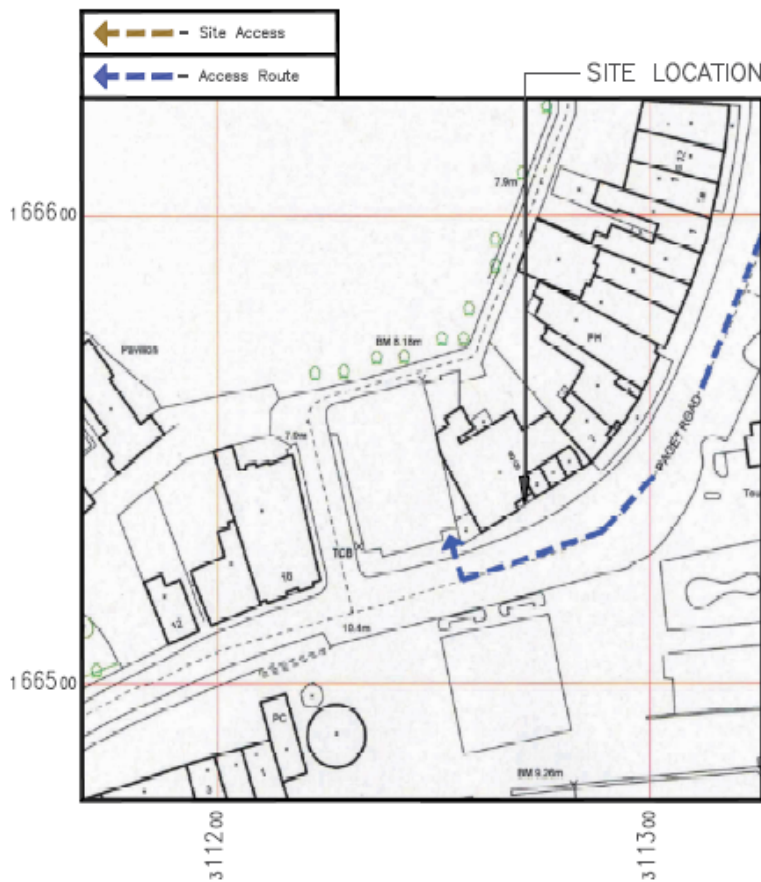
AGENT: Chris Dalby Suite H, KBF House, 55 Victoria Road, Burgess Hill, RH15 9LH

Existing telecommunications site on rooftop of Barry Gymnasium, Paget Road, Barry

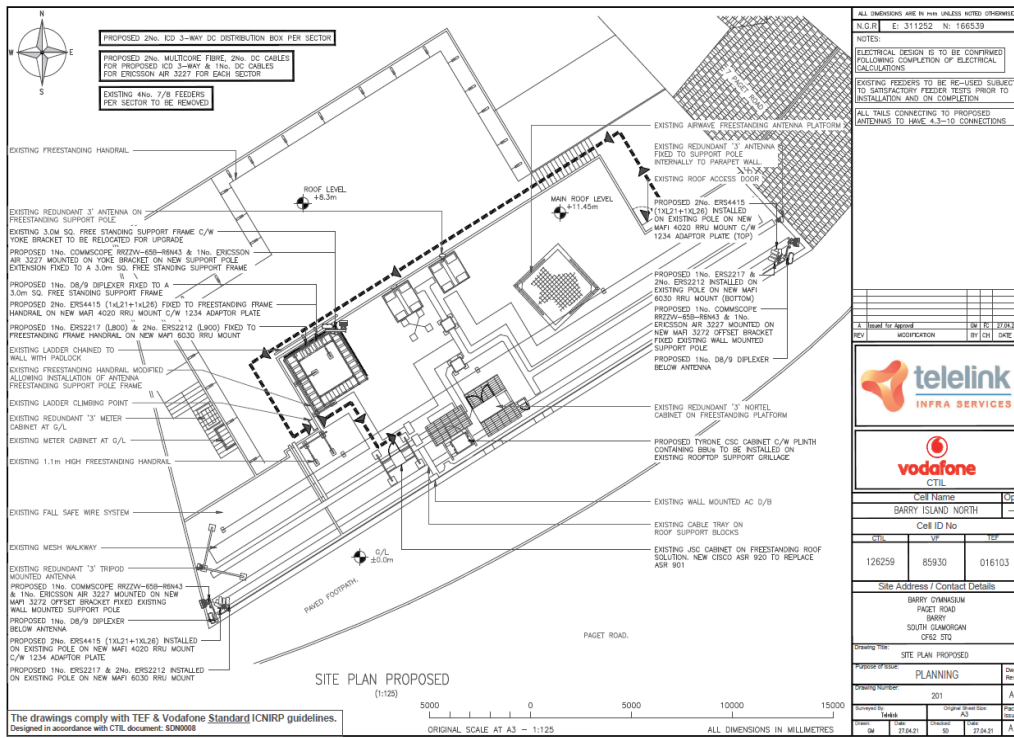
Removal of existing 6No. antennas, 6No. RRU units, 2No. equipment cabinets and other ancillary equipment; Relocation of existing 3m sq. free standing support frame c/w yoke bracket; Installation of 6No. replacement antennas, with the height to top of antennas at 16.90m AGL; 15No. ERS units; 2No. replacement equipment cabinets and ancillary equipment thereto

SITE AND CONTEXT

The application relates to the Gymnasium at 8, Paget Road, Barry. The property is located within the Barry Settlement Boundary and also the Barry Marine Conservation Area, as identified by the Vale of Glamorgan Local Development Plan. A site location plan is included below.



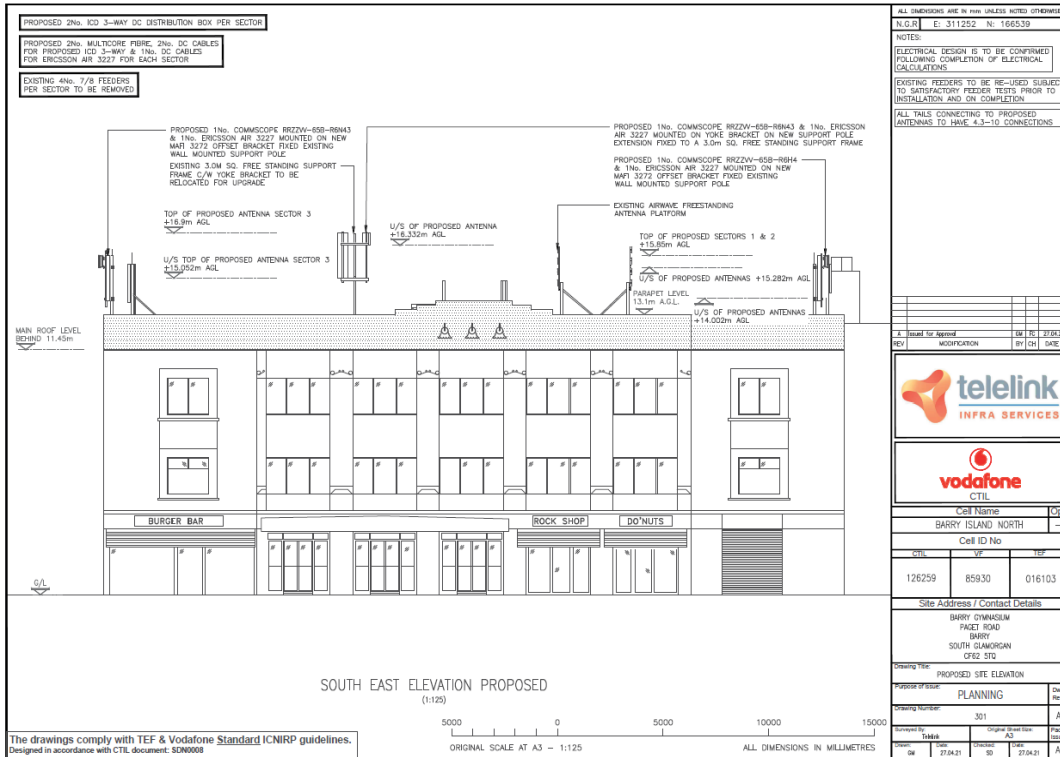
DESCRIPTION OF DEVELOPMENT



Existing Elevation



Proposed Elevation



PLANNING HISTORY

The site has been subject to the following relevant history:

2021/00787/PNT: Barry Gymnasium, 8, Paget Road, Barry, Proposal: Removal of existing 6No. antennas, 6No. RRU units, 2No. equipment cabinets and other ancillary equipment; Relocation of existing 3m sq. free standing support frame c/w yoke bracket; Installation of 6No. replacement antennas, with the height to top of antennas at 16.90m AGL; 15No. ERS units; 2No. replacement equipment cabinets and ancillary equipment thereto, Decision: Refused, Decision Date: 23/07/2021.

2021/00734/PNT : Barry Gymnasium, Paget Road, Barry - Proposed base station installation. Removal of existing 6No. antennas, 6No. RRU units, 2No. equipment cabinets and other ancillary equipment; Relocation of existing 3m sq. free standing support frame c/w yoke bracket; Installation of 6No. replacement antennas, 15No. ERS units 2No. replacement equipment cabinets and ancillary equipment thereto - Withdrawn 24/05/2021.

2014/01246/FUL : The Gymnasium, 8, Paget Road, Barry - Extension to rear of top floor flat upon roof to first floor level below - Approved 12/12/2014 (case officer - SJT)

2014/00024/FUL : Rooftop of Barry Gymnasium, 9, Paget Road, Barry - Proposed replacement of six no. Telefonica O2 antennas with six no. Vodafone antennas, together with replacement of two no. equipment cabinets and additional single equipment cabinet - Approved 04/03/2014.

2007/01586/FUL : Rooftop of Barry Gymnasium, Paget Road, Barry Island, Barry - Retrospective application for installation of six antennae on steel pole mounts with equipment cabinet and associated cables and trays - Approved 30/01/2008.

2007/01179/PNT : Barry Gymnasium, Paget Road, Barry Island - Installation of 3 additional antennae on roof parapet wall and additional equipment cabinet as detailed on drawings enclosed. The proposed installation will compliment the existing three pole mounted antennae and cabinet as well as another operators equipment. - Withdrawn 30/08/2007.

CONSULTATIONS

Barry Town Council – commented on 23/11/2021 that due to time constraints, the comments submitted by the Town Council in relation to 2021/00787/PNT should be considered again. They commented again on 1st December, reiterating that “no objections but concerns are raised and it must be stressed that telecom applications should not be sited near residential areas or schools and community facilities. The Well-being and Future Generations Act, a healthier Wales, is the relevant legislation.”

Shared Regulatory Services (Pollution) – no response received to date.

Conservation (Planning) – no response received to date.

Local Ward Members – no response received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 10th November 2021. A site notice was also displayed on 16th November. However, no comments have been received to date.

REPORT

Planning Policies and Guidance

Local Development Plan:

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
POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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 24 – The Historic Environment (2017)

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:

- Barry Marine Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

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

This application has been submitted under the procedures set out in Schedule 2, Part 24 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019.

Part 24 of the above Order relates to Development by Telecommunications Code Systems Operators (Wales). Class A states that the following is permitted development:

- A. Development by or on behalf of a telecommunications code system operator for the purpose of the operator's telecommunication system in, or, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of:
 - (a) the installation, alteration or replacement of any telecommunication apparatus,
 - (b) the use of land in an emergency for a period not exceeding six months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
 - (c) development ancillary to radio equipment housing.

The schedule sets out a number of criteria in which development is not permitted. In the case of this application the proposal seeks to replace existing telecommunications equipment. Such works fall within Class A of the order in relation to the heights and dimensions of the apparatus shown.

Class A.1, paragraphs a through to f relate to ground based masts and are not relevant in this case. Paragraph g onwards are included below.

- a) in the case of the installation, alteration or replacement of apparatus on a building or other structure—
 - (i) the height of the apparatus (taken by itself) would exceed—

- (aa) 15 metres, where it is installed, or is to be installed, on a building or other structure which is 30 metres or more in height; or
- (bb) 10 metres in any other case;

Condition Met

- (ii) the highest part of the apparatus when installed, altered or replaced would exceed the height of the highest part of the building or structure by more than—
 - (aa) 10 metres, in the case of a building or structure which is 30 metres or more in height;
 - (bb) 8 metres, in the case of a building or structure which is more than 15 metres but less than 30 metres in height; or
 - (cc) 6 metres in any other case;

Condition Met

- b) in the case of the installation, alteration or replacement of apparatus (other than an antenna) on a mast, the height of the mast would, when the apparatus was installed, altered or replaced, exceed any relevant height limit specified in respect of apparatus in paragraphs (c) to (g) and for the purposes of applying the limit specified in paragraph (g)(i), the words “(taken by itself)” are to be omitted;

Condition Met - (*meets paragraph g*)

- c) in the case of the installation, alteration or replacement of any apparatus other than—
 - (i) a mast,
 - (ii) an antenna,
 - (iii) a public call box,
 - (iv) any apparatus which does not project above the level of the surface of the ground, or
 - (v) radio equipment housing,

the ground or base area of the structure would exceed 1.5 square metres;

Condition Met

- d) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is less than 15 metres in

height, on a mast located on such a building or structure, or, where the antenna is to be located below a height of 15 metres above ground level, on a building or structure (other than a mast) which is 15 metres or more in height—

- (i) in the case of antennas other than small cell antennas, the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building or structure on which the antenna is to be located;
- (ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all of the dishes on the building, structure or mast would exceed 4.5 metres, when measured in any dimension;
- (iii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of one small antenna or a maximum of two small cell antennas) would result in the presence on the building or structure of—
 - (aa) more than three antenna systems; or
 - (bb) any antenna system operated by more than three electronic communications code operators; or
- (iv) the building or structure is a listed building or a scheduled monument;

Condition met – *of note, whilst there are 6 antennas proposed, they do not represent three antenna systems as defined by the regulations as a “set of antennas installed on a building or structure and operated in accordance with the electronic communications code”*

- e) in the case of the installation, alteration or replacement of an antenna on a building or structure (other than a mast) which is 15 metres or more in height, or on a mast located on such a building or structure, where the antenna is located at a height of 15 metres or above, measured from ground level—
 - (i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all of the dishes on the building, structure or mast would exceed 10 metres, when measured in any dimension;
 - (ii) in the case of antennas other than dish antennas, the development (other than the installation, alteration or replacement of a maximum of two small antennas or two small cell antennas) would result in the presence on the building or structure of—

- (aa) more than five antenna systems; or
- (bb) any antenna system operated by more than three electronic communications code operators; or
- (iii) the building or structure is a listed building or a scheduled monument;

Condition Irrelevant – *building is less than 15m in height.*

- a) in the case of development on any protected land it would consist of—
 - (i) the installation or alteration of an antenna or of any apparatus which includes or is intended for the support of such an antenna; or
 - (ii) the replacement of such an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced,

unless the development is carried out in an emergency or is development described in the introductory words to any of paragraphs (m), (q), (r), or (t) and which is allowed by the respective sub-paragraphs which follow those introductory words;

Condition Met – *meets paragraph m.*

- b) in the case of the installation of an additional antenna on existing electronic communications apparatus on a building or structure (including a mast) on any protected land—
 - (i) in the case of dish antennas, the size of any additional dishes would exceed 0.6 metres, and the number of additional dishes on the building or structure would exceed three; or
 - (ii) in the case of antennas other than dish antennas, any additional antennas would exceed three metres in height, and the number of additional antennas on the building or structure would exceed three;

Condition Met – *Antennas would not exceed 3m in height and they would be replacements in any case.*

- c) it would consist of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc.)**(17)**;

Condition Irrelevant – *the apparatus is not part of a driver information system.*

- o) in the case of the installation of a mast, on a building or structure which is less than 15 metres in height, such a mast would be within 20 metres of a highway;

Condition Irrelevant – *the notification does not relate to the installation of a mast.*

- p) in the case of the installation, alteration or replacement of radio equipment housing—
 - (i) the development is not ancillary to the use of any other electronic communications apparatus;
 - (ii) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or
 - (iii) on any protected land, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency;

Condition Irrelevant – *the notification does not relate to the installation of radio equipment.*

- q) in the case of the installation, alteration or replacement on a dwellinghouse or within the curtilage of a dwellinghouse of any electronic communications apparatus, that apparatus—
 - (i) is not a small antenna;
 - (ii) being a small antenna, would result in the presence on that dwellinghouse or within the curtilage of that dwellinghouse of more than one such antenna; or
 - (iii) being a small antenna, is to be located on a roof or on a chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively;

Condition Irrelevant – *notification does not relate to the installation, alteration or replacement of any electronic communications apparatus on a dwellinghouse.*

- r) in the case of the installation, alteration or replacement on any protected land of a small antenna on a dwellinghouse or within the curtilage of a dwellinghouse, the antenna is to be located—
 - (i) on a chimney;
 - (ii) on a building which exceeds 15 metres in height; or
 - (iii) on a wall or roof slope which fronts a highway;

Condition Irrelevant – *the notification does not relate to a dwellinghouse.*

- s) in the case of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse—

- (i) the building is on protected land;
- (ii) the building is less than 15 metres in height, and the development would result in the presence on that building of more than one such antenna;
or
- (iii) the building is 15 metres or more in height, and the development would result in the presence on that building of more than two such antennas;

Condition Irrelevant – *The antennas are not classed as ‘small antennas’*

- t) in the case of the installation, alteration or replacement of a small cell antenna on a building or structure:
 - (i) the building or structure is a dwellinghouse or within the curtilage of a dwellinghouse;
 - (ii) the building or structure is on any land which is, or is within, a site of special scientific interest; or
 - (iii) the development would result in the presence on the building or structure of more than two such antennas.

Condition Irrelevant – *not a small cell antenna by definition*

Based on the above, the proposal is considered to amount to permitted development in accordance with Part 24, schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended. Notwithstanding this, the equipment lies on article 1(5) land as the site is within the Barry Marine Conservation Area. Therefore, it must be determined whether prior approval is required from the local planning authority (LPA). The LPA must consider the siting, design, external appearance, relationship with the surroundings as well as the operational need for the development together with the effect of the development on public amenity. The impact on the character of the conservation area is also a fundamental consideration.

As noted previously, the proposed antennas would replace existing telecommunications equipment above the building serving the Barry Gymnasium on Barry Island, to provide 5G coverage. Whilst the building is highly visible within the conservation area, the proposed replacement antennas would be of a similar scale and appearance to what currently exists. There would be some differences in that some of the equipment would be relocated to other parts of the roof and one of the replacement antennas would be approximately 2.3m taller than the highest part of the roof (which is higher than the current antenna and support column in the same place, which projects around 0.8m above the highest part of the roof). However, it is not considered that this would appear materially worse than the existing equipment and the visual impact is deemed acceptable on balance. As such, the character of the Barry Marine conservation area would be preserved, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

It is noted that whilst Barry Town Council raised no objection, they stated that telecommunications equipment should not be sited near to residential areas, schools or community facilities, in the interest of safeguarding public health. Notwithstanding the location within a built up setting, the agent has provided a Declaration of Conformity with ICNIRP Public Exposure Guidelines within the application. For clarity, the "ICNIRP Declaration" certifies that the site is designed to be in full compliance with the requirements of the radio frequency (RF) guidelines of the International commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure. However, in any case it should also be noted that whilst this application considers the effect on public amenity, this is not one of the specific matters to be considered under this type of prior notification.

In summary, the proposed replacement of Antennas is considered to have an acceptable visual impact and would have no further impact on public amenity than the existing equipment. As such, prior approval is not deemed necessary in this case.

CONCLUSION

Accordingly, the development proposed is considered to fall within the terms and conditions of Part 24 Development by Electronic Communications Code Operators (Wales) contained in Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 and prior approvals is not required.

REASON FOR RECOMMENDATION

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

DOES NOT REQUIRE the prior approval of the Local Planning Authority.

1. DOES NOT REQUIRE THE PRIOR APPROVAL FOR THE LOCAL PLANNING AUTHORITY:

The development proposed falls within the terms and conditions of Part 24 Development by Electronic Communications Code Operators (Wales) contained in The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019, and prior approval is not required.

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.