

DELEGATED REPORT

Application No:	P/23/0057
Site Address:	Plymouth Street Vanguard Yard Merthyr Tydfil
Development:	Proposed removal and replacement of the existing 12m High Phase 1 Monopole with proposed 15m High Phase 4.5 Monopole on an extended concrete base with new fencing. Proposed installation of 3No. Antennas, 1No. Meter Cabinet, 1No. Cabinet and associated ancillary works. Existing 1No. 300Ø Dish to be relocated and existing 2No. Cabinets to be relocated and refreshed
Case Officer:	Marlene Ferreira
Site Visit:	2nd March 2023
Application Expiry Date:	9th October 2023
Consultation reply date expired:	23rd March 2023

APPLICATION SITE

The application site relates to an existing telecommunication mast located on a concrete base, sited off the adopted highway, Yew Street, in Merthyr Tydfil. The site is enclosed by a 1.8 metre high chain-link fence. The remainder of the land either side and to the rear, which lies outside the application site, rises steeply from the southwest to the northeast and is enclosed by palisade fencing. A railway line runs north to south along the rear of the application site. The chain-link fence and palisade fencing are covered with overgrown vegetation, almost completely screening the enclosure and gate access to the site and the lower part of the mast, making these almost unnoticeable.

The application site lies within the settlement boundary, near the town centre and within a Zone B flood area.

PROPOSED DEVELOPMENT

This application seeks planning permission to replace the existing 12 metre high phase 1 monopole with a 15 metre high phase 4.5 monopole. The proposed monopole would incorporate 3 VF antennas, 3 VF dbl per sector and 3 VF dbo per sector.

The existing enclosed compound is made up of a concrete base measuring 2.56 metres wide by 1.52 metres deep, which is proposed to be enlarged to 3.7 metres wide by 3.7 metres deep. The compound would contain an additional 2 cabinets, a VF derby cabinet (the steel measuring 0.6 metres wide, 0.99 metres deep and 1.72 metres in height) and a

CS SFMC160 metre cabinet (a steel cabinet measuring 0.9 metres wide, 0.4 metres deep and 1.1 metres in height). The existing TSC cabinet and VF HUWAEI cabinet would be refreshed and relocated on the enlarged base. A 1.8 metre high chain link is proposed to enclose the enlarged concrete compound.

These works are proposed as part of an upgrade to provide 5G installation, which seeks to provide the local community improved wireless connectivity.

PLANNING HISTORY

P/15/0116 – Prior approval application for the erection of 15 metre high telecommunication mast, 6 no. Antennas and no.2 cabinets – Prior Approval Not Required: 6th May 2015

CONSULTATION

Head of Engineering and highways	-	No objection.
Ecology Officer	-	No objection.
Policy Officer	-	No response.
Environmental Health Manager	-	No response.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to adjoining occupiers and 2 site notices were displayed within the vicinity of the site. No letters of representations have been received as a result of this publicity exercise.

POLICY CONTEXT

National Development Framework

- Future Wales: The National Plan 2040 (February 2021)

Policy 14 discusses telecommunication proposals as follows:

‘...The Welsh Government supports the roll-out of digital communications infrastructure across Wales. Modern, reliable mobile telecommunications and fast broadband services are essential to our everyday lives, as highlighted by the number of people working and learning from home during the COVID-19 pandemic. Digital communications infrastructure is crucial to the future success and economic competitiveness of Wales’ businesses and supports community and individual needs, including access to key services and facilities...’

‘...The Welsh Government, planning authorities and digital communications infrastructure providers must work together to ensure both mobile telecommunications and fast broadband infrastructure and services are provided. The Welsh Government’s fast broadband roll-out will improve coverage to business and domestic premises across

Wales. Mobile Action Zones will help create the right environment to achieve increases in mobile telecommunications coverage where there is currently little or no service, predominantly in selected parts of rural Wales...'

'...Planning authorities must also be alert and responsive to the positive effects of forthcoming 5G services and Gigabit broadband and other such technologies. They should work with infrastructure and service providers to consider the potential impacts of these technologies and the needs of business, public services, communities and individuals...'

National Planning Policies

- Planning Policy Wales (Edition 11, February 2021)

The following paragraphs are relevant to the consideration of this proposal:

3.14 *'...should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment...'*

3.3 *'...design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area...'*

3.61 *'...Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them...'*

3.62 *'...Planning authorities should, in conjunction with key providers, take a strategic and long term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations...'*

5.2.5 *'...Mobile telecommunications incorporates both mobile phone and mobile broadband technology and services. The planning system should help support telecommunications infrastructure where it is required, whilst taking in to account the status of protected land and buildings as well as amenity considerations to protect what is valued most in our communities and environment...'*

5.2.9 *'...Planning authorities should not question the need for the telecommunications system nor seek to prevent competition between different operators...'*

5.2.10 *'...New technologies such as 5G will result in the densification of mobile infrastructure particularly in urban areas which could require more small cell sites in street settings. The planning system will need to respond positively to this evolution*

in technology whilst being mindful of the impacts on amenity and the historic environment...'

5.2.11 '...Mobile operators should share telecommunications masts where possible to ensure efficient use of infrastructure and to minimise environmental impact. In cases where masts of different operators are situated in close proximity to one another, the operators should justify this approach in their planning applications...'

5.2.13 '...As networks develop and technology changes, the re-use of existing sites is encouraged to minimise the need for new sites. Conditions should also be used to ensure that equipment that is no longer required or in use is removed promptly...'

6.4.3 '...the planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'

- Technical Advice Notes (TAN's)

TAN 5 – Nature and Conservation Planning (2009)

6.2.2 '...It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present...'

TAN 12 – Design (2016)

4.3 '...Understanding the site and its immediate and wider context is the basis for a meaningful and sustainable design response, and is the responsibility of all those involved in the design process...'

TAN 19 – Telecommunications (2002)

44. '...Where development requires an application for planning permission, applications should be determined in accordance with the development plan unless material considerations indicate otherwise...'

Local Planning Policies

- Merthyr Tydfil Replacement local Development Plan 2016-2031

Policy SW4 – Settlement Boundaries

Policy SW11 – Sustainable Design and Placemaking

Policy EnW1 – Nature Conservation and Ecosystem Resilience

Policy EnW4 – Environmental Protection

PLANNING CONSIDERATIONS

The issues to consider under this application relates to whether the replacement mast and associated infrastructure at this site would be acceptable in respect of its impact on the character and appearance of the area, residential amenity, ecology and highway and pedestrian safety.

Character and Appearance

The replacement mast and associated infrastructure, as noted above, would be located off Yew Street, in an area, which already comprises an existing mast of a similar size with similar infrastructure. The site is not protected by any special designation and the existing mast and compound has been in place for a significant period of time. Whilst the proposed mast would be 3 metres higher than the existing and would comprise an extended compound area with two additional cabinets, the increased height and enlarged base area is not significantly greater and seeks to accommodate infrastructure required to provide improved 5G connectivity in this area. Furthermore, whilst some clearance works will be required to provide the enlarged concrete base and enable the replacement works to be undertaken, over time, the surrounding vegetation will once again mature, which would largely screen the lower part of the mast and compound area, as currently exists. This will help the development appear more discrete to passers-by when travelling along Yew Street or visiting local businesses in the immediate area.

The proposed replacement mast and associated infrastructure is therefore considered acceptable in respect of its visual impact and as such would not be considered to have a significantly different impact upon the character and appearance of the area. The proposed development would therefore comply with LDP Policy SW11.

Residential Amenity

The existing site is not located immediately adjacent to any neighbouring properties. Thus, the proposed replacement mast and infrastructure even with the increased height and enlarged compound with additional infrastructure, would not have an adverse impact on the nearest occupiers, which are located over 20 metres away. As such, no objections have been received from local residents or the Council's Environmental Health Manager. As such, the proposed development would not be considered to have a detrimental impact upon the privacy and/or amenities of nearby residents and would accord with SW11.

Ecology

Given the nature of the proposed works, the Council's Ecologist requested that a walkover Preliminary Ecological Appraisal (PEA) be submitted in support of the application. The PEA report, *David Clements Ecology Ltd, Ref: DCE 1215, Re: Plymouth Street – Merthyr Tydfil-Ecological Walkover Survey*, was received on 15th August 2023. It has been reviewed by the Council's Ecologist who has not raised any concerns and is satisfied with the mitigation and enhancement works proposed. As such, the proposed development, provided it is carried out in accordance with the recommendations of the report, would accord with LDP Policy EnW1.

Highway and Pedestrian Safety

The proposed replacement mast and associated infrastructure would be located in a similar position to the existing and would be fully contained within the application site. Thus, no works or infrastructure would overspill onto the pavement or highway, resulting in no adverse impact to the free flow of pedestrians or traffic along Yew Street. As such, no objections have been raised by the Council's Head of Engineering. The proposed development would therefore accord with LDP Policy SW11.

CONCLUSION

The development, for the reasons noted above, is acceptable and in compliance with relevant policies and guidance.

Finally, the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. The development shall begin not later than five years from the date of this decision.

Reason - To comply with 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:

- Drawing Title: Lease Drawing, Drawing no: 101, Rev A, received: 27th February 2023;
- Drawing Title: Proposed Site Plan, Drawing no: 201, Rev A, received: 27th February 2023;
- Drawing Title: Proposed Site Elevation, Drawing no: 301, Rev A, received: 27th February 2023;
- David Clements Ecology Ltd, Ref: DCE 1215, Re: Plymouth Street - Merthyr Tydfil- Ecological Walkover Survey, received: 15th August 2023.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.
All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1> is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

pp.

DATE: 07.09.2023