



PLANNING & DEVELOPMENT COMMITTEE

5 MARCH 2020

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 20/0046/10 (KL)
APPLICANT: EE Limited
DEVELOPMENT: Installation of a 14.97m Telegraph Pole mast accommodating 3 shrouded antennas and 2x 300mm transmission dishes, installation of 2 equipment cabinets, 1 electrical meter cabinet, 1 generator and 1x 1200mm satellite dish on a 2.6m high pole and boarded fence compound for the EE Emergency Services Network with associated works.
LOCATION: RHIGOS ROAD WEST, RHIGOS ROAD, A4061
RHIGOS, HIRWAUN, CF44 9UE
DATE REGISTERED: 16/01/2020
ELECTORAL DIVISION: Rhigos

RECOMMENDATION: Approve

REASONS: The proposed mast and associated base apparatus would be of a modest scale and an acceptable design and it is not considered that it would have an adverse impact upon the visual amenity of the area, the amenity of the closest residential properties or upon highway safety.

Furthermore, the apparatus would provide an integrated 4G mobile broadband data service for the 3 Emergency Services (3ES) that meets the public safety requirements for functionality, coverage, availability and security. The technology would be based on enhancing a commercial 4G network, configured to give the 3ES priority over other users.

As such, the proposal is considered to comply with the relevant policies of the Rhondda Cynon Taf Local Development Plan and National Policy.

REASON APPLICATION REPORTED TO COMMITTEE

- The proposal is not covered by determination powers delegated to the Director of Prosperity & Development

APPLICATION DETAILS

Full planning permission is sought for the installation of a new base station for EE Emergency Services Communications Network on land at Rhigos Road, Rhigos, Hirwaun.

The proposed base station would be sited on the southern side of the mountain road known as Rhigos Road (A4061), which connects the villages of Rhigos and Treherbert. The proposal includes the installation of a 14.97m Telegraph pole design mast on a concrete base which would accommodate 3 no. shrouded antennas and 2 no. 300mm transmission dishes. It would also include the installation of 2 no. equipment cabinets, 1 no. electrical meter cabinet, 1 no. generator and 1 no. 1200mm satellite dish on a 2.6m high support pole within a compound that would measure 10.20m in width by 8 metres in depth and which would be enclosed by a 1.8 metre high close boarded fence. A 104sqm wide stone layby/parking/access area would be created between the base station and the road.

The applicant has detailed that the equipment is necessary in order to provide an integrated 4G mobile broadband data service for the 3 Emergency Services (3ES) that meets the public safety requirements for functionality, coverage, availability and security. The technology would be based on enhancing a commercial 4G network, configured to give the 3ES priority over other users.

The application is accompanied by an ICNIRP (International Commission on Non-Ionising Radiation Protection) declaration stating that the proposed installation would be in full compliance with the requirements of the radio frequency public exposure guidelines of the ICNIRP, as expressed in EU Council recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields.

SITE APPRAISAL

The application site relates to a small parcel of land which is located off Rhigos Road (A4061), the mountain road connecting the villages of Rhigos and Trehebert.

The site slopes gently upwards from the road and is relatively open with an area of forestry being located to the south. Given its location on a mountain-top, the surrounding area is characterised by open space and forestry with the area immediately adjacent to and including the application site forming marshy grassland.

PLANNING HISTORY

None recorded

PUBLICITY

The application has been advertised through the erection of site notices in the vicinity of the site. No letters of objection or representation have been received.

CONSULTATION

Countryside, Landscape, Ecology – No objection subject to condition

Flood Risk Management – No comments received at the time of writing this report

Highways and Transportation – No objection, subject to conditions

Natural Resources Wales – No objection

Public Health and Protection – No objection or condition suggested

Wales and West Utilities – No comments received at the time of writing this report

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Policy CS1 – emphasis on building strong, sustainable communities

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Edition 10 sets out the Welsh Government's current position on planning policy, which incorporates the objectives of the Wellbeing of Future Generations Act in to planning.

It is considered that the current proposals meet the seven wellbeing of future generation's goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking as defined by chapter 2 people and places: Achieving Wellbeing through Placemaking of the policy document and that the proposal is also consistent with the following insofar as they relate to the development proposed –

Chapter 1 managing new development.
Chapter 2 achieving wellbeing through placemaking
Chapter 3 strategic and spatial choices.
Chapter 6 distinctive and natural places.

Other relevant policy guidance consulted:

PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 19: Telecommunications;
PPW Technical Advice Note 23: Economic Development.

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application seeks full planning permission for the installation of a telecommunications base station on the mountainside, above the village of Rhigos. The site is located outside of the defined settlement boundary however, developments of this nature are commonly found in such locations in order to provide mobile coverage to a wider area. The infrastructure would provide an integrated 4G mobile broadband service for the 3 Emergency Services (3ES) that meets the public safety requirements for functionality, coverage, availability and security. The technology would be based on

enhancing a commercial 4G network, configured to give the 3ES priority over other users.

The principle of the proposal is therefore considered to be acceptable subject to an assessment of the following criteria.

Impact on the character and appearance of the area

The proposal is considered to be of minor nature and acceptable both in terms of its scale and design. It is considered that the use of a telegraph pole mast at this site is appropriate in that it would blend effectively with the backdrop of the surrounding mountainside and, as such, it is not considered that it would have an adverse impact on the character and appearance of the area.

Impact on residential amenity and privacy

The proposed mast is located a significant distance away from the nearest neighbouring residential properties (approx. 2.5km) and it is not considered that it would have any detrimental impact upon the amenity of neighbouring properties.

Whilst it is acknowledged that proposals for telecommunication masts are very often subject to health and safety concerns, the application is accompanied by a signed declaration which certifies that the proposed apparatus complies with the relevant requirements of the ICNIRP published guidelines as expressed in the EU Council Recommendation of 1999 which cover the exposure of the general public to electromagnetic fields. It is also noted that the Council's Public Health and Protection division have raised no objection to the proposal in this regard.

In light of the above, the application is considered to be acceptable in terms of the impact it would have on the residential amenity of the closest neighbouring properties.

Access and highway safety

The application has been subject to consultation with the Council's Transportation Section and no objection has been raised in this regard. The comments received indicates that there is some concern that the proposed vehicular crossover would result in stone being dragged onto the public highway (A4061) which is a risk to flow of traffic and highway safety. However, this could be mitigated by providing 5 metres of permanent material from the existing public highway, which can be controlled by condition.

Other Issues:

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

Ecology

The application site is an area of marshy grassland, on the edge of the NRW forestry plantation. It is in a SINC but the area affected is small and the Council's Ecologist does not consider that the proposal would have an undue ecological impact. The comments received indicate that the potential for nesting bird issues look minimal and although there might be some residual reptile potential, the small area of the application site reduces the concern. There is, however, a need for the works to be controlled and for impacts to be minimised by good working practice, and in this location, it is necessary to ensure that excavations don't affect any of the many very small issues and watercourses that run off the mountainside. As such, a condition is recommended to secure the submission of an Environmental Construction Management Plan.

Consultation with Natural Resources Wales has also been undertaken and no adverse comments have been received. It is noted that the site is located approximately 254 metres from the Craig y Llwyn Site of Scientific Interest (SSSI) however, given the scale and nature of the proposal, it is unlikely to have an adverse impact on the SSSI.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is not CIL liable under the CIL Regulations 2010 (as amended).

Conclusion

Whilst it is acknowledged the new equipment would inevitably form a visible feature in the immediate locality, the general design and appearance of the apparatus are considered acceptable and typical of the design of many modern telecommunications masts that are commonly found throughout the Borough.

It is also noted that the development would comply with the relevant requirements of the ICNIRP published guidelines as expressed in the EU Council Recommendation of 1999 which cover the exposure of the general public to electromagnetic fields. As such it is not considered there would be any undue impact upon the amenity or health and safety of local residents.

As such, the application is considered to comply with the relevant policies of the Local Development Plan and is acceptable, subject to the conditions detailed below.

RECOMMENDATION: Grant

1. The development hereby permitted shall be begun before the expiration of

five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans and documents received by the Local Planning Authority on 14th January 2010, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

- Drawing No. ESN7109/100: Site Location Maps;
- Drawing No. ESN7109/102: Proposed Site Plan;
- Drawing No. ESN7109/104: Proposed Site Elevation and Antenna Plan;

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission documents and to clearly define the scope of the permission.

3. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

4. Notwithstanding the details shown on the submitted plans, development shall not commence until details of the permanent surfacing for the first 5 metres have been submitted to and approved in writing by the Local Planning Authority. The approved detail shall implemented prior to beneficial use.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall take place, including, any works of site clearance, until an Environmental Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority which:
- a) Identifies the construction area and the fencing to define that;
 - b) Considers any water pollution measures that might be required;
 - c) Includes a method statement/precautionary approach regarding nesting birds and reptiles;
 - d) Includes proposals for restoration of any adjacent ground disturbed during construction.

The works shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining biodiversity in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the drainage works have been completed in accordance with the approved details.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.