

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **22 NOVEMBER 2023**

REPORT BY: **CHIEF OFFICER (PLANNING,
ENVIRONMENT AND ECONOMY)**

SUBJECT: **ERECTION OF A 30M LATTICE TOWER
AND ANCILLARY WORKS**

APPLICATION NUMBER: **FUL/000813/22**

APPLICANT: **AP WIRELESS LIMITED**

SITE: **THE FORMER ROYAL BRITISH LEGION
BRIDGE STREET,
SHOTTON**

**APPLICATION
VALID DATE:** **10/1/23**

LOCAL MEMBER: **COUNCILLOR S BIBBY**

**TOWN/COMMUNITY
COUNCIL:** **SHOTTON TOWN COUNCIL**

**REASON FOR
COMMITTEE:** **SCALE OF DEVELOPMENT RELATIVE
TO DELEGATION SCHEME**

SITE VISIT: **NO**

1.00 SUMMARY

1.01 This full application seeks permission for the erection of a 30m lattice tower with associated equipment, on land at The Former Royal British Legion (now Groves Sports & Social Club), Bridge Street, Shotton.

1.02 The application is being reported to Planning Committee, as the height of the proposed telecommunications mast at 30m, exceeds the 15m that is allowed to be determined by officers under the scheme of delegation.

**2.00 RECOMMENDATION: TO REFUSE PLANNING PERMISSION,
FOR THE FOLLOWING REASON**

- 2.01 1. The proposed erection of a 30m telecommunications tower, whether viewed in isolation as a stand alone mast or in conjunction with the 3 No. existing telecommunications masts at this location, would have a detrimental impact on the character of the area and its surroundings. This is contrary to Technical Advice Note 19 – Telecommunications and Policies PC2.PC3 and PE15 of the Flintshire Local Development Plan.

3.00 CONSULTATIONS

- 3.01 **Local Member Councillor S Bibby:** No objection in principle, but would wish to seek assurances if granted, whether other masts would be removed.

Shotton Town Council: No objections

Highway Development Control: No objection and do not intend to make a recommendation on highway grounds.

Community and Business Protection: No adverse comments.

Natural Resources Wales: No objection

Airbus: No aerodrome safeguarding objection.

4.00 PUBLICITY

- 4.01 19 neighbour notifications were sent to nearby/adjoining properties. A site notice was also displayed at the site.

One letter of objection received from a competitor operator which can be summarised as follows:

- 1 APW do not control the existing infrastructure on site and existing operators have the ability under Permitted Development to replace existing infrastructure and relocate to a site in the wider locality.
- 2 The application is advanced on a purely speculative basis with no commitment from existing uses to relocate onto the proposed new mast.

5.00 SITE HISTORY

- 5.01 None -relevant

6.00 PLANNING POLICIES

6.01 Flintshire Local Development Plan (LDP)

STR2 – The Location of Development

STR4 – Principles of Sustainable Development, Design and Placemaking

STR6 – Services, Facilities, and Infrastructure

STR7 – Economic Development, Enterprise and Employment

STR13 – Natura and Built Environment, Green Networks, and Infrastructure

PC2 – General Requirements for Development

PC3 – Design

PE15 – Telecommunications and Digital Technology Infrastructure

Supplementary Planning Guidance (SPGN)

SPGN 18 – Telecommunications.

National Planning Policy

Planning Policy Wales (PPW)

The National Plan 2020-2040

Technical Advice Note (TAN) 19 - Telecommunications

7.00 PLANNING APPRAISAL

7.01 Introduction

The site is located within the curtilage area associated with the Former British Legion Club (now The Goves Sports & Social Club), Shotton, which is accessed from Bridge Street, from the north of its junction with the High Street and Chester Road West.

7.02 Within the site there are currently 3 No existing telecommunication masts which are 17.5m, 20m and 22.5m in height. It is important to note that the operators of the existing masts are renting the land on which they are sited from APW (Applicant).

7.03 Proposed Development

This full application seeks permission to erect a new 30m lattice tower to include for the consolidation of equipment including the relocation of 8 no antennas onto the head frames. In the event of permission being granted, the applicant advises that they would be seeking removal of the existing masts. The removal of the existing masts would not however require planning permission.

7.04 In support of the application, the agent advises that a replacement lattice tower installation is required to facilitate the provision of new 5G coverage within the target area.

7.05 It is important to note that the replacement mast requires full planning permission, as the operational needs and associated design of the mast means that it falls outside the relevant height limitations of

outright permitted development of 15m pursuant to Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended, most latterly by The Town and Country Planning (General Permitted Development) (Amendment) (No.3) (Wales) Order 2020

7.05 Main Planning Considerations

It is considered that the main planning considerations to be addressed in assessment of this application include:

- i. justification having regard to the planning policy framework
- ii. acceptability of the scale and design of the mast on the character of the area and wider surroundings.

These issues are addressed in further detail below.

7.06 Justification for the new mast

The information submitted during progression of the application advises that APW are a group company of Icon Tower who own the freehold of the land where the current masts and proposed replacement mast are to be located. The operators of the three existing masts are renting the land from APW to site their existing masts,

7.07 Whist Technical Advice Note 19 – Telecommunications and Policy PE15 of the Flintshire Local Development Plan encourage mast sharing where possible, there is a requirement in assessing proposals for development, to balance technical constraints against the visual impact associated with any proposed development.

7.08 Having regard to the lease arrangements for the 3 existing masts, it would appear at this stage that there are no formal arrangements / preliminary contracts in place with existing or proposed operators seeking to relocate their telecommunications equipment onto a new 30m mast.

7.09 Whilst it is understood that a redevelopment clause could be triggered by APW as landlords to secure removal of existing masts and equipment, no evidence has been provided in this respect to confirm that any negotiations have taken place to date. In addition, it is important to note that there isn't any specific town planning ability to remove the masts other than by the imposition of a planning condition seeking their removal within a specified time.

7.10 From a development management perspective, the main concern is that were there to be any challenge to removal of the existing masts/equipment, if the 30m mast now proposed was also permitted, that there could potentially be 4No masts on site. In addition, new providers could show an interest in relocating to the mast which could potentially result in relocation of existing masts/reduction in height

under the prior notification process. This would have the potential impact of leading to the proliferation of masts at this location with an associated visual impact (See Paragraph 7.11 below).

7.11 Impact on Character of Locality

The site is located to the south of the main Chester – Llandudno Railway line being within an open landscape setting. Any new mast would be visible from existing residential properties at Bridge Street, as is currently the case with the existing masts on site, the nearest residential properties being approximately 60m to the south-east. The proposed mast at 30m would be approximately 7.5m higher than that of the highest mast currently on site and approximately 25m higher than the existing Sports and Social Club. As a result it would be a prominent feature both within the site and when viewed from wider surroundings. It is considered that whether viewed on its own, or in conjunction with existing masts were they to be retained, that the mast would result in a detrimental impact on the visual amenities of the locality.

8.00 **CONCLUSION**

Whilst the principle of mast sharing is encouraged in Technical Advice Note 19 – Telecommunications, it is important in the assessment process to consider whether there is a realistic prospect and commitment to mast sharing, particularly in instances where there is existing telecommunication equipment on site.

It is considered that the application has at this stage been submitted with no firm commitment from existing or proposed operators to relocate onto the proposed mast. It is considered in these circumstances that this could lead to a proliferation of facilities at this location, with there being no commitment to ensure their removal.

In addition to the above it is considered that a 30m high mast whether viewed on its own, or in combination with the 3 existing masts would have a detrimental visual impact on the locality and its wider surroundings. It is therefore recommended that planning permission be refused for the reasons in paragraph 2.00 of this report.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

Contact Officer: Robert Mark Harris
Telephone: 01352 703269
Email: Robert.M.Harris@flintshire.gov.uk