



*E mail of the 15<sup>th</sup> September 2017*

The Tregynon Councillors have received a consultation document regarding a possible mast for emergency services on the other side of the village from the 0708 mast. The councillors consider that it would be sensible to delay decision on the 0708 mast until a decision has been made about the emergency mast. This is because it may be possible to combine the two at the emergency services site, thereby removing any local concerns about the 0708 site.

*E mail of 14 July 2017*

Following a meeting of Tregynon council yesterday, the councillors wish to support the application for the mobile communications mast ref. 2017/0708.

Seven Trent Water

*E mail of 7 July 2017*

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

Environmental Health

*E mail of 30 June 2017*

Thank you for your consultation in respect of this application, as the application contains a declaration of conformity with ICNIRP guidelines I have no objection to this application.

Ministry Of Defence

*Letter of 20 June 2017*

Thank you for consulting Defence Infrastructure Organisation (DIO) on the above proposed development. This application relates to a site outside of Ministry of Defence safeguarding areas.

I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

I trust this adequately explains our position on this matter.

Cadw

*Letter of 22<sup>nd</sup> August 2017*

Thank you for your letter of 4 August 2017 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the registered Gregynog historic park and garden. Our assessment of the application is given below.

### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

### Assessment

The proposed mast is located some 240m southeast of the boundary of the registered Gregynog historic park and garden. It is not located in the identified essential setting of the park and the intervening topography is likely to block or extensively screen the tower from any view from the park. Consequently in our opinion the proposed development will have no impact on the setting of the registered historic park and garden.

### Built Heritage

*E mail of the 3<sup>rd</sup> October 2017*

Thank you for consulting me on the above application. I note the additional information submitted on the portal on 28 September document numbers; 4420078, 4420077, 4420075, 4420074 and can confirm that I have considered them in my response.

The site is outside but close to the boundary of the Gregynog Registered Historic Park and Garden which contains a number of listed buildings (7) and I note that Cadw are the consultee in respect of the setting of the Registered Historic Park and Garden.

I note the comments from Welsh Government dated 22 August 2017 in that the intervening topography is likely to block or effectively screen the tower from any view of the park. I would not disagree with that statement. I note the site photomontage viewpoint drawing number CTIL241447 TEF51021 which illustrates that the lattice tower will not be visible from the grounds in front of Gregynog Hall. I accept that there may potentially be views of the lattice tower from the upper floors, however in terms of setting of the listed building, I note that the lattice tower is not visible from the grounds in front of Gregynog Hall as indicated in the photomontage and note the comments from Cadw and would not disagree with their findings. As such would not consider that the proposal would have an impact on the setting of Gregynog Hall and the associated listed buildings adjacent to Gregynog Hall.

I note that Tyn Y Bryn Farmhouse is a listed building Cadw ID 18156 and the associated farm buildings are separately listed Cadw ID 18157.

The proposed lattice mast is to be sited 500m to the southwest of Ty'n y Bryn adjacent to an unclassified road.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

The adopted document Conservation Principles prepared by Cadw in paragraph 5.4 advises that when considering change, public authorities will give due importance of the heritage values of a site when considering the sustainability of proposals submitted to them.

Paragraph 39 states Changes which would harm the heritage values of an historic asset will be unacceptable unless:

- a. the changes are demonstrably necessary either to make that asset sustainable, or to meet an overriding public policy objective or need; and
- b. there is no reasonably practicable alternative means of doing so without harm; and
- c. that harm has been reduced to the minimum consistent with achieving the objective; and
- d. it has been demonstrated that the predicted benefit decisively outweighs the harm to the values of the asset, considering;

- its comparative significance;
- the impact on that significance; and
- the benefits to the asset itself and/or the wider community or society as a whole.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset. The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

“Conservation principles” establishes Values which should be attributed to heritage assets including;

- Evidential Value,
- Historical Value,
- Aesthetic Value,
- Communal value.

Conservation Principles identifies principles that have to be addressed when considering the above values.

#### Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

Ty'n y Bryn Farmhouse consists of a main W range with 2 wings behind; 2-storeys of unreinforced concrete with tiled roof. 4-window, tile hung front with gabled outer bays and large half dormer in the centre. The porch is centrally placed, with a gable painted black and white to imitate timber framing.

Ty'n y Bryn Farm Buildings are a substantial group of farm buildings constructed in c1870

#### Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

Ty'n y Bryn is said to have been the home farm of Gregynog Estate. Constructed in unreinforced concrete by Henry Hanbury-Tracy, probably c1870 when part of the Gregynog Estate, but first shown on 1886 Ordnance Survey. Hanbury-Tracy's use of the material at Gregynog was intended to demonstrate the benefits of building in concrete, which it was said reduced the cost of a house by nearly a half compared to brick or stone.

The substantial group of farm buildings at Ty'n y Bryn were constructed c1870 in unreinforced concrete by Henry Hanbury-Tracy when part of the Gregynog Estate.

#### Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

Ty'n y Bryn is included on the statutory list notwithstanding alterations, for its experimental and pioneering use of unreinforced concrete for a substantial farmhouse, and for the special interest of the group formed by the house and its farm buildings. The building also makes an important contribution to the surviving group of concrete buildings in Tregynon.

The farm buildings are a complex range of buildings incorporating cow houses, a granary and a cart shed, with a model farm type layout which was clearly intended to be aesthetic as well as functional, and was included on the statutory list as a as a substantial and prominently-sited group of farm buildings pioneering the use of unreinforced concrete, forming a complete and important complex with Ty'n y Bryn Farmhouse.

#### Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

The farmhouse and farmbuildings are important as part of a larger estate that intended to demonstrate the benefits of building in concrete, which it was said reduced the cost of a building by nearly a half compared to brick or stone. The buildings also make an important contribution to the surviving group of early concrete buildings in Tregynon.

Cadw have prepared guidance on the setting of historic assets to accompany TAN24 issued on 31 May. The guidance provides advice on how to assess the setting of listed buildings could be referred to, with the caveat that there may potentially be changes as a result of the consultation process. In addition to advice on how to assess the visual setting of listed buildings, advice on less tangible elements, including sensory perceptions such as noise and smell are included in the guidance.

The document advises that "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through

time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The proposed mast will be sited adjacent to a few trees sited on the skyline when viewed from immediately outside Ty'n Y Bryn. Given the topography of the land and the trees on the skyline and adjacent to the road that serves Ty'n-y Bryn, the proposed mast is not readily visible the distance and tree cover blending the proposed mast in the topography.

From locations closer to the proposed mast the road network does not afford views of the proposed mast and the listed farm complex, and the topography of the land does not readily permit views of the listed buildings from the application site.

It is therefore concluded that the proposal would not have an adverse impact on the setting of Tyn Y Bryn Farmhouse Cadw ID 18156 and the associated farm buildings Cadw ID 18157.

I would therefore have no objections to the proposal on built heritage grounds.

Ecologist

*Email of 17 July 2017*

Thank you for consulting me with regards to planning application P/2017/0708 which concerns a full application for the Installation of a 17.5m high lattice tower supporting 3 no. antennas and 2 no. dish antennas together with ground based equipment cabinets and ancillary development on Land at Ty'n y Bryn Farm, Tregynon, Newtown, Powys.

I have reviewed the proposed plans and aerial images of the proposed site and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 45 records of protected and priority species within 500m of the proposed development – no records were for the site itself.

There is one statutory designated site that is present within 500m of the proposed development:

- Gregynog – SSSI

Having reviewed the nature of the proposed development and the features for which the SSSI is designated, it is considered that there would be no likely negative impact to the SSSI or its associated features.

There are no non-statutory designated sites present within 500m of the proposed development.

The proposed development appears to be impacting an area of improved grassland which is a habitat of low ecological value. Therefore it is considered that the proposed development would not result in a significant negative impact to, or loss of biodiversity.

While it appears no trees or hedgerow will be re-located or removed for the proposed development. Given the proximity of development works to the trees on the East of the development, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

If it is proposed to provide any external lighting on the proposed lattice tower as part of the potential development, consideration will need to be given to any external lighting to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

*Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.*

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

*No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.*



Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

## Regeneration

*E mail of 2 August 2017*

Powys County Council's Regeneration Service supports the above planning application for the positive benefits that the proposal can bring to the Tregynon community. The proposal will make a significant contribution to local well-being by reducing the impact of rural isolation and will be a great asset for encouraging local businesses growth.

Digital infrastructure has now developed as an essential utility for communities, businesses and individuals alike as more services are provided by the public, private, and third sector through digital platforms. Outside of the main urban centres the county has very poor digital infrastructure which limits the ability of our citizens to access key services that many in better connected areas take for granted. Investment in digital telecommunications infrastructure can provide a transformational opportunity to address this issue. The County Council is committed to improving digital connectivity across Powys to support local economic growth, create jobs and reduce social isolation and deprivation.

The Powys economy faces major challenges going forward with issues of depopulation and an aging population. The county has the worst levels of coverage for digital connectivity in the United Kingdom second only to the Highlands and Islands of Scotland. Without such infrastructure and digital capacity, businesses will either relocate or fail to grow in the county. Powys needs comprehensive mobile connectivity for business growth which in turn can lead to good quality local employment opportunities for young people and reduce reliance on the low wage economy.

With the forthcoming departure of the United Kingdom from the European Union there will be greater challenges ahead for our agricultural sector. The rural economy will need to become an engine for growth using technology to improve productivity and add value. Digital infrastructure is a key component for this to take place.

Tourism is an important invisible export for the county and wherever they are visitors will expect to be able to have good access to digital services. If the tourism sector is going to be able to compete with destinations outside of the county then access to good quality dependable digital telecommunication infrastructure is essential.

Access to digital services will make a contribution to the reduction of travel journeys, particularly by motor vehicles, for residents in the catchment area. This reduction will help to reduce the carbon footprint of Powys and is a positive contribution towards the sustainable future of the Tregynon community.

The County Council's Economic Development Strategy (2016) recognises the need to extend mobile phone networks and broaden coverage across the county. The Well Being of Future Generations Act 2015 requires the Powys Public Service Board to assess the economic, social, environmental, and cultural well-being of the area. The 2016 assessment exercise

identified that there are large swathes of the county disadvantaged without mobile phone coverage and that improving telecommunications is vital for our rural communities. It is the view of the Regeneration Service that this Planning application will support the aims of the Economic Development Strategy and contribute to the well-being of Powys citizens.

## **Representations**

A site notice was erected at the field entrance into the site, no decision was made for a continuous period of 21 days from the date of the site notice. A total of 58 representations have been received in objection to the proposed development and 14 representations in support of the development. The grounds for objection and support are outlined below.

### *Objection:*

- Health impacts from electromagnetic radiation on the employees and residents of adjacent units
- Visual amenity impact on the residential properties within 50metres of the pole
- Insufficient information to confirm alternative sites have been sufficiently researched
- The pole is within topple distance of the adjacent employment site
- Impact from electromagnetic radiation on wildlife
- Impact from electromagnetic radiation on the health of vulnerable adults living adjacent to the pole site
- Impact on tourism, visual impact of the pole on visitors to Gregynog Hall
- Impact on built heritage, visual impact of pole when viewed from Gregynog Hall

### *Support*

- Improvement to local mobile network coverage to support businesses and safety of lone workers
- Required for rural businesses to be competitive in the market
- Vital support for vulnerable people
- Improvement to local infrastructure

## **Planning History**

No relevant planning history

## **Principal Planning Policies**

### National Planning Policy

Planning Policy Wales (9<sup>th</sup> Edition, November 2016)  
Technical Advice Note 5-Nature Conservation and Planning (2009)  
Technical Advice Note 19-Telecommunications (2002)  
Technical Advice Note 23-Economic Development (2014)  
Technical Advice note 24-Historic Environment (2017)

### Unitary Development Plan for Powys (March 2010)

UDP SP13-Utilities/Service Infrastructure  
UDP GP1-Development Control

UDP GP3-Design and Energy Conservation  
UDP GP4-Highway and Parking Requirements  
UDP ENV1-Agricultural Land  
UDP ENV2-Safeguarding the Landscape  
UDP ENV3-Safeguarding Biodiversity  
UDP ENV7-Protected Species  
UDP ENV14-Listed Buildings  
UDP ENV16-Landscape, Parks and Gardens of Specific Historic Interest  
UDP TR2-Tourist Attractions and Development Areas  
UDP DC4-Telecommunications Apparatus  
UDP DC5-Satellite Dishes, Antennae, CCTV and other Devices

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note  
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

## **Officer Appraisal**

### Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose 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.

### Principle of Proposed Development

Policy DC4 allows for appropriate telecommunications apparatus subject to appropriate siting, environmental impact, health impacts and design. Policy DC4 states that where feasible, proposals shall share the site or structure of an existing facility, and in appropriate cases, antennae shall be erected on a suitable existing building or structure so as to prevent proliferation.

### Impact on health and safety

A number of representations received in objection to the proposed development raise concerns regarding the potential health impacts of Electromagnetic Fields (EMFs) and the proximity of the proposed mast to the adjacent employment site and residential dwellings to the east. Paragraph 73 of TAN 19 confirms that mobile phones and their base stations transmit and receive signals using EMFs and as such EMFs are all around us. TAN19 goes on to explain EMFs occur naturally and arise from a wide range of man-made sources and are present wherever there is electricity.

Planning Policy Wales (PPW) and Technical Advice Note 19 (TAN19) recognises that health concerns in association with this type of development are common and offers guidance regarding how public health should be considered through the planning process.

The UK Government's statutory advisers on radiological protection matters are the National Radiological Protection Board (NRPB). The Stewart Report was the result of extensive research into the emission of EMFs from mobile phone base stations and suggested a

number of specific precautionary actions that have been accepted by the Welsh Government. Paragraph 12.13.10 of PPW confirms the report does not provide any basis for precautionary actions beyond those already proposed in the Report. Indeed, PPW states “*local 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.*” UDP Policy DC4 transcribes this guidance into local policy stating “*with regard to health concerns, the Welsh Assembly Government advises that where telecommunications apparatus are expected to meet the (ICNIRP) guidelines it should not be necessary for a Local Planning Authority to consider further health aspects and concerns*”.

In line with the precautionary actions highlighted in the report and transcribed into national and local planning policy, it is a requirement that applications for development which involves the construction of antennas need to be accompanied by a declaration that the equipment and installation will operate in full compliance with International Commission on Non-Radiation Protection (ICNIRP) guidelines and provide information indicating the development location, the height of the antenna,

The application is supported by an ICNIRP declaration signed the 2<sup>nd</sup> June 2017, the declaration and planning statement confirm the grid reference of the proposed mast, the height of the mast and associated satellite dishes. This information meets the requirements set out under national and local planning policy and as such no objection is raised on the grounds of health and safety.

#### Visual and landscape impact

The proposed mast extends to 17.5m in height and occupies a hill top position and as such the impact of the mast on visual amenity and the character of the landscape needs to be assessed.

Policy ENV2 champions the Powys Landscape, stating it is one of the County’s main assets and maintaining the distinctiveness of Powys’ landscape is an important factor in safeguarding the quality of its environment and ensuring economic well-being. Criteria 5 of policy DC4 advises telecommunication infrastructure shall be designed, finished and where appropriate landscaped and screened to minimise any adverse impact on the character and appearance of its surroundings. The visual impact of the infrastructure is stated as one of the main concerns within representations made in objection to the application.

The Planning Statement submitted with the application confirms Telefonica is obligated through its licencing arrangements with central Government to provide enhanced network coverage to this area of Powys. The Statement details other sites which were considered in the area and briefly explains why they are not suitable. The Statement justifies the proposed location based on the optimum coverage it would provide and the visual benefits of existing screening along the field boundary and grouping the telecommunication structure with an existing industrial site.

#### *Alternative sites*

Supplementary information submitted with the application references 5 alternative sites which have been considered when identifying a suitable location for telecommunication

infrastructure to serve Tregynon and surrounding area. The information table includes a column which briefly explains why the site was considered unsuitable; siting technical difficulties, land ownership issues, and planning issues as reasons for discounting these sites.

The applicant has confirmed there is currently no option to share infrastructure and still achieve optimum network coverage and as such the application is to be considered based on the location proposed.

### *Coverage*

Supplementary information has been provided during the life of the application which includes plans showing the extent of coverage of a mast in the proposed location. TAN19 recognises the constraints when identifying suitable locations for telecommunication infrastructure. Paragraph 19 states “*The location of transmitter antennas is important as signals from one cell will interfere with nearby cells on the same frequency. To avoid blind spots from buildings and hills, antennas must usually be placed high up*”. It is considered the hilltop location is suitably justified and directly related the functioning of the infrastructure.

### *Amended design*

The landscape resource ‘Landmap’ provides an assessment of landscape characteristics, qualities and influences on the landscape throughout Wales. Landmap assigns a value of high to the visual and sensory landscape aspect and a value of moderate the landscape aspect south of Tregynon. The value of high is given based on the extensive area of rolling hillsides, traditional farming techniques and the areas sense of place as settled and safe.

Given the high visual and sensory value assigned to this landscape area, amended plans were submitted detailing a different design for the infrastructure. The amended design comprises a single pole shaft finished in a green colour as opposed to a galvanised lattice tower. No design changes are proposed to the antennas. The amended design is often used for infrastructure within sensitive landscape areas such as conservation areas and areas of outstanding national beauty, the amended scheme is welcomed and would assist in integrating the infrastructure within the landscape.

### *Neighbour amenity*

The site is within 50m of residential dwellings (Cordon View and Poolside) and adjacent employment site (Neo Fabrications) to the east. In accordance with policy GP1 and GP3 consideration needs to be given to whether infrastructure of the proposed scale would reduce the amenity enjoyed by the occupiers of the residential dwelling. The application is supported by photomontages taken from the highway adjoining Cardon View (albeit showing the lattice tower structure and not the updated pole design).

The proposed infrastructure is sited at a higher ground level than the adjacent employment site and effectively looks down on the roof of the industrial buildings but is not considered to have an unacceptable impact on this building and its curtilage. The infrastructure would be visible from the curtilage of Cordon View and Poolside, however the separation distance between the curtilage and infrastructure are sufficient to ensure infrastructure of the proposed

scale would not unacceptably reduce the amenity of the occupiers of the dwellings through appearing overbearing.

Based on the above appraisal, it is considered the proposed siting of the telecommunication infrastructure satisfactorily balances the operator constraints with the need to minimise visual intrusion and as such no objection is raised on visual amenity or landscape impact grounds.

#### Impact on the Historic Environment

The site is located outside of, but close to (approximately 240m) the boundary of Gregynog Registered Historic Park and Garden, the Gregynog grounds accommodates 7 listed buildings. Tyn Y Bryn Farmhouse and associated outbuildings are approximately 500m to the east of the site and are also listed.

A photomontage has been submitted which gives a representative view of the infrastructure from the front of Gregynog Hall. Representations have been received from Cadw and the Authority's Built Heritage Officer. Both concur that the infrastructure would not be visible from Gregynog listed buildings or Park and Gardens due to intervening topography and vegetation. The Built Heritage Officer, following her evaluation, concludes, due to the intervening topography, the proposed infrastructure would not be visible from Tyn Y Bryn farm complex.

Based on the assessments carried out by Cadw and the Built Heritage Officer and the submitted photomontages it is concluded that the proposed infrastructure would not have an unacceptable adverse impact on the historic environment.

#### Impact on Residential Amenity

Criteria 2 of policy DC4 confirms in order to be considered acceptable, telecommunication apparatus shall not reduce the amenity of neighbouring properties, including interference with radio or electrical interference which can't be satisfactorily remedied. TAN19 advises local planning authority may grant planning permission subject to a condition that, before development commences, the developer will ensure that the quality of any reception affected by the development will be restored. However Appendix 2 of TAN19 issues a caution that a blanket planning condition that requires that no interference shall occur will not normally be appropriate or reasonable.

The nearest residential units are approximately 50m from the site and are situated at a lower ground level than the proposed infrastructure. The advice under TAN19 any interference would be handled under the appropriate legislation and would not controlled via a planning condition.

#### Impact on Ecology

The development site would impact a small parcel of semi improved grassland which is considered to have low ecological value. The proposal does not include the loss of any trees or hedgerows, however the infrastructure is close to the existing trees along the eastern field boundary.

The site is located approximately 500m from the nearest SSSI at Gregynog Hall and supports approximately 45 protected species within 500m of the site.

The County Ecologist considers the proposed development would not have an unacceptable adverse impact on protected species of habitats, however in order to ensure the root stock of the existing trees along the eastern boundary are protected, a tree protection plan would be required prior to commencement of development.

Based on the above appraisal and subject to the recommended conditions being attached to any forthcoming consent, the proposed development would not have a detrimental impact on ecology.

### Other Legislative Considerations

#### *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

#### *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

#### *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

#### *Wellbeing of Future Generations (Wales) Act 2015*

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

## **Recommendation**

The proposed development, subject to the attached conditions, is considered to be acceptable and would accord with the relevant national and local planning policies, as listed within this report. As such the recommendation to Members is one of conditional approval.

## **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved. Plan references include: Proposed Site Elevation (300 C as amended) and Proposed site Plan (200 C as amended) and Site Location Maps (100 A)
3. Prior to commencement of development, a tree protection plan shall be submitted to and approved in writing by the local planning authority. The plan shall be in accordance with BS:5837:2012 and works shall be carried out in accordance with the approved plan.
4. Within 6 months from the last use of the infrastructure hereby permitted the infrastructure and associated works shall be fully removed and the site restored to its former use (agricultural land).

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of ecology and to accord with Unitary Development Plan policies GP1 and ENV3 (March 2010)
4. In the interests of amenity and to accord with Unitary Development Plan policy DC4 and the Telecommunications Act 1984.