

**Number: 7**

**Application Number: C17/0437/22/LL**

**Date Registered: 27/04/2017**

**Application Type: Full - Planning**

**Community: Llanllyfni**

**Ward: Penygroes**

**Proposal: Erect a 21m high telecommunications mast, including a radio station, 3 antennae, 2 equipment cabinets, associated equipment, along with a 1.8m high security fence**

**Location: Land adjacent to the Penygroes Telephone Exchange, County Road, Penygroes, Caernarfon, Gwynedd LL54 6HE**

**Summary of the Recommendation:**

**APPROVE WITH CONDITIONS**

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## 1. Description:

- 1.1 This is an application to erect a 21m high latticed telecommunications tower with two antennae and two satellite dishes on top of it, three measuring and equipment cabinets on the ground, and a 1.8m high fence to create a compound.
- 1.2 The site is located on the outskirts of Penygroes at the rear of the telephone exchange site which contains one permanent single-storey building, vehicular access off a parallel public road and turning and parking spaces. There is vehicular access to the site from the adjacent highway to the north, and a post and wire fence surrounds the site. There are residential properties on the far side of the public road toward the north, west and east and farther to the south, whilst open agricultural fields lie toward the south and east. The following are also nearby: Bro Lleu Primary School, Dyffryn Nantlle Secondary School, and Plas Silyn Leisure Centre. There are a number of mature trees within the site and also on parallel land.
- 1.3 The proposal entails the erection of a steel tower. In addition, three standard equipment cabinets of various sizes, to be finished in green, will be erected near the foot of the tower with a 1.8m high fence surrounding it. The site of the application is on a lower level than the existing building; consequently, a staircase will be constructed as an entrance to the site from the higher ground. From the information submitted, it is noted that the reason for the proposal is to carry out the Government's aim to provide a 4G signal where it does not already exist in rural areas.
- 1.4 The documents below have been submitted as part of the application:
- Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines
  - Radio Planning and Propagation
  - North Wales Economic Ambition Board letter
  - A statement providing General Information about Telecommunications developments
  - Copies of pre-application consultation letters sent
  - Report of a Panoramic Investigation
- 1.5 A pre-application enquiry was submitted for this proposal. It is noted that the location of the development has been amended from that originally shown for the pre-application enquiry. At that time, the development location was to the side of the site, but the Local Planning Authority advised that re-locating it to the rear of the site would be an improvement as it would be better screened by the existing building and would be farther away from nearby residential houses. The application has been submitted formally with the amended location amended.

## 2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Unitary Development Plan.
- 2.2 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 the 7 well-being goals within the Act. This report has been prepared in consideration of the Council's duty

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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.

### 2.3 **Gwynedd Unitary Development Plan 2009:**

POLICY B23 – AMENITIES - Safeguard the amenities of the local neighbourhood by ensuring that proposals conform to a series of criteria aimed at safeguarding the recognised features and amenities of the local area.

POLICY B25 – BUILDING MATERIALS - Safeguard the visual character by ensuring that building materials are of a high standard and are in keeping with the character and appearance of the local area.

POLICY B27 - LANDSCAPING PLANS - Ensuring that permitted proposals incorporate soft/hard landscaping of high standard which is appropriate for the site and which takes into consideration a series of factors aimed at avoiding damage to recognised features.

#### POLICY C1 - LOCATING NEW DEVELOPMENT

Land within the development boundaries of towns and villages and the developed form of rural villages will be the main focus for new developments. New buildings, structures and ancillary facilities in the countryside will be refused with the exception of a development that is permitted by another policy of the Plan.

POLICY C3 – RE-USING PREVIOUSLY USED SITES - Proposals will be approved that prioritise re-using land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable.

POLICY CH20 - TELECOMMUNICATIONS EQUIPMENT - Proposals for telecommunications equipment requiring planning consent will be approved provided that a series of specific criteria are met concerning visual matters, environmental and health matters. The development should try to utilise appropriate existing structures or buildings and the telecommunications equipment should be removed from the site if it is no longer required.

POLICY CH33 - SAFETY ON ROADS AND STREETS - Development proposals will be approved provided they conform to specific criteria relating to the vehicular access, the standard of the existing roads network and traffic calming measures.

### 2.4 **Gwynedd and Anglesey Joint Local Development Plan. (Composite Version including Matters Arising Changes, January 2017)**

SP 3: Information Technology and Communication

PCYFF 1: Development criteria

PCYFF 2: Design and place shaping

PCYFF 3: Design and landscaping

### 2.5 **National Policies:**

Planning Policy Wales Edition 9 2016

Technical Advice Note 19: Telecommunications

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A letter from the Welsh Government's Chief Planner dated 29.11.16 was published stating that Planning Policy Wales encourages local planning authorities to respond positively to telecommunication applications when taking into consideration the advice on safeguarding urban and rural areas. Such applications are part of the Government's framework to make the country a digital nation.

### 3. Relevant Planning History:

3.1 Application 3/22/123 - telephone exchange - approved 12.12.77

### 4. Consultations:

Community/Town Council: Not received

Transportation Unit: No observation as it is not presumed that it would have any impact

Ministry of Defence: No objection

Biodiversity Unit: No objection

Public Protection Unit: Not received

Public Consultation: A notice was posted on site and in the local press and nearby residents were informed. The advertisement period has expired and letters / correspondence were received objecting on the following grounds:

- Lack of consultation with local residents
- Effect of radio waves on children
- Detrimental impact on a site, parallel to the site of the application, allocated for housing because of its oppressive impact; noise; its effect on residential and visual amenities; also, its inability to provide housing, including affordable housing, on the designated site; lack of compliance with relevant policies

As well as the above objections, objections were received that were not material planning objections and these included:

- Loss of view

### 5. Assessment of the material planning considerations:

#### The principle of the development

5.1 It is a requirement that planning applications be determined in accordance with the adopted development plan, unless other material planning considerations state otherwise. The current 'Development Plan' is the Gwynedd Unitary Development Plan (2001-2016) and the Joint Local Development Plan for Gwynedd and Anglesey (Joint LDP) will replace the UDP as the 'development plan' once it is adopted. It is hoped that the JLDP will be adopted during July 2017.

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5.2 When dealing with any planning application the statutory test should be your first consideration at all times, i.e. it is necessary to determine planning applications in accordance with the development plan, unless other relevant considerations state otherwise. The JLDP is now a material planning consideration for the purposes of development control - see paragraph 3.1.3 Planning Policy Wales that states:

"Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies ...".

5.3 Although many policies have been discussed in detail during the Gwynedd and Anglesey Joint Local Development Plan Hearings, we will not know for certain what the contents of the Plan will be until the Inspector submits his binding report.

5.4 Paragraph 2.14.1 of Planning Policy Wales states:

"...thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances." In this case, it is believed that the principle of the development complies with the general requirements of policies SP 3, PCYFF 1, PCYFF 2 a PCYFF 3.

5.5 The general requirements of Policies C1 and C3 will approve proposals that prioritise the re-use of land and buildings previously developed and located within or around development boundaries, provided that the site or the building and the use are suitable. The site is located within the Penygroes development boundary and it is considered that the principle of the proposed development is acceptable as it makes good use of a site that has already been developed (brownfield) and it therefore complies with the general requirements of policies C1 and C3.

5.6 Likewise, policy CH20 approves proposals for new infrastructure and telecommunications equipment subject to full consideration of specific criteria associated with this policy namely:

1. that the development utilises suitable existing structures (including other telecommunications equipment) or buildings unless it can be clearly proven that this would not be feasible and appropriate;
2. that the scale, location, design and prominence of the development will not cause significant harm to the landscape, the coast, biodiversity or historic areas/features, particularly within or near designated areas/buildings;
3. that the development is certified as complying with the ICNIRP guidelines;
4. that, if the telecommunications equipment is no longer needed, it will be removed from the site and appropriate restoration work carried out.

5.7 The applicant has stated in the planning application documents the reasons why this location has been chosen for the development, and notes that it is part of the Government's aim to provide a 4G signal supply where it does not currently exist, and specifically in rural areas.

5.8 The "*Declaration of Conformity with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) Public Exposure Guidelines*" has been submitted as part of this application. It confirmed that the development had been certified as being

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in compliance with ICNIRP guidelines, which are the recognised guidelines for this type of development.

5.9 An objection was received based on concern about the impact of the development on health, and specifically on the health of the children at the nearby Primary School. Criterion number 3 of policy CH20 ensures that proposed developments satisfy the International Commission on Non-Ionizing Protection (ICNIRP) Public Exposure Guidelines. Every new station is expected to satisfy the ICNIRP guidelines. Information has been received indicating compliance with these standards. Although we recognise that concern has been raised, this proposal is not considered to be contrary to national policies or the Unitary Plan and there is no need for further information to assess the possible impact of the development.

5.10 It is usual to impose a condition to ensure that equipment is removed from the site and that appropriate remedial work is carried out if the equipment is no longer needed. Based on the above, the principle of the development is considered to be acceptable and in compliance with the general requirements of the above policies.

### **Visual amenities**

5.11 With this type of development, it is inevitable that the proposed structure will be partly visible from public places as it needs to be in a fairly open location to ensure that it works to its full capacity. Nevertheless, in this case it is deemed that a natural backdrop already exists when looking at the site from the north, north-west and the north-east because of the presence of mature trees along the side of Lôn Eifion, that runs past the nearby site.

5.12 Although the site borders open countryside, the nearby area has multiple uses which includes schools, a leisure centre and residential houses, which means that there are buildings of various sizes and appearances. A number of narrow, tall structures already exist in the area, such as electricity poles and street lighting. And, as can be seen farther away (approximately 340m) in a south-easterly direction, electricity pylons cross the land. The nearest residential properties stand approximately 50m and 90m away from the site of the application in various directions. It is acknowledged that this type of development will have some visual impact on the nearest dwellings, however, it is considered that impact will not be substantial in this case..

5.13 Looking at the site from the east, residential dwellings and the built form of the village are on the horizon; therefore, it is considered that the proposed location is not an entirely open space because of the surrounding landscape. Therefore, it is considered that the general requirements of policy B23 are satisfied.

5.14 It is proposed that a condition be imposed on the finish of the mast; it is believed that this would be acceptable in this case as it would ensure that it blends in with the local environment. The associated equipment, namely the cabinets and the surrounding fence, are also acceptable because of their finish and mainly, because the application site has a ground level that is below the existing building nearby. In terms of finishes, the proposal is considered to be acceptable from the point of view of the requirements of policy B25. It is also believed that it is appropriate to include a condition to agree on further landscaping measures, which, in doing so would satisfy the requirements of policy B27.

5.15 In essence, this is a narrow and simple structure that is unlikely to have a long term impact on the visual amenities of the local area. It is believed that the proposal in terms of this element is acceptable and therefore satisfies the requirements of the

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second criterion in Policy CH20 that states that the development should not cause significant harm to the landscape.

### **General and residential amenities**

- 5.16 Information has been submitted with the application that lists other sites near the site that were considered prior to deciding on this site. Many of these have been disregarded for various reasons including their likely detrimental impact on general and residential amenities within those specific areas, lack of consent from landowners to use the identified sites, the signal would not be as good at these sites, and other technical matters. It is therefore acknowledged that an attempt has been made to identify other sites but that this has not been identified for the proposal because of its suitability with regards technical matters and impacts on amenities.
- 5.17 It is considered that the proposal would not have a significant impact in terms of noise and would not have a negative impact on the nearby area's general and residential amenities as regards these matters. It is acknowledged that there are three prominent sites nearby which indicate the regular presence of children in the area. The Leisure Centre building is approximately 60m from the site of the application, the Ysgol Bro Lleu building is approximately 160m away, and the closest building belonging to Ysgol Dyffryn Nantlle is approximately 190m away. It is accepted that the land on these sites, including part of the Ysgol Bro Lleu site, which contains play equipment, is closer than the buildings themselves; but, as mentioned above, information has been received which confirms that the development has been certified as complying with ICNIRP guidance despite public concern about the impact on health. The proposal therefore is not unacceptable in terms of the third criterion of policy CH20.
- 5.18 It is considered that this site is suitable in terms of location and acceptable in terms of its impact on the area's general and residential amenities and fully complies with the requirements of policy B23.

### **Transport and access matters**

- 5.19 The structure and all the associated equipment are at the far end of the existing site; it would not negatively impact the movement of vehicles in and out of the site itself in any way. Although it would be partly visible from adjacent public highways, there is no objection to the proposal from the Transportation Unit and therefore it is considered that there is no concern in terms of compliance with the requirements of policy CH33.

### **Any other considerations**

- 5.20 As previously mentioned, a pre-application enquiry was submitted about this proposed development. The proposal was amended following a suggestion from the Local Planning Authority to re-locate the mast to the rear of the site and behind the telephone exchange building.

### **Response to the public consultation**

- 5.21 Following a period of public consultation, including placing a notice in the local press and a public notice on the site, and sending letters to nearby residents, observations were received noting the following, and it is considered that the above report deals fully with these issues:

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- Lack of consultation with local residents
- Effect of radio waves on children

5.22 An objection to the proposal was received from planning consultants on behalf of a housing association because of the detrimental impact the development would have on land, parallel to the site of the application, which has been allocated for housing, in terms of noise, impact on residential and visual amenities, inability to provide housing, including affordable housing on the designated site, lack of compliance with relevant policies

5.23 Parallel land has been designated for housing in the existing Unitary Plan. Although this Plan has been adopted since 2009, no planning application seems to have been submitted for developing this land for residential purposes. The Local Development Plan includes part of the land as previously shown for the construction of houses (it has been reduced from that which is in the Unitary Plan), but at the time of writing this report, it is not known whether the Inspector will accept and include this land in the Local Development Plan.

5.24 No planning permission exists for this land, it is acknowledged that the land has been designated for residential development and that it is likely to be included once more in the Local Development Plan (albeit on a smaller scale). It believed that it is not, therefore, possible to assess the existing proposal in relation to that which could take place on this land in future. It is not believed, should permission be granted for this existing application, that this would prevent the future development of houses on adjacent land; it is possible to design a plan which gives consideration to any relevant restrictions (if such a mast as this did, in fact, restrict development on adjacent land).

## **6. Conclusions:**

6.1 Having considered the above and all the relevant planning matters including the local and national policies and guidance, it is not believed that this application to erect a telecommunications mast is unacceptable and, consequently, it is believed that it does comply with the requirements of all the relevant policies as noted above.

## **7. Recommendation:**

7.1 To approve – conditions

1. Time
2. Comply with plans
3. Remove the mast and associated equipment and restore the land should its use end.
4. Landscaping
5. Condition regarding the colour of the mast and the antenna/satellite dish
6. Condition regarding the colour of the fence