

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **22ND FEBRUARY 2017**

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

SUBJECT: **FULL APPLICATION – SWAP OUT AND RELOCATION OF THE EXISTING 10 M HIGH MONOPOLE WITH A 12.0 M HIGH ALPHA MONOPOLE, INSTALLATION OF 3 NO. EQUIPMENT CABINETS AND ASSOCIATED DEVELOPMENT AT LAND OPPOSITE FAIR HAVEN, RUTHIN ROAD, GWERNYMYNYDD.**

APPLICATION NUMBER: **056287**

APPLICANT: **MBNL**

SITE: **LAND OPPOSITE FAIR HAVEN, RUTHIN ROAD, GWERYNYMYNYDD.**

APPLICATION VALID DATE: **29TH NOVEMBER 2016**

LOCAL MEMBERS: **CLLR NANCY MATTHEWS**

TOWN/COMMUNITY COUNCIL: **GWERNYMYNYDD COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **LOCAL MEMBERS REQUEST: CONCERNS REGARDING VISUAL IMPACT WITHIN A.O.N.B AND PUBLIC HEALTH**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full application for the replacement and relocation of the existing 10m high monopole with a 12.0m high alpha monopole, installation of 3 no. equipment cabinets and associated development.

The proposal is to improve the level of coverage in the vicinity.

The main issues to consider are the impact on residential amenity, the impact on the highway network and the visual impact on the A.O.N.B.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

2.01 The proposal is recommended for approval subject to the following conditions:

Conditions

1. Time Limit.
2. In accordance with plans.
3. Details of the finish and colour of the monopole and cabinets to be agreed.
4. Land to be restored after site is no longer in use for telecommunications

3.00 CONSULTATIONS

3.01 Local Member
Nancy Matthews

Requests committee determination based on the visual impact on the A.O.N.B, impact on the residential amenity of the local residents and potential health concerns.

Gwernymynydd Community Council

Objection to the proposal on the following grounds:

- The proposed mast is too high and impacts on the A.O.N.B
- Concerns in relation to the potential health impacts on the development
- There is no requirement for improved mobile phone signal in the area.
- Potential impact of underlying mineshafts
- The Council appreciates the requirement for this type of requirement but consider that the proposed location is unacceptable for the reasons above.

Highways Development Control

As the site falls on the A494 the proposal should be assessed by Welsh Government, Department of Economy, Science and Transport

Pollution Control

No Objection.

A.O.N.B Joint Advisory Committee

No objection subject to an appropriate condition.

Clwyd Powys Archaeological Trust
No Objection.

Airbus
No Objection.

Welsh Government, Department of Economy, Science and Transport
Does not issue a direction in respect of this application.

4.00 PUBLICITY

4.01 Site Notice and Neighbour Notification

5 letters of objection have been received following the consultation exercise raising the following points:

- The proposed mast is too high and impacts on the A.O.N.B
- Visual Impact on the residents and users of the area.
- Concerns in relation to the potential health impacts on the development.
- There is no requirement for improved mobile phone signal in the area.
- Potential impact of underlying mineshafts.
- House prices will be effected by the proposal.
- Development is environmentally unfriendly.
- Potential for insurance claims, in relation to the health impacts, against developer and the Council.
- Possible health impacts on birdlife

5.00 SITE HISTORY

5.01 037782 – Installation of a 10m high telegraph pole with integral omni antenna supported by one ground based equipment cabinet. – Allowed 10th February 2005

055302 – The swap out and relocation of the existing 10M high monopole for a 12.5M high monopole, installation of 3No. equipment cabinets and associated development thereto. – Withdrawn 19th October 2016

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

AC22 - Location of Installations
GEN 1 – General Requirements for Developments
GEN 3 – Development in the Open Countryside
L1 – Landscape Character
L2 – Area of Outstanding Natural Beauty

Planning Policy Wales (Edition 9)

Technical Advice Note 19: Telecommunications (2012)

7.00 PLANNING APPRAISAL

7.01 Introduction

This application is for the replacement and relocation of the existing 10m high monopole for a 12.0m high alpha monopole, installation of 3 no. equipment cabinets and associated development. Planning Permission was granted for a 10m monopole at this location in 2005.

7.02 Telecommunication developments benefit from a comprehensive level of permitted development, with most development falling under the prior approval process outlined within the Town and County Planning (General Permitted Development) Order 1995. In this case, due to the location of the development within the Area of Outstanding Natural Beauty, full planning permission is required.

7.03 Planning Policy

Flintshire County Council's Unitary Development Plan seeks to control the location of telecommunication installation via Planning Policy AC22. This Policy requires that any new telecommunication facilities in a sensitive area, such as the A.O.N.B, are subject to a feasibility study which would assess if suitable alternatives are available.

7.04 As proposed mast will replace an existing mast therefore it may be considered it necessary for the applicants to have considered alternative locations before selecting this site. However, the applicant has submitted a short assessment of available alternatives in the locality which shows that the nearest alternative sites would not provide the improvement of mobile phone signal in the area required.

7.05 Technical Advice Note: 19 Telecommunications provides advice on the material planning considerations to be taken into account as part of determining a planning application. Particular reference is made to the potential impact on public health which is discussed in further detail below.

7.06 Visual Impact

Due to its increased height and design the new mast will be more prominent than the one it replaces. However the additional impact is such that the development will not have a significantly greater or detrimental impact upon the street scene and surrounding townscape. Views of the mast from the wider locality are largely obscured by buildings and by mature vegetation. The dwellings to the north of the site are over 35 metres away and are positioned on land higher than the application site. The dwelling to the south is some 75

metres away from the site with a row of mature trees shielding it from view.

7.07 The two additional equipment cabinets appear as street furniture and will not have a significant impact upon the street scene. It must also be noted that, by themselves, the cabinets do not require full planning permission but can be placed on the site through the prior approval process. The finish and colour of both the monopole and cabinets will be agreed by condition prior to the erection of the monopole which will further reduce the impact of the proposal.

7.08 Highways Safety

Whilst noting the concerns expressed by the objector about highway safety, the applicants have submitted the requisite Technical Note in relation to the A494 Truck Road. The Welsh Government have raised no objection with the proposal on highways grounds.

7.09 Public Health

There have been concerns raised regarding potential public health concerns. However, there is statutory requirement that applications for the type of telecommunications development proposed need to be accompanied by a declaration that the equipment will operate in full compliance with the International Commission on Non-Ionizing Radiation Protection ICNIRP guidelines. TAN:19 states that where transmissions from a proposed base station meet the ICNIRP guidelines it is unnecessary for a Local Planning Authority to consider further the health aspects and concerns when considering such a planning application. The application documents include a Declaration of Conformity with ICNIRP Public Exposure Guidelines.

7.10 In light of the above and given that there is no demonstrable harm on public health arising from the above development, I have given concerns about the impact on public health limited weight.

7.11 Coal Mining

The site does not fall within a Coal Authority referral area, however an advisory note will be added providing advice on the working within areas with a history of mining activity.

8.00 CONCLUSION

It is considered that the proposed telecommunications equipment is in accordance with the relevant planning policies. The siting of equipment meets both Local and National Planning Policy, and would not have an adverse impact on the residential amenity of adjoining dwellings or the A.O.N.B.

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

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