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01/2017/0235

Scale: 1:500

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# SITE PLAN

ALL DIMENSIONS ARE IN mm UNLESS NOTED OTHERWISE  
 N.G.R. E. 304769 N. 365854  
 CONCESSION REQUIRED NO

NOTES:

CYNGOR SIR DONISTON  
 NIGHSHIRE COUNTY COUNCIL  
 13 MAR 2017  
 PLANNING SERVICES

REV	DESCRIPTION	BY	CHK	DATE

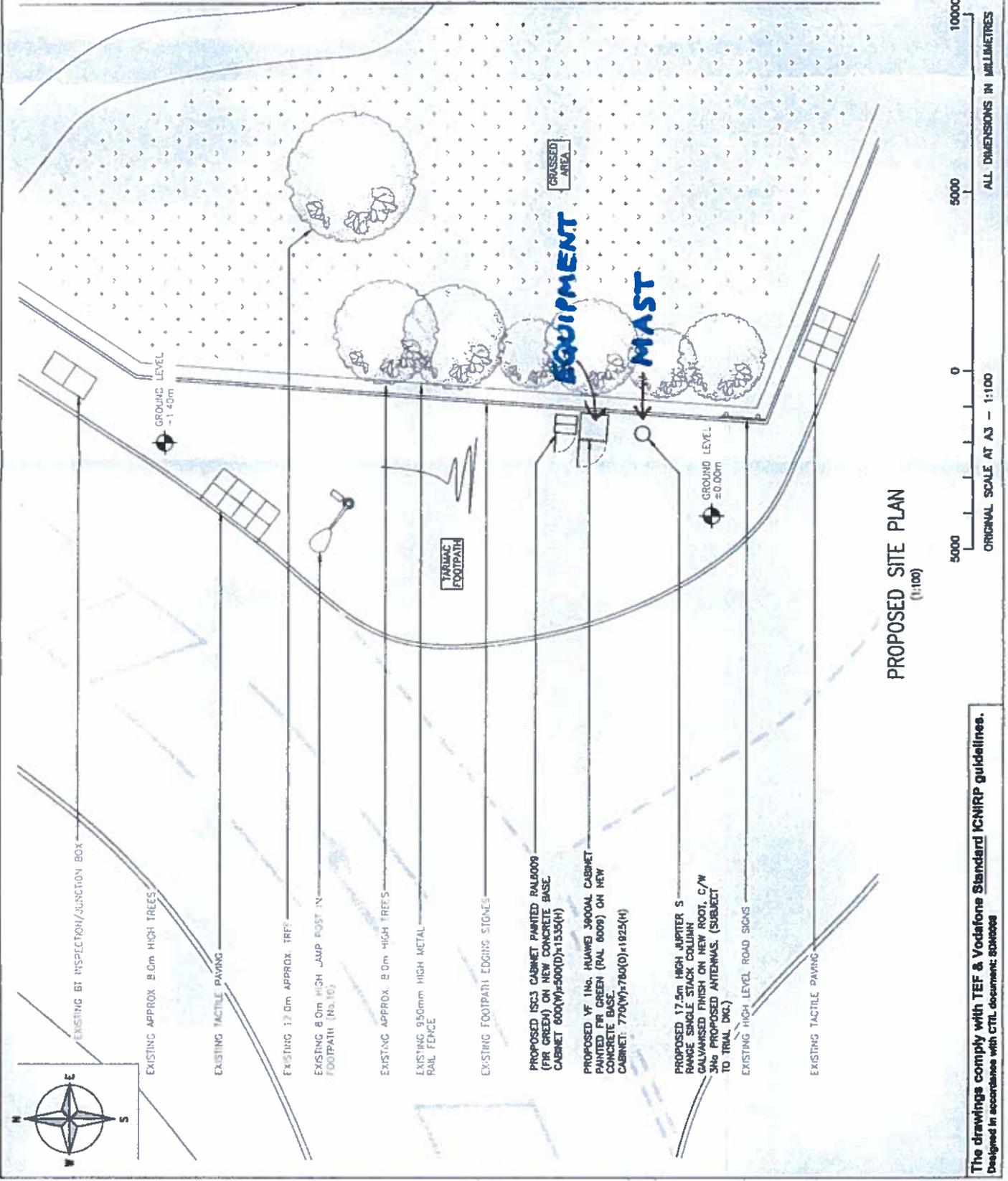
**KTU**  
**Infra Projects**  
 Sustainable | Innovative

**vodafone**  
 GROW THE GRID

Cell Name	Opt
SW JUNCTION SMITHFIELD ROAD	-
Cell ID No	
207737	95264

Site Address / Contact Details  
 SMITHFIELD ROAD  
 LON LUEWELLYN  
 DENBIGH  
 DENBIGHSHIRE  
 LL16 3RW

Drawing Title	PROPOSED SITE PLAN
Purpose of Issue	PLANNING
Drawing Number	201
Drawn By	
Checked By	
Original Issue No.	A3
Drawn Date	04/01/17
Checked Date	04/01/17
Drawn Scale	C



PROPOSED SITE PLAN  
 (1:100)

The drawings comply with TEF & Vodafone Standard ICNIRP guidelines.  
 Designed in accordance with CTL document: SDR006



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 N.C.R. E: 304769 N: 365854  
 CONCESSION REQUIRED NO

NOTES:



REV	DESCRIPTION	BY	CHK	DATE

**KTO**  
**Infra Projects**  
 Sustainable | Innovative

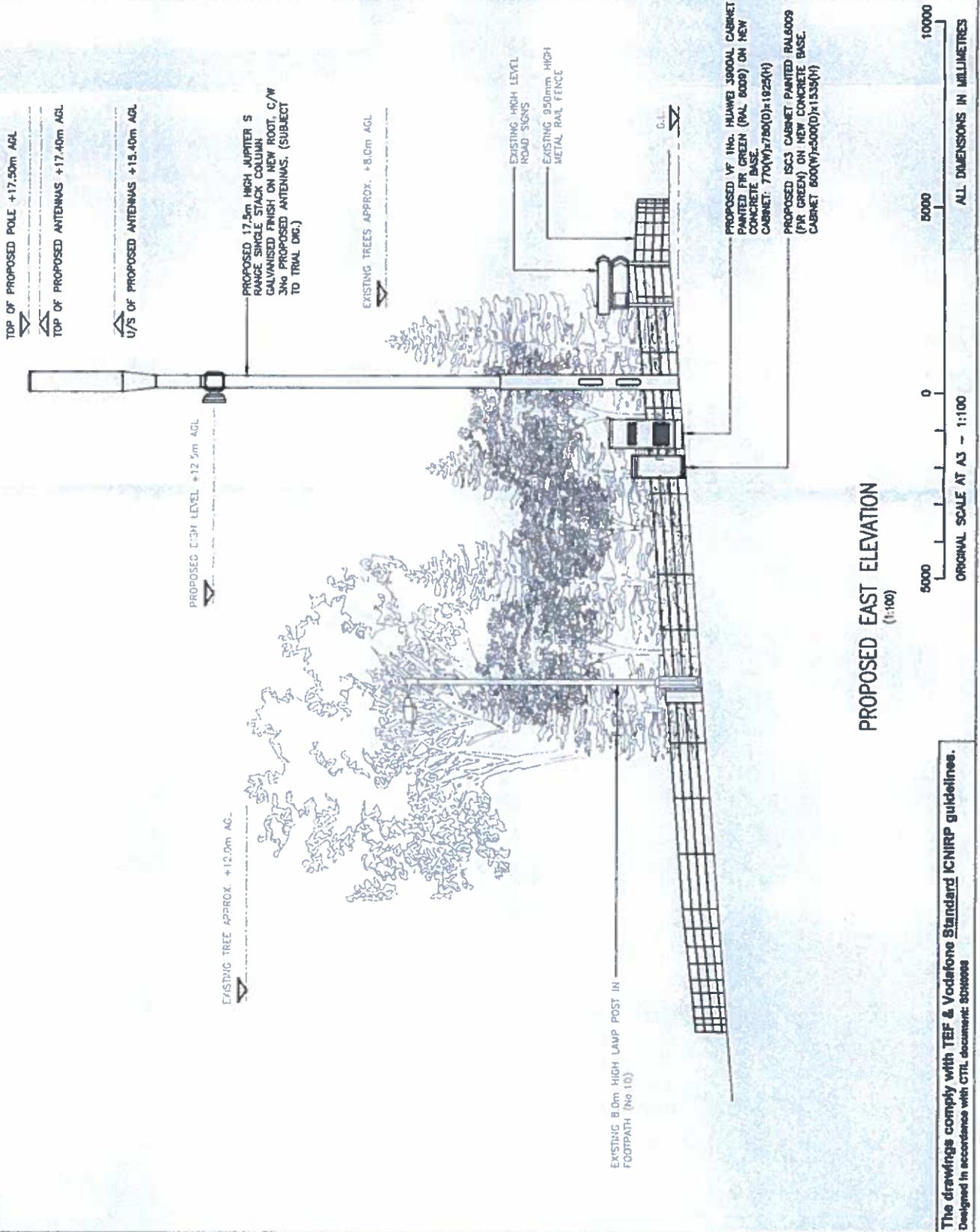
**vodafone**  
 GROW THE GRID

Cell Name: SW JUNCTION SMITHFIELD ROAD  
 Cell ID No: -

207737 50500 95284

Site Address / Contact Details  
 SMITHFIELD ROAD  
 LON LLEWELLYN  
 DONDEGH  
 DOWNROSHIRE  
 LL16 3HG

Drawing Title: PROPOSED SITE ELEVATION	
Purpose of Issue:	PLANNING
Dwg Ref:	B
Drawn:	AS
Checked:	AS
Drawn Date:	08/01/17
Checked Date:	08/01/17
Drawn By:	AS
Checked By:	AS
Field Mark:	C



The drawings comply with TEF & Vodafone Standard KNIRP guidelines.  
 Designed in accordance with CTL document: 52050996



**WARD :** Denbigh Upper

**WARD MEMBER(S):** Cllr Geraint Lloyd Williams  
Cllr Glenn Swingler

**APPLICATION NO:** 01/2017/0235/PF

**PROPOSAL:** Installation of a telecommunications column with shrouded antennas, 1 no. 0.6 radio link dish, 2 no. equipment cabinets at ground level and ancillary development

**LOCATION:** Junction of Smithfield Road Lon Llewelyn Denbigh

**APPLICANT:** CTIL Cornerstone Telecommunications Infrastructure Ltd

**CONSTRAINTS:** None

**PUBLICITY UNDERTAKEN:** Site Notice - Yes  
Press Notice - No  
Neighbour letters - Yes

**REASON(S) APPLICATION REPORTED TO COMMITTEE:**

**Scheme of Delegation Part 2**

- Recommendation to grant / approve – 4 or more objections received
- Member request for referral to Committee

**CONSULTATION RESPONSES:**

**DENBIGH TOWN COUNCIL**

“No objections.

The councillors did want the following details noted for application – No objection received from local residents however residents are worried about radiation from the new mast.”

**PUBLIC HEALTH ENGLAND PRINCIPAL ENVIRONMENTAL PUBLIC HEALTH SCIENTIST  
(ON BEHALF OF PUBLIC HEALTH WALES)**

Having reviewed the application, note that the applicant has provided a declaration of conformity with guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP) with respect to the proposed telecommunications installation. Central to Public Health England advice is that exposures to radio waves should comply with these (ICNIRP) guidelines.

**WALES AND WEST UTILITIES**

Confirms WWU have gas pipes in the area, and remind the applicant that they must not build over any of their apparatus.

**CADW**

No objections to the impact of the proposed development.

Advise there are a number of scheduled ancient monuments within the vicinity of the proposed development, and the proposed mast would be some 335m to the west of Denbigh Castle. The proposed mast will be some 20m high and will be visible in the identified significant view from Denbigh Castle DE156 along the A543. However, existing trees will partly screen the proposed mast and whilst the upper works will be visible they will not block the view. As such Cadw consider that the proposed mast will have a slight adverse impact on the setting of scheduled monument Denbigh Castle DE156, however, this will not be significant.

**DENBIGHSHIRE COUNTY COUNCIL CONSULTEES –**

Head of Highways and Infrastructure

Highways Officer

– No objection

Pollution Protection Officer

- Following advice received from Public Health England, Public Protection Officers are of the opinion that the supporting documentation submitted with the application shows compliance with the relevant guidance and have no further comments to make.

Archaeologist

– Historic Environment Record shows there are no known archaeological records in the area. No objections from an archaeological perspective, however Cadw should be consulted regarding possible impact on the setting of Denbigh Castle.

## **RESPONSE TO PUBLICITY:**

### In objection

Representations received from:

Stephanie Kelly, 5 Smithfield Road, Denbigh

Bryn and Mary Pierce, 10 Smithfield Road, Denbigh

Pip Stevens, 58 New Road, Denbigh

Colin Hughes

Petition with 11 addresses

Summary of planning based representations in objection:

- Concerns focus on health risks associated with the radiation from the telecommunications mast and the proximity to residential properties.
- Consider the mast should be located away from residential properties.
- Council has a duty of care to residents and those who work in nearby offices

Question over Council benefitting financially from a scheme which may impact on public health.

**EXPIRY DATE OF APPLICATION:** 07/05/2017

**EXTENSION OF TIME AGREED:** 14/07/2017

### **REASONS FOR DELAY IN DECISION (where applicable):**

- awaiting consideration by Committee

## **PLANNING ASSESSMENT:**

### **1. THE PROPOSAL:**

#### 1.1 Summary of proposals

- 1.1.1 The proposal for the installation of a 17.5m telecommunications streetworks pole, with shrouded antennas and 1 no. 0.6m transmission link dish to be sited at the back of the public footway adjacent to the road junction between Smithfield Road and Lon Llewellyn, Denbigh. (see plans at the front of this report).
- 1.1.2 2 no. ancillary equipment cabinets are proposed to be installed at the base of the pole.
- 1.1.3 The application explains that the proposed telecommunications equipment is required to provide mobile network coverage in the County for two telecommunications operators (Vodafone Limited and Telefonica UK). Specifically, the mast would provide new 4G services and also improve existing 2G and 3G coverage.
- 1.1.4 The application is accompanied by a 'Declaration of Conformity with the International Commission on Non-Ionizing Radiation (ICNIRP) Public Exposure Guidelines' ('ICNIRP Declaration').

#### 1.2 Description of site and surroundings

- 1.2.1 The pole would be located at the back of the public footway at the road junction between Smithfield Road and Lon Llewellyn, near the entrance to the Caledfryn Council Offices.
- 1.2.2 The telecommunications mast would be adjacent to low level railings which form the boundary around the Caledfryn curtilage, and there are trees directly behind the railings within the grounds of Caledfryn.
- 1.2.3 There is existing street furniture in the footway in this location including a lamppost and pole mounted road signage.
- 1.2.4 There are residential properties along Smithfield Road and Lon Llewellyn, with the closest properties being approximately 25m away on the opposite side of Smithfield Road.
- 1.2.5 Denbigh Castle is approximately 335m to the west of the application site.

### 1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the Denbigh development boundary as defined in the Local Development Plan.

### 1.4 Relevant planning history

- 1.4.1 There is no planning history of direct relevance to the application site.
- 1.4.2 Telecommunication prior notification applications were submitted in 2000 and 2006 (prior approval not required) on land adjacent to the Lon Llewellyn covered reservoir approximately 120m to the south east of the application site. These are not considered to be of direct relevance to the current application.

### 1.5 Developments/changes since the original submission

- 1.5.1 Additional information on the health implications and radiation from telecommunications equipment was provided by the applicants in response to concerns raised by members of the public.

### 1.6 Other relevant background information.

- 1.6.1 For clarification, the application site is located within the roadside verge, and as such, should planning permission be granted, the applicant will need to enter into a wayleave agreement with the Council to install the apparatus in this location. This is the same process for any other telecommunications infrastructure installed in the public highway (e.g. telegraph poles, BT green equipment cabinets etc.). The Wayleave would be dealt with by the Council's Valuations and Estates Department after the planning decision has been made and an entirely separate process to the planning determination.
- 1.6.2 Members are reminded that the potential finance income which may be generated by the wayleave agreement is not a material planning consideration, and as such it should not be given any weight in the determination of the planning application.

## **2. DETAILS OF PLANNING HISTORY:**

- 2.1 None of direct relevance to the current application.

## **3. RELEVANT POLICIES AND GUIDANCE:**

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4<sup>th</sup> June 2013)
  - Policy RD1 – Sustainable development and good standard design
  - Policy VOE1 - Key areas of importance

### 3.2 Supplementary Planning Guidance

- None of direct relevance

- 3.3 Government Policy / Guidance  
Planning Policy Wales (Edition 9) November 2016  
Development Control Manual November 2016  
Technical Advice Note 19: Telecommunications

3.4 Other material considerations

#### **4. MAIN PLANNING CONSIDERATIONS:**

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 9, 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (PPW section 3.1.3). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned (PPW section 3.1.4). Development Management Manual 2016 states that material considerations can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (DMM section 9.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Visual amenity
- 4.1.3 Residential amenity
- 4.1.4 Built Heritage / Archaeology

Other matters

4.2 In relation to the main planning considerations:

- 4.2.1 Principle  
PW 12.11.1 states 'The Welsh Government recognises that widespread access to affordable, secure telecommunications infrastructure is important to citizens and businesses across Wales. It is important that the telecommunications infrastructure in Wales is able to meet this challenge, helping to build a thriving and prosperous Welsh economy.' and 'Local planning authorities are encouraged to respond positively to telecommunications development proposals, whilst taking account of the advice on the protection of urban and rural areas.' TAN19 recognises telecommunications development may need particular locations in order to work effectively.

The supporting information states the location has been selected as part of a network improvement programme across North Wales to improve coverage in this area and other rural areas of the County.

The site is within a green barrier and within a mineral safeguarding area, but the proposal is not considered to be in conflict with the applicable LDP policies for these designations.

The principle of telecommunications development is therefore considered to be supported by national planning policy. The assessment of the local impacts is set out below.

- 4.2.2 Visual amenity  
Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which are matters relevant to the

visual impact of development; test (vi) requires that development does not unacceptably affect prominent public views into, out of, or across any settlement or area of open countryside; test (vi) requires the incorporation of existing landscape or other features, takes account of site contours, and changes in levels and prominent skylines; and test (xiii) requires the incorporation of suitable landscaping measures to protect and enhance development in its local context.

TAN19 states protection from visual intrusion is an important consideration in determining applications for telecommunication infrastructure, but recognises telecommunications development may need particular locations in order to work effectively.

The proposed mast would be sited at the back of the public footway adjacent to the road junction with Smithfield Road and Lon Llewellyn. There is existing street furniture in the footway in this location including a lamp post and pole mounted road signs. The mast would be positioned against a low level railing and would be adjacent to trees within the curtilage of Caledfryn Council Offices.

No comments have been made on the visual appearance of the proposed telecommunications mast.

The site is in an elevated position at the top of Smithfield Road and the pole would have a height of 17.5m, and therefore it would be clearly visible in the streetscene, and it is likely to be visible from a number of vantage points in the town, including from Denbigh Castle to the east. However, the site is outside of the Denbigh Conservation Area boundary and is not particularly sensitive setting, and therefore whilst the mast will be clearly visible, the level of harm to visual amenity is not considered to be of a level which would warrant a refusal of planning permission on this basis.

The plans submitted indicate the ancillary equipment boxes would be painted a green colour (RAL 6009), however the plans do not indicate the colour of the proposed telecommunications column. Given the positioning of the proposal in a prominent position in the streetscene, Officers consider it appropriate to apply a planning condition requiring the colour of the telecommunications column to be controlled by planning condition.

Officers would therefore conclude that, subject to the application of a necessary planning condition to control the colour of the telecommunications column, the proposal would not be on conflict with the planning policies and guidance listed above.

#### 4.2.3 Residential amenity

Local Development Plan Policy RD 1 test (i) requires due regard to issues of siting, layout, form, character, design, materials, aspect, microclimate and intensity of use of land / buildings and spaces between buildings, which touch on the potential for impact on residential amenity; test (vi) sets the requirement to assess the impact of development on the amenities of local residents, other land and property users, or characteristics of the locality, in terms of increased activity, disturbance, noise, dust, fumes, litter, drainage, light pollution, etc..

PPW 12.13.9 states '*With regard to the health implications of proposed development, it is the Welsh Government's view that, if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields (as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health*

*aspects and concerns about them. All new base stations are expected to meet the ICNIRP guidelines.'*

The telecommunication mast would be in close proximity to residential properties along Smithfield Road and Lon Llewelyn and local residents have raised concerns regarding the impact of the proposed telecommunication mast on human health, and in particular concerning risks from radiation.

The applicant has submitted further information on the issue of human health and radiation from telecommunications masts. Public Protection Officers and Public Health England (on behalf of Public Health Wales) have been consulted on the application.

Public Health Wales are the statutory body responsible for human health in Wales.

The Principal Environmental Health Officer from Public Health England (on behalf of Public Health Wales) has reviewed the application, and has noted that the applicant has provided a declaration of conformity with guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP) with respect to the proposed telecommunications installation. Central to Public Health England advice is that exposures to radio waves should comply with these (ICNIRP) guidelines.

The Council's Pollution Protection Officers are of the opinion that the supporting documentation submitted with the application shows compliance with the relevant guidance and therefore have confirmed they have no further comments to make.

Whilst the concerns of the members of the public regarding public health and radiation are fully acknowledged, the applicant has provided a Declaration of conformity with the ICNIRP Public Exposure Guidelines, and having regard to the guidance contained in Planning Policy Wales and the advice from Public Health England on behalf of Public Health Wales, Officers consider this is sufficient to ensure health aspects and concerns have been addressed.

In terms of residential amenity, the proposed mast would be 17m in height and would be situated in the back of the footway to the front railings on boundary of the Caledfryn Council Office boundary. It would be 25m from the nearest dwellings which are on the opposite side of Smithfield Road and it would be viewed against the background of trees within the Caledfryn grounds. Whilst the telecommunication masts would be clearly visible from habitable windows in properties along both Smithfield Road and Lon Llewelyn, however it would be viewed in the context of other street furniture and Officers do not consider it is on a scale that could be considered to give rise to an overbearing impact on neighbours. Whilst the development would impact on the outlook from neighbouring properties, the level of harm to residential amenity is not considered to be of a level to warrant a refusal of planning permission.

Having regard to the above, Officers consider the proposal would not result in an unacceptable impact on residential amenity of neighbouring properties, and as a ICNIPR Declaration has been submitted with the application, Officers would conclude that the issue of human health and radiation is adequately controlled through compliance with guidance. The proposal does is therefore not considered to be in conflict with the planning policies listed above.

#### 4.2.4 Built Heritage / Archaeology

Planning Policy Wales (Paras 6.5.5 - 6.5.9 ) sets out a range of considerations to be given to the assessment of archaeological issues, including approaches to recording and investigating potential remains in conjunction with new development. Welsh Office Circular 60/96 provided earlier advice on the importance of archaeological matters in the planning process, stressing the need for due assessment of the nature and importance of any features and their setting

Local Development Plan Policy VOE 1 seeks to protect sites of built heritage from development that would adversely affect them. The context for assessment of applications involving alterations / extensions to a listed building which require planning permission is set by Welsh Office Circular 61/ 96 and Planning Policy Wales (Section 6), which stress the importance of protecting the historic environment. PPW 6.1 refers specifically to the need to ensure the character of historic buildings is safeguarded from alterations, extensions, or demolition that would compromise their special architectural and historic interest.; and 6.5.9 indicates that 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, and any features of special architectural or historic interest which it possesses

CADW have advised there are a number of scheduled ancient monuments within the vicinity of the proposed development, and the proposed mast would be some 335m to the west of scheduled monuments DE002 Denbigh Town Wall and DE156 Denbigh Castle and Medieval Town. Whilst it will also be inside 620m of the other scheduled monuments identified above it will not be visible from them and will not have any impact on their settings.

The proposed mast will be some 20m high and will be visible in the identified significant view from Denbigh Castle DE156 along the A543. However, existing trees will partly screen the proposed mast and whilst the upper works will be visible they will not block the view. As such it is considered that the proposed mast will have a slight adverse impact on the setting of scheduled monument Denbigh Castle DE156, however, this will not be significant. Based on this assessment, Cadw have no objections to the proposal.

Having regard to Cadw's assessment of impacts, Officers would consider the proposal would not have a detrimental impact on the setting of Denbigh Castle or other ancient monuments in the vicinity of the site, and as such the proposal is considered to be in general compliance with the planning policies listed above.

#### Other matters

##### Well – being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 imposes a duty on the Council not only to carry out sustainable development, but also to take reasonable steps in exercising its functions to meet its sustainable development (or well-being) objectives. The Act sets a requirement to demonstrate in relation to each application determined, how the development complies with the Act.

The report on this application has been drafted with regard to the Council's duty and the "sustainable development principle", as set out in the 2015 Act. The recommendation takes account of the requirement to ensure that present needs are met without compromising the ability of future generations to meet their own needs. It is therefore considered that there would be no significant or unacceptable impact upon the achievement of well-being objectives as a result of the proposed recommendation.

## **5. SUMMARY AND CONCLUSIONS:**

5.1 Members of the public have raised concerns regarding the potential health impacts of the telecommunications mast proposed due to proximity to residential properties.

5.2 The application is accompanied by a 'Declaration of Conformity with the International Commission on Non-Ionizing Radiation (ICNIRP) Public Exposure Guidelines' ('ICNIRP Declaration'). Guidance in Planning Policy Wales and advice from Public Health England (on behalf of Public Health Wales) has confirmed this is sufficient to ensure the installation would not cause an unacceptable impact on human health.

5.3 The proposal would be in a visually prominent position at the top of Smithfield Road, however Officers do not consider the level of harm to visual amenity would warrant a refusal of planning permission, however a planning condition is proposed requiring the colour of the telecommunications column in the interests of visual amenity.

5.4 The proposed telecommunications column would be 335m to the east of Denbigh Castle and other historic assets, however the impact on the setting of historic assets is not considered significant.

5.5 Officers would consider the proposal is acceptable in planning terms and the application is recommended for grant of permission.

**RECOMMENDATION: GRANT-** subject to the following conditions:-

1. The development to which this permission relates shall be begun no later than 14th June 2022.
2. The development hereby permitted shall be carried out in strict accordance with details shown on the following submitted plans and documents unless specified as otherwise within any other condition pursuant to this permission:
  - (i) Proposed elevation plan (drawing number 301 Rev B) received 13 March 2017
  - (ii) Proposed site plan (drawing number 201 Rev B) received 13 March 2017
  - (iii) Location plan (drawing number 1001 Rev B) received 13 March 2017
3. **PRE-COMMENCEMENT**  
No development shall take place until the external colour and finish of the telecommunications column hereby permitted, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

The reasons for the conditions are :-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure a satisfactory standard of development.
3. In the interests of visual amenity.

**NOTES TO APPLICANT:**

Your attention is drawn to the attached Highway Supplementary Notes Nos. 1, 3, 4, 5 & 10.  
Your attention is drawn to the attached Part N form (New Road and Street Works Act 1991).