

<u>APPLICATION NO:</u>	23/01972/TEL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	Pavement Adjacent To 10 Torrington Drive, Halewood, Knowsley, L26 1TP, ,		
<u>PROPOSAL:</u>	THE INSTALLATION OF AN 18M HIGH SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 2 NO. EQUIPMENT CABINETS, 1 NO. ELECTRIC METER CABINET AND ANCILLARY DEVELOPMENT THERETO.		

Site Description

The application site is a grassed area on Torrington Drive separating a parking area and turning facility from dwellings, the parking area and turning facility is a close accessed from Torrington Drive. The site lies within a residential area with two storey housing all around, comprising houses and maisonettes.

Proposal

The application seeks prior approval under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a street works column (monopole) and associated equipment.

The proposal consists of an 18m high slim-line monopole supporting 6 no. antennas; 2 no. equipment cabinets and 1 no. electric meter cabinet. The column would be coloured Grey and the equipment cabinets Green.

It is noted that the dimensions of the equipment cabinets identified on the form supporting the application do not align with the dimensions measured of the submitted plans. Therefore, the for the purpose of assessment the plan dimensions have been considered. Furthermore it is noted that dimensions are not given for the smaller of the cabinets, the electrical cabinet.

This application is not an application for planning permission but an application for 'prior approval' as the proposal represents development permitted by Part 16 of the Town and Country Planning General Permitted Development (England) Order 2015 (as amended).

Prior approval is required in regard to the 'siting' and 'appearance' only. Therefore, only these matters can be considered when deciding this application.

The application is accompanied by an International Commission on Non-Ionizing Radiation (ICNIRP) declaration which confirms the installation complies with the relevant public exposure guidelines for radio transmitters.

Consultations

Highway Authority - No objection but note that the site is located outside of the adopted highway.

Halewood Town Council - No Comments Received.

Representations

This application has been publicised by letters sent to 38 neighbours. It has also been advertised by Site Notice. No representations have been received.

Planning History

None

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas

ENV8 - Telecommunications Developments

Assessment

Schedule 2, Part 16, Class A.3 (4) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) requires that before commencing development, the developer should apply to the local planning authority for a determination as to whether the prior approval of the authority will be required

as to the siting and appearance of the proposed development.

This application is therefore to assess whether a prior approval of the local planning authority will be required for the siting and appearance of the development, and if so whether what is proposed is acceptable.

Siting and Design

The main issues are whether the siting and appearance of the proposed development is acceptable with regards to its effect on the character or appearance of the area, and whether any harm caused is outweighed by the benefits of the proposed equipment.

Policy CS2 requires that “New development in Knowsley will be expected to support the following development principles: “...Principle 4 c) Promoting good quality design, and ensuring that development respects its setting taking into account relevant design requirements and best practice.”

Policy CS19 in the Core Strategy states: “To enhance the local distinctiveness, identity and accessibility of places, new development within Knowsley will be expected to: maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to: a) Avoid unacceptable impacts on existing residents, business occupiers, and future occupiers; b) Minimise crime, fear of crime and anti-social behaviour, including good levels of natural surveillance and security; and c) Accommodate future maintenance and long term management requirements.”

Saved Policy ENV8 in the Replacement Unitary Development Plan requires that: “Proposals for new telecommunications masts and associated antennae and buildings will not be permitted unless the applicant has demonstrated that the following criteria would be satisfied:

a) Where the proposal is for a free standing mast, the need for the development could not, for technical reasons, be met in a more environmentally acceptable manner by:

- Sharing an existing mast or site,
- Erecting antennae on an existing building or other structure;

b) The development would not, by reason of its scale, siting or design, have an unacceptable impact on the character or appearance of the surrounding area, or the amenity of nearby residents.

Section 10 of the National Planning Policy Framework (NPPF) provides guidance in relation to “Supporting high quality communications”. The NPPF states in paragraph 114 that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

Paragraph 115 further advises that the number of masts should be kept to a minimum consistent with the need of consumers and efficient operation of the network and use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. It goes further to state that “Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be

sympathetically designed and camouflaged where appropriate.”

The NPPF states at paragraph 118 that “Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.”

The proposal consists of the installation of an 18m slimline monopole supporting 6 no. antennas and installation of 2 no. equipment cabinets and a smaller meter cabinet. The applicant submits that the proposed height at 18 m is essential in order to provide coverage to the target coverage area and that this is the most sensitive design currently available to provide the necessary coverage and capacity to the surrounding area. It is proposed that 3 antennas would be located at the top of the monopole and the other 3 located underneath. The 3 upper antennas would provide new 5G service provision, and the 3 lower antennas would provide 3G and 4G technology for the operator to the surrounding area. The applicant states that the lower set of antennas would be 1.98m lower than the top of the pole; the applicant asserts that if any lower the antennas would “not be able to clear the buildings, trees and urban clutter and as such would not be able to operate effectively.” The applicant states that the proposed height at 18m is essential in order to provide coverage to the target coverage area.

The applicant asserts that the design of the column resembles as closely as possible other vertical structures within the immediate area such as lighting columns which it is said will help the proposed installation of this radio base station assimilate with the surrounding area.

The application site is at the edge of a grassed area adjacent to a close accessed off Torrington Drive. The application site is rectangular along the edge of the grassed area to the back of the footpath on Torrington Drive. The surrounding area is predominantly residential with the surrounding properties 2 storey with approximately 8m ridge heights the only other vertical feature are street lights which are also around 8m high. The proposed monopole would rise significantly above the height of existing street lighting columns and the neighbouring houses in the area, being more than twice the height of both. The cabinets would appear substantial in the proposed location with it being open and with none such in the immediate vicinity.

It is acknowledged that just simply being visible does not necessarily result in something being harmful. However, given the size of the proposed monopole it would be out of keeping with the scale of all buildings and lighting columns within the vicinity of the site, similar to the mast on the junction of Leathers Lane and Roseheath Drive which was refused planning permission and dismissed at appeal. As such, the monopole would appear disproportionate relative to the predominant scale of the existing structures and, together with the cabinets which themselves would appear in isolation along the back of footpath at the edge of the grassed area, would be incongruous structures which would be out of keeping in the street scene and the character and appearance of the area. The prominence of the equipment would be accentuated by the exposed location and consequently, the development would form a dominant feature in the street scene.

Overall, the siting of the development, at this conspicuous location, would have a jarring and incongruous presence and would not successfully assimilate into its surroundings and as such would significantly harm the street scene and the character and appearance of the area.

Residential Amenity

Saved UDP policy ENV8 requires that proposals for new telecommunications masts and associated antennae and buildings will not be permitted unless the applicant has demonstrated that certain criteria are met. It states at Clause 1 (b) that: "...The development would not, by reason of its scale, siting or design, have an unacceptable impact on the character or appearance of the surrounding area, or the amenity of nearby residents..."

Saved UDP policy H5 requires that "...New development within the Primarily Residential Areas ...which is for uses appropriate to a residential area will be permitted provided that the development (either by itself or in conjunction with other developments) would not:

a) Have an unacceptable impact on the amenity of neighbouring occupiers by reason of noise, disturbance, overlooking, visual intrusion, smells, fumes, on-street parking or other causes; or

b) Adversely affect the character or street scene of the area..."

The proposed installation would be sited angled at approximately 45 degrees relative to the front of 10 Torrington Drive, which has high hedging to its front boundary. The hedging would shield the installation from the outlook from ground floor windows to an extent, but the mast would still have a harmful effect on outlook from first floor windows.

Other properties would directly overlook the installation including 24 – 36 Torrington Drive, which would be approximately 14.5 – 24m from the monopole, with the cabinets slightly further away. Dwellings on the opposite side of the main carriageway of Torrington Drive, 25 – 33 Torrington Drive, would also look out over the carriageway to the installation which would be approximately 24.5 – 30.5m to the monopole. The gable and front windows of nearby maisonettes, 17 – 19, 17a – 19a Torrington Drive would directly look over the installation at approximately 12.5 - 14m away.

There would be uninterrupted views of the mast and equipment at close proximity from the front windows of the dwellings identified above. The incongruous and appearance of the mast which would cause unacceptable harm to the outlook from these properties and this would have a significant adverse effect on the amenity of their occupants contrary to adopted planning policy.

Highway Safety

The Council's Highways Team have no objections to the proposed installation, noting that the proposed location is outside of the adopted highway.

The proposal is acceptable in highways terms and would be in compliance with Policy CS2 of the Core Strategy and Saved Policy H5 of the UDP.

Health Considerations

The Government's planning advice (based upon advice from Public Health England (PHE) (who provide advice to the Government on public health issues), is that there is no convincing evidence of harm to human health from 5G provided that international guidelines for exposure to radio waves are followed. In this case the

applicant has confirmed that these guidelines will be followed.

Further government advice confirms that the internationally accepted guidelines will continue to apply to the 5G network rollout across the UK. The guidelines on limiting exposure to electromagnetic fields were agreed by the International Commission on Non-Ionizing Radiation Protection ("the ICNIRP guidelines"), an independent organisation which is formally recognised by the World Health Organisation.

The guidelines on human exposure to electromagnetic fields are based upon the consensus view of research carried out over many years and including the frequencies used by 5G and all other mobile /wireless technologies. Furthermore, it is advised that there have been over 100 expert reports on electromagnetic fields and health published internationally over the past two decades, with over 3,000 studies informing these reviews and the existing scientific exposure guidelines.

Further (recently updated) guidance from PHE reiterates this position and moreover states that: -

"... there should be no consequences [from 5G] for public health". In taking planning decisions, government guidance to Councils (from 2019) is that Councils should not "...set health safeguards different from the International Commission guidelines for public exposure."

As such, health is not a material planning consideration in this instance given that this application is for prior approval (with only matters of siting and appearance to be considered); and in any event the telecommunications operator has confirmed that the international guidelines will be met, which PHE and the government indicate should satisfy local planning authorities that a telecommunications installation is safe.

Benefits of the Development

The applicant submits that a site in this location will fill the gap in service provision and provide high quality, reliable, advanced 3G, 4G and 5G to this urban area of Knowsley. It is a densification project for the operator's network to fill holes in service provision including coverage and capacity.

The applicant also states that the existing sites in this area of Knowsley are struggling to cope with demand and an increase in capacity is required; therefore, a new site is required to provide reliable, high quality 3G, 4G and 5G technology.

The supporting information highlights the benefits of 5G, which are not disputed and as noted in Paragraph 114 of the NPPF, advanced telecommunications infrastructure is essential for economic growth and social well-being and this should therefore weigh in favour of the development.

Alternative Sites

Paragraph 113 of the NPPF advises that the number of telecommunications masts and the sites for such installations should be kept to a minimum; and that the use of existing masts, buildings and other structures should be encouraged. The NPPF also recognises that new sites may be required for the delivery of some services, such as 5G.

The applicant has considered and discounted 7 alternative sites in their Supplementary Information Form. The sites include 2 additional site on Torrington Drive, 3 sites on Tiverton Road, 1 site on Honey Hall Road and 1 site on Boundary

Farm Road. The reasons for being discounted are all the same, namely that the footways at the locations are too narrow to accommodate the operator's equipment, and therefore the options have been discounted on the basis that physical lack of space would lead to highway safety issues.

It is considered that the applicant is being somewhat disingenuous with regards to most of the above sites as it appears that all but two of the site have wide pavement areas, albeit some having wide pavements due to being at junctions. One of the Torrington Drive sites and the Boundary Farm Road site do have pavements that would likely be too narrow for the installation. However, it is acknowledged that those sites which do have wider pavements are also adjacent / in front of / to the side of, housing. Regardless of such, nonetheless the applicant has not demonstrated that there are not more appropriate sites available.

Conclusion

There are benefits associated with the proposed development and these must weigh in favour of the proposed development. Nevertheless, it is not considered that these benefits would outweigh the clear harm in terms of the proposal's visual impact upon the character and appearance of the surrounding area and unacceptable impacts on the amenity of nearby residents.

Consequently, the proposal would be contrary to Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and ENV8 of the UDP, and Guidance in the NPPF.

Recommendation

The Council has determined that pursuant to Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, the applicant be informed that prior approval is required and refused for the following reason(s): -

1. The proposed development would form a highly visible and incongruous development that would be detrimental to the visual amenity and the character of street scene. In particular, this would be due to the height of the mast combined with the way in which the mast and equipment cabinets would be sited and having regard to their prominent position. The mast would also result in significant harm being caused to the amenity of nearby residents by way of causing a poor outlook from habitable rooms. As such, the proposal would be contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policies H5 and ENV8 of the Knowsley Replacement Unitary Development Plan adopted June 2006 and guidance in NPPF (September 2023).

Signed Case Officer¹:

Lee Osborne

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

**Signed Authorising
Officer²:**

A handwritten signature in black ink, appearing to read 'D. Mann', is written over a horizontal line.

Date:

13 September 2023

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Appendix 1 – Site Photographs