

<u>APPLICATION NO:</u>	23/00621/TEL	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	Cherryfield	<u>PARISH:</u>	
<u>LOCATION:</u>	Pavement Near To The Junction Of Copplehouse Lane And Edna Avenue, Field Lane Estate, Knowsley, L10 0AF.		
<u>PROPOSAL:</u>	PRIOR APPROVAL FOR A 5G TELECOMS INSTALLATION COMPRISING OF THE ERECTION OF 15M STREET POLE AND ADDITIONAL EQUIPMENT CABINETS		

Site Description

The application site relates to an area of footpath in front of a small shopping parade close to the junction of Copplehouse Lane and Edna Avenue. Although the site is located directly in front of 'The Corner Shop' there are residential dwellings on the opposite (west) side of Copplehouse Lane and the area as a whole has a residential character.

Copplehouse Lane itself is a busy distributor road, connecting Valley Road and the A580 East Lancashire Road and is relatively straight in its alignment, with dwellings separated from the highway by front gardens and a grass verge, and commercial units also set back with wide footways or small service roads in front of them.

Proposal

This application is not an application for planning permission but an application for 'prior approval' under the Town and Country Planning General Permitted Development Order 2015 (as amended) for the 'siting' and 'appearance' of proposed telecommunications equipment. Therefore, only these matters – of siting and appearance - can be considered when deciding this application.

The proposal comprise of the installation of a 'standard' 15m high street pole and three equipment cabinets having a maximum depth of 0.7m, widths varying between 0.6m and 1.9m and a maximum height varying between 1.1m and 1.7m.

Consultations

Highway Authority – No objections

Representations

This application has been publicised by letters sent to 29 neighbours. It has also been advertised by Site Notice

There has been 1 letter of objection from a local resident and one objection received by e mail from ward member Cllr Aston. The representations are summarised as follows:-

Objections from Local Resident

- The mast and cabinets would be situated at the heart of a busy and densely populated community and would also be at close proximity to the adjacent and surrounding residences and businesses. This is totally unacceptable. For all practical purposes, they would be virtually on our doorsteps in a number of cases.
- Even at 15 metres in height, the mast would still represent, by far, the tallest feature on the street - way out of kilter with the existing posts and street lighting. The mast would still be visible within a significant radius; there is no way this can be camouflaged. What is more, its design and appearance would be aesthetically unacceptable: a literal eyesore that would dominate the street, imposing its presence due its sheer prominence.
- Potential noise from the three electrical cabinets would be another issue, especially during the night.
- The mast and cabinets would also be spread over a part of the public footpath itself, in the midst of an area accessed by a heavy footfall of shoppers and pedestrians, who would have no choice but to walk close by all this equipment on a daily or regular basis. As the cabinets are electric this therefore also raises safety issues for the public.
- Furthermore, the area in question is also a relatively small location that is already strewn with numerous items of street furniture; the mast and cabinets would therefore reduce the visual amenity and character of the location even further, as well as add considerably to the clutter and obstruction of existing equipment and furniture in this public space.
- There is a real risk that the mast would have an adverse impact on the valuation of property, especially that which is closest to the site - whether for sale or rent; this has the potential to act as a disincentive for people to want to live in this location at all.
- The negative impacts arising from the current application are fundamentally no different than before (See Ref: 21/00236/TEL).
- It is well-documented that there is much controversy over the proliferation of the use of 5G wireless technology, particularly in residential communities. Whatever the truth regarding any potential impacts of involuntary and prolonged exposure to the high radio frequency radiation associated with 5G on human, animal and environmental health, I contend that the issue of public health and environmental safety is a relevant consideration to be evaluated when assessing the siting of the proposed mast and cabinets given the proximity to homes, businesses, shoppers and pedestrians. However, even if the public health and environmental impacts are not evaluated, I still maintain that the current application should fail on account of the other reasons that I cite in this comment on the application.
- Real people live, work, and shop on Copplehouse Lane and the surrounding neighbourhood; those proposing this mast don't; indeed, they have little or no connection to the community here at all. This is the second time in just over two years that this company has targeted our community for the construction of a 5G mast. Having already been rejected once the company has come back again with a revised proposal that does not differ substantially in any way whatsoever in terms of the detrimental and significant impact it would have on the population and locality. I consider this behaviour to be a highly persistent and unacceptable business strategy on the part of the applicant.

Objections from Ward Councillors

- Whilst we support the principle of 5G masts, on this occasion, we must object on the grounds of both the siting of the mast and the detrimental visual appearance of the mast. A very similar application was submitted back in 2021 which was proposed to be sited a few hundred yards from the site of this application, therefore the objections we submitted for that application are still valid in our view.
- The area planned for the installation of the mast is a well-established, densely populated, residential area of Cherryfield Ward. The proposed siting of the mast would in my view have a detrimental impact on the residential amenity, as this would dominate every aspect of home closest to the planned siting of the mast. Whilst I understand the guidance on the health aspects of 5G, I do have concerns about the mast's proximity to a children's nursery at the junction of Coplehouse Lane and Field Lane, and understandable anxiety this will cause for both the nursery and my constituents whose children attend the nursery.
- This application comes on the back of a similar application which was recently approved for Valley Road, which raises the question about the current mast's proximity to the this proposed mast.
- I would respectfully ask that the applicant give consideration to siting the mast on a more appropriate site – for example industrial land, similar to that available on land further down Coplehouse Lane or the nearby Axis site.

This submission is also on behalf of Cllr Jayne Aston , Cllr David Lonergan and Cllr Jackie Harris.

Planning History

APP. NO:	21/00236/TEL
PROPOSAL:	THE INSTALLATION OF A 20 M HIGH TELECOMMUNICATIONS POLE SUPPORTING 6 NO. ANTENNAS AND 2 NO. TRANSMISSION DISHES TOGETHER WITH THE INSTALLATION OF 4 NO. EQUIPMENT CABINETS AND ASSOCIATED ANCILLIARY WORKS
DECISION:	REFUSED
DECISION DATE:	6 May 2021

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

CS7 – Transport Networks

CS19 - Design Quality and Accessibility in New Development

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

H5 – Primarily Residential Development

ENV8 - Telecommunications Developments

National Planning Policy Framework

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application for “Prior Approval” by assessing the proposal against all material considerations - which in the case of prior approvals is limited to matters of siting and design.

The application has been determined in a timely manner and the reason for refusal is clearly set out, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal.

The Local Planning Authority is ready to meet with the applicant to discuss the best course of action and to provide pre-application advice in respect of any future application for a revised development.

Assessment

Siting & Design

The application site is in a very prominent location in the middle of a shopping parade, close to the road junction of Copplehouse Lane and Edna Avenue. As described above, Copplehouse Lane is relatively straight and buildings on each side of the road are set back from the back of the footway, which means that clear views of the mast and associated equipment would be available from the northern and southern ends of Copplehouse Lane, particularly given its siting close to the guard rails that separate the footway from the road.

It is accepted that there is street furniture along Copplehouse Lane, including 10m

high street lighting and a 10m high CCTV pole. However, the proposed mast would be 50% higher than these features and significantly taller than the two storey dwellings and commercial units which lie on each side of Copplehouse Lane. Accordingly, a 15m high mast whilst lower than the previous proposal of 20m would still be readily visible from along Copplehouse Lane would appear as an incongruous feature, which would cause harm to the visual amenity of the area.

Furthermore, the precise siting of the mast and equipment cabinets, in a 'no mans land' between the edge of the footway with the road and the edge of the footway with the building, would appear as an incongruous, feature.

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 ENV 8 in the Replacement Unitary Development Plan states:

"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"

The proposed mast and associated equipment would fail to comply with the above policies due to the adverse impact on visual amenity and the character of the area, as described above.

Residential Amenity

There are residential properties directly opposite the site of the proposed mast, which at its closest point would be 23m away. The mast would be clearly visible from ground floor and first floor windows of these homes and from first floor windows and gardens of properties on Copplehouse Lane and Gribble Road. Consequently, the mast, by reason of its height and visual appearance, would appear as an intrusive structure which would harm the amenities of those residents, particularly given that there is no landscaping or trees to soften or mitigate its visual effects.

This would be contrary to Saved UDP policy ENV8 which states " 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.*"

HIGHWAY SAFETY

Highways have no objections to the proposed installation. The equipment is located outside of the visibility splay of the Edna Avenue/Copplehouse Lane junction, and even during occasional maintenance activities is not considered to be a significant detriment to highway safety. In this regard the installation would be in compliance with local Plan policy CS7 – Transport Networks

HEALTH CONSIDERATIONS

In response to health concerns raised, 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 and 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 application proposes a 5G telecommunications mast which the applicant states *"is required to provide new infill coverage for the H3G network (known as '3'). The site is primarily required to provide new 5G coverage and capacity to the area surrounding the site. It would also improve 4G coverage and capacity."*

The applicant's Supplementary Information Form sets out the benefits of 5G, which are not disputed and as noted in Paragraph 112 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

The applicant has considered – and discounted - a number of alternative sites in their Supplementary Information Form. The sites were provided in eastings and northings, which have been interpreted by <https://gridreferencefinder.com>

The sites are set out below:

D1 – Winifred Road – This location has been discounted due to the narrow nature of the pavements which would not be able to accommodate a telecommunication installation.

The footways in this location are narrower than the application site and following consultation with KMBC Highways this reason is accepted.

D2 – Amanda Road – This option has been discounted due to the high-density residential nature of the location. Furthermore, narrow pavements further discount.

The location is very close to existing residential dwellings and would not be considered an acceptable location in addition to the narrow footways.

D3 – Buckles Road – This option has been discounted due to concerns around visibility splays which could affect motor users at this location. The unsuitable pavements further discount this location.

In addition to the above the location would be very close to existing dwellings which would be unacceptable.

D4 – Colette Road – This option has been discounted due to the unsuitable pavements and grass verges. The proximity to the neighbouring residential houses further discounts this location.

This site is directly in front of existing residential dwellings and for that reason alone is considered to be unsuitable.

D5 – Elizabeth Road – This location has been discounted due to the presence of existing street services and the narrow nature of the pavements would not be able to accommodate a telecommunications installation.

The footways are narrower than normal at 1.5m wide and in addition the site is also very close to existing residential development. The location would therefore be unacceptable.

D6 – Amanda Road - This option has been discounted due to the narrow pavements and overhead cables.

The above reason is accepted and this site is also very close to existing residential dwellings which also renders it an unsuitable location.

The alternative sites identified in this application are different to the alternative sites identified in the previous application 21/00236/TEL. Some of the sites identified in 2021 would cause less harm than the current application site such as Grass Verge on the Junction of Coplehouse Lane and Longmoor Lane and highway verge between Valley Road & Moor Lane.

In addition it is unclear if any sites at the southern end of Copplehouse Lane, or on Bridgehouse Lane or Aintree Lane have been considered or if this would provide the required coverage. In summary, the applicant has failed to demonstrate that there are no alternative sites which would cause less harm to residential amenity or the appearance of the local area.

Conclusion

The proposed mast (and its associated equipment) would, by reason of its siting, in a very prominent location, would be detrimental to visual and residential amenity and would adversely impact on the appearance of the local area and the street scene. There are benefits associated with the proposed development and these must weigh in favour of the proposed development; but it is not considered that they outweigh the significant harm caused. Furthermore, the applicant has failed to demonstrate that these benefits could not equally be achieved in an alternative site where less harm would be caused. Consequently, the proposal would be contrary to adopted local plan and saved UDP Policies CS19, and ENV8 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) (England) Order 2015 as amended, the applicant be informed that prior approval is required and refused for the following reason:-

The proposed development would be detrimental to the visual and residential amenity and character of the area. In particular, together with the existing street furniture on Copplehouse Lane, this would result in visual clutter in the street scene and the area generally by reason of its location, amount of equipment and prominence. 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.

Signed Case Officer¹:

Mark Quinn

**Signed Authorising
Officer²:**

Alan Kilroe

Date:

20 June 2023

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

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





