

Regeneration and Economic Development Department

APPLICATION NO: 21/00603/TEL
Ltd

APPLICANT: CK Hutchison Networks (UK)

WARD AFFECTED: Whitefield

DEVELOPMENT: PRIOR APPROVAL FOR THE INSTALLATION OF A SLIM LINE 20M MONOPOLE WITH WRAPAROUND CABINET AT BASE, 3NO. ADDITIONAL ANCILLARY EQUIPMENT CABINETS TOGETHER WITH ASSOCIATED ANCILLARY WORKS.

LOCATION OF SITE: Grass Verge Opposite the Pigeon House, Whitefield Drive, Westvale, Kirkby, Knowsley.

KNOWSLEY LOCAL PLAN ALLOCATION – Primarily residential area

RELEVANT POLICIES

Knowsley Local Plan Core Strategy, 2016:

- CS2 - Development Principles
- CS7 - Transport Networks
- CS19 - Design Quality and Accessibility in New Development
- CS20 - Managing the Borough's Historic Environment

Knowsley Replacement Unitary Development Plan, 2006

- H5 - Development within Primarily Residential Areas
- ENV8 - Telecommunications Developments

National Planning Policy Framework (NPPF) 2021

TECHNICAL CONSULTATIONS:

Highway Authority – No objections

Conservation & Design Officer - Raise objections due to the harmful impact on the setting of the nearby listed buildings

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 31 neighbours. It has also been advertised by Site Notice.

There have been 300 letters of objection, a petition of 126 signatures objecting to the proposal and 2 letters of support. The representations are summarised as follows:-

Grounds of Objection

- Fear of the potential health implications in particular to babies and young children
- Would dissuade people with serious health conditions from visiting pigeon House which would contravene their human rights and discriminate on disability grounds.
- Too close to nurse on Richard Hesketh Drive -
- Would have a detrimental impact on the heritage of the area and in particular the setting of adjacent Grade II Listed Buildings
- Would go against government recommendations of being along the road network away from residential areas.
- Surely there are alternative sites where it could be sited.
- Impact on the valuation of properties.

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- Too close to existing houses and the nearest school
- Would damage the appeal of the surrounding area.
- Would be contrary to paragraph 206 in NPPF
- The local children's nursery 150m away has not been contacted by the applicant.
- Detrimental impact on the "village green" where children regularly play
- Bats and other wildlife could be affected by 5G mast
- Existing trees in the garden of Pigeon House would block out signal
- Bat survey and European Protected Species Licence is required.
- Highway safety issue mast would be distraction to drivers.
- There are errors in the planning documents, such as references to 'Coppleshouse Lane'
- The view of the listed buildings from the Fantail would be spoilt
- Why can't the existing masts be upgraded?
- Why is a mast here even being considered?
- The landlord of 'The Jonny Todd' has offered to site the mast on the pub's grounds or roof
- Other locations closer to the M57 would be more appropriate
- The Conservation Officer has made a compelling case for the refusal of the mast which must carry a heavy weight
- The application should be worded in a language that people understand
- The wall around the Pigeon House is 1m high not 2m

Grounds of Support

- Phone signal in Westvale is awful affecting children's schoolwork. Additional masts are needed.
- The town needs better mobile coverage. The location will enable a widespread connection.

ISSUES AND ASSESSMENT:

SITE

The application site relates to an area grass highway verge on Whitefield Drive, opposite its junction with Mercer Avenue. The site is in an area that has a residential character and there are dwellings to the north, east and west and an area of grassed amenity space to the south.

The site is in close proximity to three Grade II Listed Buildings, Pigeon House and Whitefield House (which is one building) lies immediately to the west, a Dovecote lies adjacent to the amenity space and 112 Ingoe Lane is to the south west.

PROPOSAL

The proposal comprises a 20m high pole with a wraparound cabinet at the base of the pole and three further equipment cabinets. The cabinets would have a maximum height of 1.8m. Paving slabs would be installed in the grass verge in front of the cabinet doors.

ASSESSMENT

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 telecom equipment. Therefore, only these matters can be considered when deciding this application.

Visual and Residential Amenity

Policy CS2 in the Local Plan Core Strategy states that new development will be expected to enhance local character and promote quality of place.

Policy CS19 in the Core Strategy expects new development to

- respond to an integrate positive characteristics of its immediate surroundings

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- integrate effectively with existing development
- maintain a good standard of amenity for all existing and future occupants of land and buildings

Saved Policy ENV8 in the Replacement Unitary Development Plan states that new telecommunications masts will not be permitted if they have an unacceptable impact on the character and appearance of the surrounding area, or the amenity of nearby residents.

The application site is located on the footpath of Whitefield Drive opposite its junction with Mercer Avenue. To the south of the application site Whitefield Drive is relatively straight and there is an area of open space, consequently the proposed 20m tall mast would be highly prominent and highly visible.

The open and 'low rise' nature of the site's surroundings, which are characterised by two-storey buildings and 10m high street lights, means that such a mast and its associated infrastructure would be an incongruous and prominent feature in medium to long range views from all directions that would alter and erode the existing character of the street scene in the immediate area and would have a significant negative impact upon it due to its height and appearance.

The occupants of Whitefield House and Pigeon House would have direct views of the proposed mast, which would appear as a large part of their outlook from windows at the front of their houses, residents on Mercer Avenue would be impacted on to a lesser extent. Given the scale and appearance of the mast and the fact it would be readily visibility from Whitefield House and Pigeon House, it is considered that harm would be caused to the amenity of the occupants of those properties.

In summary, the siting and appearance of this installation would have an unacceptable impact on the character of the area and the amenities presently enjoyed by local residents and would be thereby contrary to Local Plan Policies CS2, CS19 and saved UDP policy ENV8 and guidance in NPPF.

Heritage

As set out earlier in this report, the location for the mast is sensitive as it is close to three Grade II listed buildings:

- [Pigeon House and Whitefield House](#) (Grade II)
- [112 Ingoe Lane](#) (Grade II)
- [Dovecote, Ingoe Lane](#) (Grade II)

Unlike a planning application, the duty within s66(1) of the Planning (Listed Buildings and Conservation Areas) Act is not directly applicable, however, development plan policies and national planning policy which focus on the protection of heritage assets are relevant considerations.

Policy CS20 in the Core Strategy also states that development proposals in Knowsley should preserve or enhance the borough's historic and architectural assets including Listed Buildings and Conservation Areas. The Policy goes on to state that the Council will require preservation of the local distinctiveness and character of historic assets through the sensitive design of new developments including appropriate integration with their setting and immediate landscape.

Paragraph 194 of the NPPF states that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including the contribution made by their setting. The level of detail should be proportionate to the asset's importance and as a minimum the relevant historic environment record should have been consulted.

In addition, the NPPF states (para 197) that when determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to

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sustainable communities including their economic viability and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

The NPPF also states (para 199) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Furthermore, the NPPF states (para 200) that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional.
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site.
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The applicant has not referred to the listed buildings in the application and has offered no assessment of impacts of the development on any heritage assets. This is inconsistent with the relevant [Code of Practice](#) (2016), and not in accordance with the guidance provided within the NPPF para 194 (albeit this is an application for prior approval rather than planning permission).

In the absence of an appraisal of the building's significance from the applicant, the Council's Conservation Officer has identified that:

"The three listed buildings are of high importance, as evidenced by their grade II listings. They are identified within their list descriptions as having 'group value'. This group value relates to their historic and visual interrelationships which cumulatively enhances the significance of each. They are a rare remnant of 17th and 18th Century Kirkby which gives window into the nature of the rural settlement in Kirkby during this period.

Whitefield House and Pigeon House were originally one substantial and high-status country residence "Whitefield House" A datestone suggests a date of 1703, however the basement is thought to be older. The Dovecote was built as an outbuilding of

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Whitefield House, the lower level of the structure was a pigsty, and the dovecote above would have offered a source of eggs and meat to the house. The prominence and decorative qualities of the Dovecote are a deliberate show of status (possession of dovecotes was a right only permitted to landowners). 112 Ingoe Lane was originally the farmhouse for Ingoe Lane Farm. It has a worn datestone of 1667 over the front door."

Due to its proximity to the listed buildings, the mast is very likely to affect their setting. NPPF defines the setting of a heritage asset as *"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*

Historic England's Guidance "[The Setting of Heritage Assets](#)" explains that *"Settings of Heritage assets which closely resemble the setting at the time the asset was constructed or formed are likely to contribute particularly strongly to significance but settings which have changed may also enhance significance, for instance where townscape character has been shaped by cycles of change over the long term" (s9 p4).* In respect of cumulative change it says *"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration still needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset."*

The settings of the listed buildings are much altered from their original rural agricultural character, formed of fields, lanes and footpaths with the 'Westvale' estate now surrounding the listed buildings.

However, the Conservation Officer notes that the triangular shaped 'village green' open space to the south of the application site that was created in front of Whitefield House and Ingoe Lane when the estate was constructed, makes a positive and attractive contribution to the listed buildings. The officer notes that

"the listed Dovecote is approx. 6.5m in height and is the focal feature of the 'village green' type space. The existing modern arrangement of the listed buildings around this green creates a locally distinctive and attractive piece of townscape and offers respite from the surrounding, more regularly arranged, C20 municipal townscape. The openness of the space, and grassed surface of the green recalls aspects of the former open rural character of the area. Pigeon House is currently home to a pair of sheep which graze the lawns associated with the property, and occasionally the green too. Additionally, the openness here at the junction allows for longer range and attractive views across the greenspace to (and from) Whitefield House and Pigeon House to be enjoyed. Whitefield House and the Dovecote form an attractive, quite photogenic, composition viewed from locations around the green to the south and east, and also from Mercer Avenue. The green and the dovecote also feature prominently in the street scene looking north from 112 Ingoe Lane."

The existing - albeit modern - setting therefore creates a positive environment, which promotes broad enjoyment of the listed buildings for residents and visitors. The development of Westvale clearly capitalised on the existing heritage and creatively designed a focal point into the townscape to show it off. It is important to ensure that this green space is managed so that the positive contribution made by the heritage assets to the quality of the area is not weakened.

The proposed telecommunications mast and cabinets are of a standard design and no thought has been given to the effects on the nearby listed buildings. As set out above, the size and appearance of the mast makes it an incongruous feature which considerably exceeds the height of the designated heritage assets, all other nearby buildings, trees and infrastructure.

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The mast is insensitively positioned directly to the front of Whitefield House and Pigeon house, on open land. A considerable proportion of the mast would be seen against the skyline from most viewpoints. The mast would be a distracting and unwelcome feature, seen prominently against the skyline in the backdrop of a range of attractive views from the south and west towards and including the Dovecote, Whitefield House and Pigeon House. It would also be clearly evident in the surroundings of 112 Ingoe Lane, but the impacts would be less, owing to the building's orientation. Nevertheless, the mast would detract from views and enjoyment of the space and all three listed buildings.

Overall, the development fails to visually integrate with other features and as a result of its scale and siting this development would be a harmful and dominating feature in the street scene, and result in moderate (less than substantial) harm to the settings of Whitefield House and Pigeon House, and the Dovecote, and minor (less than substantial) harm to the setting of 112 Ingoe Lane.

As set out in Policy CS20 and the NPPF, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Where less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The public benefits of the proposal are assessed later in this report.

Highway Safety

The mast and its associated cabinets would be located on a grass verge to the side of an existing footpath, and it appears that sufficient space would be retained for pedestrians. The Council's Highways team have reviewed the proposal and they have not raised any objections.

Public Benefits

It is acknowledged that the proposed development does bring public benefits that should weigh against the harm caused. In particular, paragraph 114 of the NPPF states that *“advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).”*

However, as set out in recent appeal decisions in Knowsley, the benefits of 5G do not give an operator *carte blanche* to site a mast in an inappropriate location where significant harm is caused.

In their submission the applicant identified and discounted a number of potential alternative sites, however, despite requests from the local planning authority they have not been willing to discuss alternative sites where less harm would be caused by the siting of 5G telecommunications equipment, and the benefits could still be realised. Consequently, a lack of other available sites should not carry any weight in favour of the proposed development.

The NPPF states that great weight should be given to the harm caused to the heritage assets and their settings, and significant weight should also be given to the harm cause the character of the local area and the adverse effects on nearby residents. Accordingly, in this instance, the public benefits do not outweigh the harm caused.

OTHER ISSUES

The applicant has submitted an ICNIRP certificate which confirms that the proposed installation is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP), as expressed in EU Council Recommendation of 12 July 1999.

Given that the applicant has confirmed compliance with the ICNIRP regulations, the Local Planning Authority should not consider health impacts on humans or animals any further in accordance with the

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guidance in the NPPF (2021). The application is also for the Council's "Prior Approval" (of siting and appearance) and not a planning application.

The value of properties is not a material planning consideration.

CONCLUSION AND REASON FOR DECISION.

The proposed siting and appearance of the telecommunications equipment is unacceptable due to the adverse impacts on the character of the area, residential amenity and designated heritage assets. The public benefits of the development do not outweigh this harm.

The proposal would therefore be contrary to adopted Local Plan policies CS2, CS19 and CS20 and Saved UDP policy ENV8 and guidance in the NPPF (2021).

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 reasons:

- 1) The siting and appearance of the proposed development would cause less than substantial harm to the setting of Whitefield House, Pigeon House, the Dovecot and 112 Ingoe Lane. The public benefits of the development do not outweigh this harm and as such, the proposal would be contrary to Policies CS2, CS19 and CS20 of the Knowsley Local Plan Core Strategy adopted January 2016, saved Policies H5 and ENV8 of the Knowsley Replacement Unitary Development Plan adopted June 2006 and the NPPF (2021).
- 2) The proposed development would have a significant detrimental impact on the character of the area, and on the residential amenity of the occupants of nearby dwellings by virtue of its location, appearance and height. 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 the NPPF (2021)

Mark Quinn

2 September 2021

Alan Kilroe
2 September 2021

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