

Regeneration and Economic Development Department

APPLICATION NO: 21/00675/TEL

APPLICANT: CK Hutchison Networks (UK)
Ltd

WARD AFFECTED: Prescot North

DEVELOPMENT: PRIOR APPROVAL FOR THE INSTALLATION OF A 20.M HIGH H3G PHASE 8 STREET POLE C/W WRAP-AROUND CABINET AND 3 NO. ADDITIONAL EQUIPMENT CABINETS

LOCATION OF SITE: Pavement fronting the Shopping Parade on Sugar Lane, Knowsley, L34 0ER,

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Development

Water Restricted Surface Area - North Area - Kirkby

RELEVANT POLICIES

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2021

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

TECHNICAL CONSULTATIONS:

Local Highway Authority (Knowsley Council) - No objections.

Knowsley Parish Council - Object for the following reasons:

- The application is designated as AMBER and therefore the Code of Practice states that local Councillors and residents should have been consulted. No local Councillors have been properly consulted on this application.
- The siting of the mast is considered inappropriate as it is within 100 yards of the local primary school.
- Members would like the mast relocated to a more convenient site, either the nearby industrial estate, on the adjacent side of Sugar Lane blended with the mature trees or in the vicinity of the mast in Knowsley Lane.

NEIGHBOUR NOTIFICATION:

This application was publicised by letters sent to 54 households and through the display of a Site Notice.

There have been 12 objections received, including an objection from a Ward Member and an objection from a Knowsley Town Councillor. The objections can be summarised as follows;

1. The mast and equipment will be unsightly and too close to people's homes – visually, it will dominate the local area;
2. Health concerns associated with the equipment;
3. More acceptable locations are available nearby, such as within the Industrial estate;

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4. Too close to school and shops. It will detract from the appearance and character of the shopping area;
5. Noise and high-pitched whines from the mast;
6. Will harm local property prices;
7. The application states that there are no schools within 200m of the proposed location although Knowsley Village Primary School, Sugar Lane may be closer;
8. Proposal doesn't comply with the Code of Best Practise as the mast would not be sympathetically located, and;
9. Residents deserve an opportunity to consult with their Ward and Town Council representatives and would understandably feel poorly served if such a consultation did not take place.

The Ward Member's objections can be summarised as follows: -

- I object to this application. I understand that under government legislation the applicant is required to write directly to all Ward councillors, this has not happened.
- I have safety concerns for nearby residents and pupils of Knowsley Village Primary School all of which can be adversely affected.
- Is it not possible for the mast to be located within a less populated location close by?

ARTICLE 35

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, 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 willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

ISSUES AND ASSESSMENT:

PROPOSAL

This application is made under Part 16 Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended for determination as to whether the 'prior approval' of the authority is required for the 'siting' and 'appearance' of the installation of a 20m high 5G telecommunication pole supporting transmitting antennas/dishes, a wrap-around cabinet at the base of the mast and three other equipment cabinets adjacent.

The development is proposed on a public footpath, to the south side of Sugar Lane and immediately adjacent to a local shopping parade. The footpath widens in front of the parade and to the front of the shopping area is a parking area for customers.

The wider area is residential in character; there are flats above the shops, houses on the opposite (north) side of the road, and housing either side of the shopping parades. Housing is also present to the rear of the shops. A primary school is located approximately 185m away.

POLICY CONSIDERATIONS

The proposal does not comply with Policies CS2 and CS19 of the Core Strategy or saved Policies H5 and ENV8 of the UDP.

DESIGN, ACCESS AND CRIME PREVENTION

The proposed mast and cabinets would be relatively isolated in the street scene when regard is had to other structures and street furniture, such as lamp posts etc. The flats adjacent the site, and the houses on the opposite side of Sugar Lane, would directly overlook the mast and equipment, either at

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an angle (the flats), or directly facing over the road (the houses), with no shielding structures or trees. This would be to the detriment of the residents' visual amenity.

Furthermore, the mast would be particularly prominent when viewed along Sugar Lane. Whilst increasingly, masts are part of the urban streetscape, it is considered that the siting of the proposed mast and cabinets would be unduly prominent and somewhat incongruous, to the detriment of the street scene and the visual amenity of the area and residents.

Therefore, the development is contrary to Core Strategy Policies CS2 and CS19, UDP Policies H5 and ENV8 and National Planning Policy Framework paragraph 113.

HIGHWAYS

The proposal would not impact on highway safety and the Council's Highways Engineer has no objections to the application.

RESIDENTIAL AMENITY

The closest dwellings to the site are the flats above the shops to the southeast of the site. The nearest west facing flat would have a window approximately 5.5m from the mast, at an angle, whilst the nearest house on the opposite side of Sugar Lane would be approximately 17m distant.

The development would be prominent in the street scene and by virtue of the full view that properties would have of the mast from the front windows of the houses over the road, and a closer view on the angle from the flats above the shops, it would be detrimental to the outlook of local residential properties, and to the area, by virtue of its prominence within the street scene. Therefore, it would not comply with Policies CS2 and CS19 of the Core Strategy or saved Policies H5 and ENV8 of the UDP.

PUBLIC BENEFIT

It is acknowledged that the proposed development does bring public benefits that should weigh against the harm caused. 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 locate a mast in an inappropriate location where significant harm would be caused.

Overall, the proposal would be an unattractive and prominent addition within a local shopping area and would be significantly harmful to the street scene and outlook of residential properties. The harm outweighs the development's economic benefits and, therefore, the development is contrary to Core Strategy Policies CS2 and CS19, UDP Policies H5 and ENV8 and National Planning Policy Framework paragraph 113.

OTHER ISSUES

Site Selection

The details submitted with the application show the area proposed to be served by the new mast but do not identify any specific potential alternative sites. The applicant's agent has stated that the search area is constrained due to this type of infrastructure needing to be close to users of their service. They note the area is densely populated and the site is where there is a gap in the residential form. The agent states that the area is looked upon as being the best from a visual amenity perspective while still being able to give the required services to the local population. Furthermore, that modern mobile phone base stations operate on a low power and accordingly need to be located close to the areas

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they are required to serve. They also note that increasingly, people are also using mobile devices in the home which requires the installation of base station infrastructure closer to residential areas.

Public Health

The applicant has submitted an International Commission on Non-Ionising Radiation (ICNIRP) certificate, which confirms that the proposed installation would comply with the requirements of the radio frequency (RF) public exposure guidelines, 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 be satisfied that the development will not harm health and it should not consider health impacts any further, in accordance with national planning guidance (NPPF).

Property Values

The potential impact of a development on the value of nearby properties is not, in accordance with national law, a relevant ('material') planning consideration. The Council's consideration of this 'prior approval' application is also limited, by national planning regulations, to matters relate to the development's 'siting' and 'design'. Consequently, Knowsley Council is unable to have regard to the development's potential impacts on property values in its consideration of the application.

Best Practice

It is disappointing that the applicant/agent does not appear to have followed Government endorsed Best Practice, because the nearby school, Town Council, and Ward Members were not informed about the plans prior to the application's submission. However, a failure to follow best practice guidance is not in itself a reason to refuse the application.

With regard the school, the application originally noted that Knowsley Primary School is more than 200m away and, therefore, the head teacher did not need to be notified about the plans. Thereafter, when it was highlighted to the agent that the school was actually 185m distant, at its closest point, the agent agreed that there was an error and he has now notified the school's head teacher and revised the application forms.

CONCLUSION

The proposed site is close to residential properties and in full view from front windows to homes on the opposite side of Sugar Lane, or at an angled view from the front windows of the flats above the shops. Furthermore, the mast and equipment would be prominent in the street scene.

As such, the proposal would be detrimental to the visual amenities of the occupiers of nearby residential properties, the street scene, and the area in general. Additionally, the applicant has failed to demonstrate why an alternative and less visually harmful location in the local area would not meet their operational requirements.

Consequently, the application does not comply with relevant local and national planning policies and is recommended for refusal.

RECOMMENDATION:

The Council has determined that pursuant to Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, the applicant be informed that prior approval is required and is refused for the following reasons:

- 1) The proposed development would be detrimental to the visual amenity and character of the area. It would create a visually prominent incongruous feature in the street scene by reason of its location and would be detrimental to the visual amenities of

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nearby properties and the local area. As such, the proposal is contrary to Policies CS2 and CS19 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 National Planning Policy Framework, para.115.

- 2) The application fails to provide evidence to discount any alternative, less visually harmful, sites and as such it is considered that the application fails to comply with saved Policy ENV8 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

Lee Osborne

11 October 2021



13 October 2021

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