

<u>APPLICATION NO:</u>	23/01977/TEL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	Land At The Junction Of Leathers Lane & Hornbeam Road, Halewood, Knowsley, L26 9TB		
<u>PROPOSAL:</u>	INSTALLATION OF AN 16 M HIGH SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS, 2 NO. EQUIPMENT CABINETS, 1 NO. ELECTRIC METER CABINET AND ANCILLARY DEVELOPMENT THERETO.		

Local Plan Policies Map Allocation

Primarily Residential Area

Site Description

The application site is located on a wide pavement at the junction of Leathers Lane and Hornbeam Road next to No. 2 Hornbeam Road. The site lies within a primarily residential area and is surrounded by residential dwellings with St. Mark's Catholic Primary School and St Mark's Catholic Church and Parish Centre located to the north west on the opposite side of Leathers Lane.

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 a 16 m high slim-line monopole supporting 6 no. antennas; and 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.

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).

Conditions at A.3(4) of the Order state that: "(4) *Before beginning the development described in paragraph A.2(3), the developer must 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 development.*"

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 proposed location is outside of the adopted highway.

Asset Management (KMBC) - No comments received.

Cadent Gas Limited – No objection, informative note required as the proposed development would be in close proximity to our medium and low-pressure assets.

Halewood Town Council - (in summary) Agree with objections cited by residents. They support the view that locating mast in this location of Halewood is not appropriate. The Town Council has collated the views of 50 local people and object on following grounds:

- The mast too close to residential properties.
- Noise impacts would cause nuisance and disturbance, affect the resident's wellbeing and mental health.
- The mast would be unsightly and not fit in with surrounding environment.
- The mast will de-value house prices in immediate area.
- The siting of mast would lead to an increase in anti-social behaviour – already concern with behaviour in area / probability of mast being damaged is high.
- Traffic issues will impede residents being able to park their vehicles leading to highway safety issues.
- There is a school close to the site, parents use the site as a turning area and traffic is excessive.
- There is a high chance that the mast would be damaged.
- There is an existing mast [Halewood Shopping area] less than quarter mile away.
- There are other more suitable locations in Halewood where the mast could be easily disguised.
- The mast will affect the surrounding area and overall look of area.
- The proposed location not most practical place in area.
- The mast would lead to a decrease quality of life.

Representations

This application has been publicised by letters sent to 43 neighbours. It has also been advertised by Site Notice.

There have been **19** letters of objection and **1** letter of support. Of the above objections **3** have been submitted by Halewood Town Councillor Vicky Berry; one as a resident; one in their role as Town Councillor and the other on behalf of themselves and fellow Halewood South Town Councillors, Councillor Lili Berry and Councillor Allan Harvey.

The representations received are summarised as follows:

Highway Safety

- Will cause cars to be parked on the road.
- The space is needed for parking.
- Area used for parking by residents of nearby flats occupied by mainly elderly residents.
- The installation will further compromise the traffic and parking situation and danger posed during peak primary school drop off and pick up at St Marks Primary School.
- Likely to encourage further risky drop off and haphazard temporary parking behaviour, given the further reduction in restriction free parking spaces and encouraging children to walk closer to the highway than is presently the case.

Visual Amenity

- Unsightly for environment.
- Would be an eyesore.
- Wildly visually inappropriate and visually intrusive.
- Would reach significantly above local residential buildings and street furniture.
- Despite the slimline pole, immediately obvious and striking in its unusual location, pushed up against longstanding residential homes.
- Development will dramatically detract from the residential vista.
- Will be visible from more than trivial number of homes.
- Proposal will be immediately obvious to those in and around the proximity of Hornbeam Road, Birchen Road, Leathers Lane, Baileys Lane and locations further afield such as Penmann Close etc.
- There is serious risk the installation would devalue the developing beauty of the area, with long standing and successful work to encourage the growth of young trees along Leathers Lane, which will do nothing to mask the pole.
- Area is the gateway into Halewood.

Residential Amenity

- Too close to houses.
- Residents in local flats mainly elderly.
- Enough noise pollution with the number of buses stopping outside house and light pollution from streetlight outside property.
- General negative impact on local area.

Noise

- Outside window and work shifts will cause disturbance.
- Will cause noise pollution.
- They make humming noise.

Existing Mast in Area

- Already have a mast up by Aldi and don't need another one.
- Another recent telecommunications pole with antennae exists on same road.
- Proposal would be geographically proximate to one which already exists on the same road, where effort should be made to more sympathetic placement.
- Existing less than ¼ mile away – why so close?

Anti-Social Behaviour

- Will cause gangs to mess around and we already have problem in the corner.
- Proposal will attract vandalism.
- Existing anti-social concerns due to the bus stop in this location which has attracted youths.

Health Issues

- Risks to health and increased risk of cancer.
- Will be a health hazard.
- Impacts on mental health due to siting / noise.
- Masts make noise, which is a constant hazard to health.
- There is no research that over time this mast and whatever radiates off it will not affect the health of those people living in close proximity.

Alternative Sites

- Can go other places.
- Unclear whether the applicant has adequately given consideration to alternative sites contrary to paragraphs 115 and 117 of the National Planning Policy Framework.
- Suggest a number of grid references of sites less densely populated which it is expected should have been considered.
- There are plenty of places only a few hundred metres away on Lower Road/Baileys lane that have no houses close together. Why can this mast not be erected on one of those sites?
- Could even be erected on the site of Halewood sports centre not near family homes.

Alternative Design

- A mast type that looks like a tree would blend into the surrounding area, not stand out like it would on Leathers Lane /Hornbeam Road.
- There are fields development can be hidden on - St Mark's and Sports Centre.

Other Issues

- Loss of Light
- Devaluation of House Prices
- New streetlight installed recently without any consultation this is adjacent to front bedroom window of a shift worker and the light causes disturbance.
- Not all residents have access to internet to raise complaint and feel excluded from having their say.
- Is this mast serving the new houses on finch field too I'd like to know.
- Should go knock on houses and do your own survey.

The letter of **support** is summarised as follows:

- Phone reception is poor in Halewood.
- Masts to support current network capabilities are require.

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.

NATIONAL PLANNING POLICY FRAMEWORK

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 - Development within Primarily Residential Areas

DQ2 - Security in the Built Environment

DQ3 - Gateway Sites and Corridors

ENV2 - Noise and Vibration

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 which will be discussed below.

Siting & 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.”

UDP Policy DQ3 states that new development proposals which are within or adjacent to, or visible from, specific road and rail routes within Knowsley should seek to enhance the visual appearance of the route. It indicates that that this applies to any routes which link identified routes to any of Knowsley’s town or district centres. In order to protect and enhance the image of Knowsley and Merseyside as a whole it is considered important to optimise the visual appearance of these routes. Leathers Lane is a main artery route through the borough which leads to Halewood District Centre (Ravenscourt).

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 a 16 m 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 16 m is essential in order to provide coverage to the target coverage area and that this the slimmest design possible which will enable all the multi technologies to be supported from this site.

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 deep pavement on a main throughfare leading to the District Centre further along Leathers Lane. There are other structures along the surrounding streets and Leathers Lane which include street lighting and telegraph poles and residential dwellings, all of which attain heights of approximately 8 m. The surrounding area is predominantly residential with the surrounding properties being primarily 2 storey with relatively low ridge heights. The proposed monopole would rise significantly above the height of existing street furniture and would be roughly twice as high as the adjacent 2 storey dwellings.

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 structures 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 would be an incongruous structure which would be out of keeping in the street scene and the character and appearance of the area.

Furthermore, due to the proposed arrangement of the monopole and cabinets on the pavement, this would convey a cluttered appearance and haphazard siting which would be visually harmful to the street scene. 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 would significantly contribute to a more cluttered and crowded pavement at a visually conspicuous location. The development would have a jarring and incongruous presence and would not be successfully assimilated into its surroundings and as such would significantly harm the street scene and the character and appearance of the area.

The proposed development would therefore fail to comply with the above-mentioned planning policies and guidance as detailed above.

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 to the side of the nearest residential dwelling. No. 2 Hornbeam Road and approximately 18m from dwellings located on the opposite Hornbeam Road. Other residential dwellings would be located approximately 20 m away on the opposite side of Leathers Lane.

It is considered that the development would harm the residential amenity of nearby residential properties by impacting on their outlook. There would be uninterrupted views at close proximity from the front windows of dwellings across Leathers Lane and from the side of Nos. 3 and 3a Hornbeam Road. The development would also directly harm the amenities of local residents due the siting and design issues discussed above.

Highway Safety

It has been suggested by local residents that the proposal would be detrimental to highway and pedestrian safety, in particular as the site is used for parking of vehicles which would be impeded by the development and likely to cause drivers to park in a haphazard manner around the site. In addition, concern has been raised that the area provides parking for residents of nearby properties and would reduce the level of parking provision in the area.

However, the Council's Highways Team have no objections to the proposed installation, the proposed location is outside of the adopted highway. It is evidenced from historic Google Streetview that the area is used for the parking of vehicles, although, the area is not adopted highway and is not a designated parking area.

If prior approval is granted, the Local Highway Authority requires that the applicant be informed that a separate consent is required from the Street works team to carry out any works to adopted highway or across a Public Right of Way.

The proposal is acceptable in highways terms and would be in compliance with UDP Saved Policy T7 and Local Plan policy CS7.

Health Considerations

A number of objections have raised concerns about the health implications of the proposed development. In response to health concerns, 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 8 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:

1. Leathers Lane, L26 OTT (streetworks) – (E: 345057 N: 385416) – Discounted due to The footway at this location is too narrow to accommodate the operator's equipment. As such, this option has been discounted as the physical lack of space would lead to highway safety issues. [Fronting 68 Leathers Lane]
2. Leathers Lane, L26 OTT (streetworks) – (E: 345116 N: 385457) – Discounted as above. [Adjacent to St Mark's Church]
3. Fir Avenue, L26 OXR (streetworks) (E: 345190 N: 385491) - Discounted as above. [Adjacent to St. Mark's Primary School]
4. Leathers Lane, L26 OTT (streetworks) (E: 345105 N: 385431) - Discounted as above. [Fronting 43 Leathers Lane]
5. Penmann Crescent, L26 OUG (streetworks) (E: 345073 N: 385466) - Discounted as above. [Adjacent to St. Mark's Church]
6. Penmann Crescent, L26 OUG (streetworks) (E: 345054 N: 385501) – Discounted as above. [Adjacent St, Mark's Parish Centre]
7. Fir Avenue, L26 OUB (streetworks) (E: 345065 N: 385525) – Discounted as above. [Adjacent to St. Marks Parish Centre]
8. Penmann Crescent, L26 OUH (streetworks) (E: 345013 N: 385467) - Discounted as above. [Fronting 2 Penmann Close]

It is noted that the grid reference for site 3 is on Leathers Lane fronting St Mark's Primary School and not Fir Avenue as indicated by the applicant. There is some merit to the applicants case that the footway is not wide enough on the sites above. Nevertheless the applicant has not demonstrated that more appropriate sites are not available.

Other Matters

The 'siting' and 'appearance' of the proposal are the only factors that can be considered and no other matters can be considered. The main condition therefore is that siting and appearance must be such that visual impact on the surrounding area is minimised.

It is noted that there are a number of matters raised by objectors which do not relate to siting and appearance and these matters cannot be taken into account.

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 adopted local plan and saved UDP Policies CS2, CS19, H5, DQ3 and ENV8 and Guidance in the NPPF. As such, the

proposal would conflict with the conditions set out at A.2, Part 16, Schedule 2 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

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:-

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, DQ3 and ENV8 of the Knowsley Replacement Unitary Development Plan adopted June 2006 and guidance in NPPF (September 2023).

Signed Case Officer¹: M Wishart

Signed Authorising Officer²: Alan Kilroe

Date: 11 September 2023

Contd...

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







