

<u>APPLICATION NO:</u>	23/01980/TEL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Northwood	<u>PARISH:</u>	
<u>LOCATION:</u>	County Road (just South of junction with St Kevins Drive), Northwood, Kirkby, Knowsley L32 1AB.		
<u>PROPOSAL:</u>	THE INSTALLATION OF A 19M HIGH SLIM-LINE MONOPOLE, SUPPORTING 6 NO. ANTENNAS 2 NO. EQUIPMENT CABINETS, 1 NO. ELECTRIC METER CABINET AND ANCILLARY DEVELOPMENT THERETO INCLUDING 1 NO. GPS MODULE.		

Site Description

The proposal is located at the back of the public footpath for County Road which is a main arterial road leading to Kirkby Town Centre and Knowsley Business Park. The site is to the south of the junction of County Road with St Kevin's Drive and adjacent to public open space with houses on Dane View which front the cul-de-sac overlooking the open space. There is a similar area on the opposite side of St Kevin's Drive which is overlooked by houses off Millbeck Close. There are lighting columns at regular intervals along both sides of County Road and other street furniture such as traffic lights, and highway crossing islands.

The nearest residential dwellings are located approximately 28.5m and 31m away on Melling Drive which is on the opposite side of County Road. The nearest residential dwelling on the same side as the application site is approximately 43m away at the end of Dane View. All Saints Catholic High School is located approximately 337m to the south east and close to the town centre, whilst Northwood Community Primary School is approximately 327m from the site with the edge of the St Kevin's housing development between.

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 monopole and associated equipment.

The proposal consists of a 19m high slim-line monopole, supporting 6 no. antennas and 2 no. equipment cabinets and 1 no. electric meter cabinet. The equipment would be mounted on new root foundations. The monopole would be coloured Grey and the cabinets Green.

It is noted that the dimensions of the equipment cabinets identified in the written details supporting the application do not align with the dimensions measured of the submitted plans. Therefore, 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

Representations

This application has been publicised by letters sent to 63 neighbours. It has also been advertised by Site Notice.

An objection has been received from Councillor Connor. The objections relevant to this application are on the following grounds: -

- There are 3 other masts on Minstead Avenue / Bigdale Drive, with 6 cabinets, which have been updated.
- It says MBNL is always to minimise the contrast between the appearances of the site-specific proposal in its relationship with its environment. This will make 7 masts, 15+ cabinets.
- There is also the emergency services mast on the local flats at Quarrygreen.
- The SIM says the mast share solution should be used to reduce the number of masts.
- Why is the erection of mast in other areas an eyesore but not in Northwood.
- It also indicates the mast needs to be taller to provide the necessary coverage and capacity to the intended area of **Liverpool**.
- It looks like the only way to get noticed is to have the residents, appear at the sites to protest, and point out Northwood is being singled out as a place to erect new masts.

With regard the point about an emergency mast on flats on Quarrygreen, emergency services do not operate on commercial operator's frequencies and therefore a separate mast network is required. With regard the point raised about coverage of Liverpool 5G masts have relatively small coverage areas so the point raised is really the wording of the applicant, incorporating Knowsley into a generic Liverpool rather than stating Knowsley or Kirkby. With regards the final point, it should be noted that 63 letters were sent to properties in the vicinity and a site notice displayed with no comments from residents 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)

DQ3: Gateway Sites and Corridors

T7: New Development and Walking and Cycling Routes

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 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.

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 a 19m high street works column supporting 6 no. antennas, and installation of 2 no. equipment cabinets and an electric meter cabinet with ancillary development. The proposed equipment would be installed to the back of the pavement serving County Road just to the south of the junction with St Kevin’s Drive, and adjacent an area of public open space, which exists both sides of the western part of St Kevin’s Drive before the start of the residential development.

County Road is a major road and it is not uncommon to see large pieces of telecommunications apparatus on major highways, however, the applicant has chosen an area of County Road where there are no structures of screening.

Furthermore the site is at the top of a hill so when travelling south it would loom over the surrounding area. It is considered that the location of the mast would appear as an incongruous feature in the local area and would cause unacceptable visual harm to the character and appearance of the area contrary to Policies CS2 and CS19 of the Core Strategy and Saved Policy ENV8 of the UDP

The applicant has failed to demonstrate through a robust, comprehensive and detailed assessment that there are no alternative sites where the proposal could be accommodated without the significant harm of the proposed location. The level of detail provided in relation to alternative sites is cursory.

Highway Safety

The Local Highway Authority have no objection to the proposed installation, nevertheless if prior approval is granted, they have requested that the applicant be informed that a separate consent is required from the Street works team to carry out any works to the adopted highway or across a Public Right of Way. This would take the form of a suitable informative on any decision if granted.

The proposal is acceptable in highways terms and would be in compliance with Policy CS2 of the Core Strategy and Saved Policy T7 of the UDP.

Residential Amenity

Policy ENV8 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.*”

The nearest residential dwellings are located approximately 28.5m and 31m away on Melling Drive which is on the opposite side of County Road to the site, and the nearest residential dwelling on the same side as the application site is approximately 43m away at the end of Dane View. These properties would directly overlook the substantial mast and there would be no screening from the windows of main habitable rooms. It is considered that this would result in the occupants of those properties suffering from a poor outlook that would be harmful to their amenity contrary to Policies CS2 and CS19 of Core Strategy and Saved Policy ENV8 of the UDP.

Health Considerations

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 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 there is a specific requirement for an installation on the footway of County Road near the junction with St Kevin's Drive to ensure that the latest high quality 3G and 4G service provision is provided in this area of Knowsley. The proposed column will also ensure that new 5G coverage can be provided at this location to ensure coverage and capacity requirements are maintained and enhanced.

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.

Conclusion

The proposal is acceptable in principle under the 2015 GPDO, however the developments siting would cause significant harm to the streetscene and to residential amenity, this harm is not outweighed by the benefits of the proposal. The development is therefore contrary to Core Strategy Policies CS2 and CS19, UDP policy ENV8 and NPPF para 115.

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(s):-

- 1) The proposed development would be detrimental to the character of the area and to the streetscene. In particular, it would result in an incongruous and over dominant structure within the area, resulting in significant harm to the street scene in a prominent location. The proposed development would

cause significant harm to the outlook of occupants of nearby residential properties resulting in an adverse effect on their amenity. As such the proposal would be 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 NPPF para 115.

Signed Case Officer¹:

Lee Osborne

**Signed Authorising
Officer²:**



14.09.2023

Date:

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

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