

Application No: 16/5475M

Location: Telephone Exchange, 22, MOSS LANE, ALDERLEY EDGE, SK9 7HN

Proposal: The retention of existing moveable ground based communications equipment for a temporary period of nine months.

Applicant: Mr Matthew Waugh, Arqiva Ltd (for EE Ltd & Hutchison 3G UK)

Expiry Date: 09-Jan-2017

### **SUMMARY**

This application seeks full planning permission for *“the retention of existing moveable ground based communications equipment for a temporary period of nine months.”*

The site is positioned within a sustainable but residential location in Alderley Edge.

It is considered that the retention at this location is only acceptable on the basis that meaningful progress has now taken place on identifying a permanent site and therefore satisfies the three threads of ‘sustainability’ as stipulated within the NPPF (2012).

**RECOMMENDATION: Approve for a final nine months, subject to conditions**

### **REASON FOR REPORT**

The application is to be presented at Northern Planning Committee because it has been ‘called-in’ to committee at the request of Cllr Browne on the 8th February due to the local concerns:

*“The residents of Moss Lane/Orchard Green have previously been very understanding with the telephone company (Arquiva Limited). They received written assurance from the applicant that the mast would be temporary in nature and in good faith, have accepted its presence for over two years. The latest application for a further temporary extension has provoked a strong reaction from those residents and the Parish Council. The application should therefore be considered by Northern Planning Committee to enable residents to speak and feel that their concerns are being heard by Cheshire East Council.”*

### **DESCRIPTION OF SITE AND CONTEXT**

The site is that of the existing traditional exchange on Moss Lane in Alderley Edge which is situated within an established residential area.

## **DETAILS OF PROPOSAL**

The retention of existing moveable ground based communications, a telecommunications mast, equipment for a temporary period of nine months.

## **RELEVANT HISTORY**

15/5502M - The retention of existing moveable ground based communications equipment for a temporary period of six months. – Approved 12 May 2016

## **POLICIES**

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)  
DC3 (Protection of the amenities of nearby residential properties)  
DC60 (Telecommunications Equipment)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

## **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are chapters 5, 7 and 8.

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 (Presumption in Favour of Sustainable Development)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)

## **CONSULTATIONS (External to Planning)**

EHO – No objections

## **VIEWS OF THE PARISH / TOWN COUNCIL**

The PC recommends refusal. This will have been in place for a number of years with ongoing renewals. It is unsightly and needs to be removed. It should be considered for a call in to the Northern Planning Committee.

## **OTHER REPRESENTATIONS**

Strong objections from 6 different addresses on the basis of:-

- Unsightly and too close to houses
- Ugly blight
- Dominates landscape
- 18 months delay
- Further 9 month totally unacceptable
- If extended fixed guarantee required
- Mast been in place for two years and CEC should not support further extensions of time as per previous report.

*Full contents can be viewed on CEC website*

## **OFFICER APPRAISAL**

### **Key Issues**

- Visual Impact on the character of the area,
- Impact on the amenity of neighbouring properties

### **Principle of Development**

Given the site lies within a predominantly residential area the principle of such does not contravene by development plan policies and national guidance. The proposal is therefore assessed against the presumption in favour of sustainable development as set out in paragraphs 11 to 16 of the National Planning Policy Framework (NPPF).

Policy DC1 sets out general design criteria related to new development whilst policies DC3 aims to protect residential amenity. DC60 stipulates masts that would be visually obtrusive and result in a significant impact upon residential will not normally be permitted.

The key issues arising from these policy requirements are discussed below.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Design and Impact on Character of the Area**

The equipment is visible from public vantage points and very visible from the rear of residential gardens. The proposal does not fully respect the form and character of the area, but on the basis of a final nine months, it is within a historical long standing recognised telecommunications site and provides a vital local service supported in chapter 5 of the NPPF. The Mobile Network Operator has been undertaking work to secure a long term solution for the area and their agents have been in discussion with land owners in the area. As talks are ongoing, it would not be appropriate to give details, however the Council understands that this solution may be taken forward as a planning application in the near future.

## **Amenity**

Local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight. The objections have been carefully considered but it is considered the justifiable concerns relate predominantly to visual impact but in the overall balance of provision the temporary application should be permitted for a final time.

The proposal is therefore considered to meet the stipulations of policies DC3 of the Local Plan but does contravene elements of DC60 on visual impact. However, NPPF guidance is also to be considered

## **SOCIAL SUSTAINABILITY**

The proposals meets social sustainability objectives of promoting healthy communities as stipulated in paragraph 70 of the NPPF as it would guard against the unnecessary loss of a service particularly where this would reduce the community's ability to meet its day-to-day needs and chapter 5 that supports a high quality communications infrastructure.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a responsive local telecommunication service to a small extent as well as to some extent bringing direct and indirect economic benefits.

## **PLANNING BALANCE**

Whilst the objections are noted and raise valid material considerations, on the other hand, the site is located in a predominantly residential area and it would ensure continuing telecommunication provision in an urban location has the obvious social and economic benefits enjoyed by the wider Alderley Edge community.

Very much on balance, on the basis the proposal preserves the coverage of the area which is located within a sustainable urban location given that it is temporary for a very final nine months and a future more appropriate permanent site has been identified and an application is anticipated. It was acknowledged by the previous officer report that there is a visual impact in the locality and this has only been acceptable on a temporary basis.

In such circumstances the NPPF at para.14 requires development proposals that broadly accord with the development plan to be permitted and thus this application goes before the Planning Committee with a recommendation of approval subject to appropriately worded temporary conditions being attached to any grant of permission.

## **RECOMMENDATION**

The application is recommended for approval for a temporary period of 9 months from the date of decision.

*In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Temporary period - 9 months
2. Development in accord with approved plans

