

Application No: 16/2096M

Location: ENDON QUARRY WINDMILL LANE KERRIDGE BOLLINGTON

Proposal: Telecommunications installation and associated works (NTQ Replacement)

Applicant: c/o WHP, EE & 3G UK LTD

Expiry Date: 08-Dec-2017

### **SUMMARY**

The application site is allocated within the saved Macclesfield Borough Local Plan as within the Green Belt, Area of Special County Value and Manchester Airport Safeguarding Zone. The existing site is Endon Quarry, a working stone quarry accessed from Windmill Lane, Kerridge.

The application seeks a revised 15m replacement telecommunications mast, previously proposed at 20m, and associated equipment with compound for EE Ltd and HG3 LTE. The proposed mast would replace an existing mast at Marksend Quarry which is subject to a Notice to Quit as the owners wish to redevelop the site where the existing mast is situated. The mast would provide new replacement 4G and 3G coverage for EE Ltd in order to maintain coverage in the SK10 area of Cheshire.

Noting the Green Belt location it is considered Very Special Circumstances have been demonstrated that would outweigh harm caused to Green Belt from the principle of the development, which includes the need to replace existing telecommunications, which are also located in the Green Belt. The proposals are not deemed to have any significant impacts on the setting of nearby listed buildings or Kerridge Conservation area, and the design of the structure is acceptable. In addition the limited impact on long views from the Gritstone Trail, Saddle of Kerridge and general Kerridge Landscape Character Area are also deemed to be acceptable as a result of the revised smaller scale mast design. The height, technical/operational specifications and location of the mast would not effect safeguarding for Manchester Airport, protection of the nearby group TPO or on Nature Conservation. No significant impacts are expected in terms of existing residential amenity or regarding highways.

Subject to conditions the proposals are considered to be acceptable.

The NPPF places a presumption in favour of sustainable development. The proposed development will provide environmental, economic and social benefits and is therefore considered to comply with the three dimensions of sustainable development.

**RECOMMENDATION: Approve with conditions**

### **REASON FOR REPORT:**

The application has been called in to Committee by Councillor Nicholas for the following reasons: “*objection under DC60 (3) of the Macclesfield Local Plan*”.

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

The proposed development site is located within the working Endon Quarry, a stone quarry to the west of machinery stores in the quarry compound area. The site lies in the Green Belt and in an Area of Special County Value. The site is on a flat plateau however in an elevated position in comparison to the surrounding area including Kerridge village. The site is bordered by dense, woodland and mature trees (blanket TPO in place) to the west resulting in it being screened from view of the nearest road, Windmill Lane. This road is the access road to the site to the west. The immediate site setting comprises large green, metal profiled and clad machinery storage areas, portacabins and other storage enclosures alongside brick built office buildings. There is a heavy presence of vehicular parts and other scrap lying about in close proximity to the proposed site. Also in the quarry area is an open ended shelter used for shooting matches. The quarry site has an unkempt industrial appearance.

To the east of the site in an elevated position above the working quarry edge is Kerridge Hill and two public rights of way including the Saddle of Kerridge and the Gritstone Trail. The site is prominent from footpath FP24 and FP32 which run along the northern and southern site boundaries respectively. At approximately 500m north of the site is the White Nancy, a Grade II listed structure erected in 1817 by John Gaskell junior to commemorate the victory at the Battle of Waterloo. To the north west of the site beyond the dense tree canopy are the Grade II listed Turret Cottages, two storey stone built residential cottages, sat at a much lower, tree concealed level from the proposed site which is also the south eastern boundary of the Kerridge Conservation Area. The other nearest residential properties, also constructed from local stone and slate are Five Ashes Cottages and Ash Cottage to the south of the site on Windmill Lane. To the south of the site within Marksand Quarry at a similar, but slightly lower topography to the site in question, is the existing telecommunications mast which has a Notice to Quit as the owners of the site wish to develop the land on which the mast is situated.

### **RELEVANT PLANNING HISTORY**

**17/2204M** – Prior Approval for the siting and appearance of proposed telecommunications installation and associated works – withdrawn 13<sup>th</sup> June 2017

**13/4587W** – Determination of conditions to which a mineral site/mining site is to be subject – undetermined.

**CY/01/3034P** – Replacement machinery store – approved with conditions – 5<sup>th</sup> June 2002

**01/3034P** – Replacement machinery store – approved with conditions – 5<sup>th</sup> June 2002

**97/0081P** – Conditions submitted in accordance with the Environment Act 1995 – approved with conditions – 28<sup>th</sup> November 1997

### **DETAILS OF THE PROPOSALS**

The application seeks Full Planning Permission for the installation of a 15m high monopole mast with 6 antenna headframe constructed from grey coloured galvanised steel on a concrete base. Several associated cabinets are proposed of varying sizes to a maximum of 2.2m in height all constructed from grey coloured steel which will also sit on a concrete base with a gravel compound in front of this sat behind a 2.4m high perimeter fence with barbed wire to the top. There will be a gated entry to the northern elevation of the fenced perimeter for technicians use. The mast and equipment compound proposed will be located to the west of the existing storage sheds, set off from the TPO boundary also to the west along Windmill Lane. The proposed mast will replace the existing 15m lattice mast in Marksend Quarry (Cell ID:93642) which has a NTQ as the owners of that site wish to redevelop the land on which that mast is sited, thus there is an urgent need for a new site to maintain coverage. The mast would be for EE Ltd and HG3 LTE and is stated as being required to provide new replacement 4G and 3G coverage for EE Ltd in order to maintain coverage in the SK10 area of Cheshire.

The proposed scheme has been revised from a 20m mast to a 15m mast as a result of concerns being raised during the course of the application.

### **APPLICANT'S SUPPORTING INFORMATION**

The following information was submitted in support of the application:

- Application form
- Site Specific Supplementary Information Statement 18<sup>th</sup> April 2017
- Location Plan
- Site Location Plan
- Site Layout Plan
- Equipment Layout
- Site Elevations
- Air Safety Assessment – July 2017
- Landscape Visual Impact Appraisal Revision A – August 2017

### **POLICIES**

#### **National Planning Policy Framework (NPPF)**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevant are:

- Paragraph 14 – presumption in favour of sustainable development
- Chapter 5 Supporting high quality communications infrastructure – paragraphs 42, 43, 44, 45 and 46
- Chapter 7 Requiring Good Design – paragraphs 56, 64, 66,
- Chapter 9 Protecting Green Belt Land – paragraphs 79, 80, 87, 88, 89
- Chapter 11 Conserving and enhancing the natural environment – paragraphs 118 and 123
- Chapter 12 Conserving and enhancing the historic environment – paragraphs – 128, 129, 131, 132, 133, 134

#### **Cheshire East Local Plan Strategy 2017 (CELPS)**

MP1 Presumption in Favour of Sustainable Development

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles  
IN1 Infrastructure  
EG2 Rural Economy  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE7 The Historic Environment  
SE15 Peak District National Park Fringe  
CO3 Digital Connections

### **Saved Macclesfield Borough Local Plan Strategy 2004 (MBLP)**

NE1 Areas of Special County Value  
NE11 Nature Conservation  
BE2 Historic Environment  
GC1 Green Belt – New Buildings  
GC6 Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone  
DC3 Design – Amenity  
DC6 Design – Circulation and Access  
DC8 Design – Landscape  
DC9 Design – Tree Protection  
DC60 Community Uses – Telecommunications Equipment

### **Other Material Considerations**

Bollington Neighbourhood Plan 2010-2030 (BNP) Submission Version October 2017  
Regulation 16 stage - consultation on submitted plan– ends 1<sup>st</sup> December 2017 – limited weight attributed to plan.  
EGB.P3 – Development in the Green Belt  
ENE.P1 – Natural Environment Policy  
ENE.P2 – Maintenance of views  
ENE.P4 – Footpaths, Quiet Lanes and Bridlepaths  
BE.P2 – Conservation Areas

Cheshire Landscape Character Assessment 2008  
Peak Fringe Local Landscape Designation Area  
Cheshire East Local Landscape Designation Study 2013  
Kerridge Conservation Area appraisal 2006  
Kerridge Landscape Character Area

### **CONSULTATIONS (EXTERNAL TO PLANNING)**

**Manchester Airport** – no objection – *‘The proposed development and associated Safety Assessment prepared by Pager Power have been examined by the Manchester Airport aerodrome safeguarding authority and it is concluded that there is no conflict with any safeguarding criteria. Accordingly, Manchester Airport has no safeguarding objections to the proposal’.*

**Bollington Town Council** - recommend refusal as the proposals would be contrary to '*Policy DC 60 (3) in that it would adversely affect an area of special county value for landscape and (4) it would be visually obtrusive and lead to in significant impact on visual amenity in a rural or urban area*'.

## **REPRESENTATIONS**

### **Neighbours/ Local Residents/ Public comments**

Due to the long duration of this planning application and the amendment to the height of the mast, two separate periods of statutory public consultation have occurred and therefore the comments are provided from the initial 2016 consultation and 2017 consultation as below.

#### **2016**

68 letters of objection were received from members of the public objecting to the proposal on the following grounds:

##### ***Design, Landscape and Character –***

- Unsympathetic eyesore, visually unappealing.
- Fundamental effect on setting of nearby Conservation Area and nearby Grade II listed Turret Cottages.
- Out of character with the rural area.
- Intrusion on landscape and would effect the views from Kerridge Ridge, White Nancy and the Gritstone Trail.
- Too many masts in the area.
- Development should not be allowed in an AOSCV.
- 20 years left on licence for quarry, what then as will have to be reconditioned into the setting.
- Encroachment of development into Green Belt and green space.
- Creation of overtly industrial landscape.
- TPO's next to mast are only green 6-8months of year and rest of time the mast is more visible.

##### ***Amenity –***

- Contrary to DC60.
- Visual and overbearing impact of a 20m mast.

##### ***Economic and technical –***

- Macrocell tower is within a mile of site so why not use this.
- New mast is not required as adequate phone reception already exists.
- Development would impact profitability of local business and trades as it will cause people not to visit the area.

##### ***Environment –***

- Environmental impact of the proposals
- Detrimental to local wildlife including barn owls, foxes, badgers and bats that roost/live/forage locally.
- Effect on nearby TPO group.

##### ***Public Safety/ Health –***

- Safety and risk to health as a result of mast operations on local residents, animals and nature particularly nearby residential properties.

**Other notes:**

- Lack of consultation to local residents and land owners.
- Not enough time given for consultation.
- Development would cause de-valuation of local house prices
- Development solely for the profitability of local residents.

**2017**

20 letters of objection were received from members of the public objecting to the proposal on the following grounds:

***Design, Landscape and Character –***

- Blot on landscape where people walk and take leisure time.
- Alter views which have been unchanged for many years.
- Proposed mast is too close to the Listed Turret Cottages and Kerridge Conservation Area effecting their setting.
- Alternative locations within quarry should be investigated away from heritage assets or within existing trees.
- Alternative locations elsewhere should be investigated.
- Proposed mast design is unsympathetic, other designs such as those disguised as trees should be considered.
- Effect on visual transition of nearby walking routes including the Gritstone Trail and White Nancy.
- Mast will be more visible during winter months when trees leaves have fallen.
- Proposals adversely effect an Area of Special County Value
- Proposed aesthetic of mast is incongruous to low rise buildings in quarry.

***Amenity –***

- Visual and overbearing impact of 15m mast.
- Contrary to DC60 of MBLP

***Economic and technical –***

- No requirement for another mast as the reception in the area is adequate.

***Environment –***

- Effect of development on protected species such as bats.

***Public Safety/ Health –***

- Proposed mast would threaten public health

**Other notes:**

- Not being consulted by post.
- Lack of meaningful consultation with local residents.
- Application form not filled in full.

**OFFICER APPRAISAL****Presumption in favour of sustainable development**

Policy MP1 of CELPS states '*when considering development proposals the council will take a positive approach that reflects the presumption in favour of sustainable development*

*contained in the National Planning Policy Framework. It will always work proactively with applicants to find joint solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'. This is in line with paragraph 14 of the NPPF.*

## **ENVIRONMENT**

### **Green Belt**

The most applicable local planning policies to consider are PG3 of CELPS and saved policy DC60 of MBLP.

Policy PG3 of CELPS states:

1. *'The purposes of the Green Belt are to: iii. Safeguard the countryside from encroachment.'*
2. *'Within the Green Belt, planning permission will not be granted for inappropriate development, except in very special circumstances, in accordance with national policy.'*
3. *'The construction of new buildings is inappropriate in Green Belt. Exceptions to this are:  
vi. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

*Previously developed land is defined within the glossary of the NPPF as 'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time'.*

The licence for the extraction of stone at the site involves a condition to restore the site once its use as a quarry has ceased, therefore noting the above, the site cannot be considered as previously developed land (PDL). Therefore, as the proposed development site cannot be considered to be PDL the proposed development it would not constitute an exceptional form of development within the Green Belt. Under s.336 of the Town and Country Planning Act 1990 it is stated that the definition of a building *'includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building'*. Thus the telecommunications mast as defined under the Act, would constitute a new building rather than any other operation. The telecoms mast will also serve to reduce the openness of the Green Belt. The proposal is therefore an inappropriate form of development in the Green Belt.

In this instance Very Special Circumstances in line with paragraphs 87 and 88 are required to be demonstrated. Paragraph 87 of the NPPF states *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. This is reflected in CELPS policy PG 3.

In paragraph 88 of the NPPF this is elaborated upon and it states *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'*.

Paragraph 43 of the NPPF advises that LPAs should *'support the expansion of electronic communications; including telecommunications'* however it furthers that LPAs *'should aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.'*

The current mast is located within Marksend Quarry at 15m with a lattice style structure with associated mast headers. The site is due to be decommissioned as the owner has served Notice to Quit on EE as they wish to redevelop the part of the site on which the existing mast is situated. Therefore the proposed mast is urgently required to provide ongoing coverage for EE Ltd in the SK10 area for 4G and 3G. It is noted in the accompanying Site Specific Supplementary Information Statement 18<sup>th</sup> April 2017 that the 'cell search areas for 3G and 4G are extremely constrained with a typical cell radius of approximately 250m meaning that it would not be feasible to site the column outside of this locality.

The entire immediate area around the existing mast site and that of the proposed replacement site are located in the Green Belt and ASCV Kerridge Landscape Character Area. Within the submitted Site Specific Supplementary Information Statement several other sites within the area of the existing mast are considered and discounted for operational reasoning noting all replacement sites, including that subject to this application, are within the Green Belt and ASCV. Therefore to replace the mast within the immediate area to ensure adequate reception would inevitably have some impact on these areas. The existing mast also occupies an elevated position hidden from view by existing mature trees on the hillside from the west, only seen from the public footpath Rainow FP50 to the east, from where the top of the mast can be seen.

The proposed site for the replacement 15m mast, is a similar industrial quarry setting largely screened from view by trees when viewed from the north, west and south, on an existing slope at raised topography. Only a few metres of the total height of the 15m mast proposed would be able to be seen above the top of existing buildings on site from the Gritstone Trail and public footpath FP24.

Concern has also been raised by local residents citing they already had adequate coverage and that there were other masts were in the immediate area. Paragraph 46 states *'local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators' or 'question the need for the telecommunications system'*. The proposed mast would replace an existing mast and thus would not add to the amount of masts in the area.



Taking into consideration the aforementioned points it is considered that the absence of other available sites and the fact the proposal replaces an existing mast in a similar setting are material considerations that do clearly outweigh the identified harm to the Green Belt by reason of inappropriateness and loss of openness, and the very limited less than substantial harm to the designated heritage asset (explained further below). Accordingly very special circumstances are considered to exist, and therefore from a Green Belt perspective the proposal is considered to be acceptable.

### **Kerridge Conservation Area and Grade II Listed Turret Cottages**

Both the Town Council and local residents have raised concern at the siting of the proposed mast in relation to Kerridge Conservation Area and the Grade II listed Turret Cottages and the resultant effect on their setting. The development site itself is not statutory listed or within a Conservation Area, however at a distance to the north west of the site is Kerridge Conservation Area and the aforementioned listed cottages. Turret Cottages are nestled within a pocket of group TPO's to their eastern and southern boundaries and are accessed from Windmill Lane by single track. Their rear habitable room windows look out onto a steep, tree filled slope to which the boundary of the quarry site is the highest point. The proposed mast would be to the south west in excess of 60m from the rear wall of the closest cottage to the site at an elevated position within the existing quarry area next adjacent existing buildings. Turret Cottages form the boundary of Kerridge Conservation Area. The conservation officer considers the revised height would help the mast be hidden from the views of the Conservation Area, noting that during winter periods the mast would be more visible from the rear gardens of nearby properties. In addition, it was felt that while there would be some impact upon Turret Cottages particularly the view to and from the cottages, the impact of development would be less than substantial.

Taking into consideration paragraphs 133 and 134 of the NPPF, and the need to justify harm to heritage assets *'All grades of harm, including total destruction, minor physical harm and harm through change to the setting, can be justified on the grounds of public benefits that outweigh that harm taking account of the 'great weight' to be given to conservation and provided the justification is clear and convincing'*. In this instance the applicants have revised the scheme to reduce the impact of development on the identified heritage assets. Noting the less than substantial impact on the identified assets as a result of the revised height and noting its location set away from both, the public benefit of the scheme, being the need for a replacement mast in the area, does outweigh the identified harm. Therefore the proposals are considered to be in line with policy SE7 of CELPS, saved policies BE2 and DC60 of MBLP and emerging policy BE.P2 of BNP.

### **Landscape**

Comments received in representation have raised concern at the proposals due to the impact of development on the setting and views as seen from the ASCV – Kerridge Landscape Character Area, Peak District Fringe, public footpaths and canal towpaths. The landscape officer has reviewed the revised visual impact assessment, based on the amended lower (15m) mast, and broadly agree with the assessment produced by Camlin Lonsdale in support of the application. The landscape officer does not raise objection to the application due to the dense woodland on the western slopes of the ridge and the relative abundance of trees and hedgerows in the landscape to the west, views towards the proposed mast site are generally quite well screened. Where the mast would be visible from dwellings, footpaths and roads in the vicinity it is likely to have a low adverse visual effect on receptors. The proposed

development is therefore in compliance with policies SE4 and SE15 of CELPS, saved policies NE1, GC6, DC8 and DC60 of MBLP and ENE.P2 and ENE.P4 of BNP.

### **Design**

The 15m monopole mast with 6 antenna headframe will be constructed from grey coloured galvanised steel on a concrete base. Several associated cabinets are proposed of varying sizes to a maximum of 2.2m in height all constructed from grey coloured steel which will also sit on a concrete base with a gravel compound in front of this set behind a 2.4m high perimeter fence with barbed wire to the top. There will be a gated entry to the northern elevation of the fenced perimeter for technicians use. Noting the usage of the mast and its setting within an industrial landscape the simple design and grey colour is considered to be acceptable. The grey colour of the mast and its equipment will help assimilate it into the sky line noting the colours of existing buildings on site. Consideration was given to an alternative tree design however it was thought this would be too prominent and more obvious than a slender grey structure like that proposed.

### **Manchester Airport**

The proposed development site is located within the Manchester Airport Safeguarding Zone for all development. Since the original submission the phone mast has been reduced from 20m to 15m and an Air Safety Assessment has been produced by Pager Power to understand the physical and technical impacts of the proposed development on Manchester Airport operations. This has been reviewed by Manchester Airport who are satisfied with the report findings and that the proposals would not conflict with any safeguarding criteria and are therefore in line with policy DC60 of the MBLP.

### **Nature Conservation and Tree Protection**

The concerns raised by neighbours in regards to the impact of development on the habitat and foraging areas of animals including badgers, bats and owls are acknowledged. However, the proposals have been reviewed by the nature conservation officer who raises no objections or concerns to the proposal, subject to an informative relating to the protection of breeding birds as a result of the development. Therefore the proposals are compliant with policy SE3 of CELPS, saved policy NE11 of MBLP and the emerging BNP policy ENE.P1.

In addition concern has been raised by third parties at the proximity of development in terms of the nearby TPO group. However, there is not considered to be any significant impact upon trees of amenity value, and the arboricultural officer has confirmed that they have no objection to the proposals.

## **SOCIAL**

### **Public health**

With regard to any perceived health risks, the advice offered by the Government's advisors, the National Radiological Protection Board, is that 'the balance of evidence indicates that there is no general risk to the health of people living near base stations'. It is the Government's view that if a proposed development meets the ICNIRP guidelines as recommended by the Stewart Report, it should not be necessary for a planning authority to consider health effects further.

It is confirmed that the installation complies with the requirements of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for public exposure and that the

Certificate produced by the operator takes into account the effect of the emissions from mobile phone network operators on the site. Accordingly there is no need to consider the health effects of the proposal any further.

### **Residential amenity and highways**

Due to the location of the site set away from immediate neighbouring residential properties at some height difference and distance it is not considered that the development would lead to a significant impact on the existing levels of residential amenity. No highways implications are anticipated as a result of this development. The development is considered to be in line with SE1 of CELPS and saved policy DC3 and DC6 of MBLP.

### **ECONOMIC**

#### **Effect of development on local business**

The provision of telecoms equipment together with other nearby masts would assist in supporting telecommunications, particularly in rural areas for businesses, alongside everyday public usage, which would otherwise potentially suffer data coverage shortages as a loss of the mast this application seeks to replace. Therefore the proposals are in compliance with policies IN 1 and EG 2 of CELPS.

### **OTHER CONSIDERATIONS**

Local residents have raised issue with the consultation of residents and neighbours during both the original and re-consultation of the proposed mast subject to this application. Statutory consultation processes have been adhered to, site notices erected and letters to local residents posted, thus the statutory consultation process has been followed.

The following items were also raised as concerns by local residents but they are not issues that can be dealt with under the planning process: devaluation of property and the profit a developer makes.

### **CONCLUSIONS**

The proposed development would be minor and is not considered would appear unduly prominent or incongruous from surrounding viewpoints to the extent that the development would not materially harm the character and appearance of the area noting landscape character areas, Kerridge Conservation Area and nearby Grade II listed buildings. Furthermore, it is considered that very special circumstances have been demonstrated that would outweigh the inappropriateness of the development in Green Belt terms. The proposal is at a significant distance from nearby properties and would not be detrimental to residential amenity. It is also considered that the proposals would not affect nature conservation or the protection of trees. The proposals would not pose a safeguarding risk to the operations of Manchester Airport or on public health. For these reasons, it is recommended that the application is approved.

### **CONDITIONS**

- Time 3 years
- Approved plans
- Materials as per application
- Breeding bird survey to be submitted
- Removal of existing mast

