

Delegated

Reference: ANT/21/01283 **Area Team:** Development Management Team **Case Officer:** Mr A Siddall **Ward:** Wallasey

Location: Pavement opposite 130 Claremount Road, Liscard, Wallasey, CH45 3JQ

Proposal: Application to determine whether prior approval is required for a proposed 20 metre high 5G equipped telecommunications monopole with associated antennas, base cabinet, and ancillary works.

Applicant: CK Hutchison Networks (UK) Ltd
Agent : WHP Telecoms Limited

Planning History:

No relevant planning history.

Summary Of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 Wallasey ward councillors Paul Hayes, Ian Lewis and Lesley Rennie wish to object to the application on the grounds that the proposed development, due to its prominent siting within the street scene and significantly greater girth and scale than any other item of street furniture, would be a discordant and intrusive feature causing harm to visual amenity. The ward councillors do not believe the applicant has justified how or why the erection of a freestanding mast, and the economic and social benefits of the scheme to mobile connectivity, outweigh the harm to visual amenity. Consequently, the ward councillors believe the development is contrary to the objectives of saved policy TE1 of the Wirral Unitary Development Plan and paragraph 113 and 115 of the National Planning Policy Framework.

2.0 SUMMARY OF REPRESENTATIONS

Having regard to the Council's guidance on publicity for telecommunications applications, notification letters were sent to 96 addresses within a 100 metre radius of the site on 05 July 2021, and a site notice was posted. The deadline for receipt of representations passed on 04 August 2021.

REPRESENTATIONS

A total of 72 individual representations were received in response to the consultation. 62 of these were in objection, with 10 offering support. The material planning considerations raised can be summarised as follows:

Objections

1. The equipment is a danger to public health arising from radiation emissions,
2. The scale and prominence of the mast would have an adverse visual impact detrimental to the character of the area,
3. The development would restrict the width of the footway to the detriment of footway users,
4. A residential area/proximity to public open space/proximity to school is an unsuitable location for such equipment
5. Other, potentially more advantageous sites up the hill should be considered, and
6. There has been insufficient consultation with local residents.

Some objectors cited an adverse impact on house prices as a reason for objection. Such private interests are not a material planning consideration and are not taken into account in planning decisions.

Support

1. Development will improve the quality of mobile phone connectivity in the area,
2. 5G is vital data and communications infrastructure for residents and businesses
3. There are no credible scientific studies linking 5G with illness, and
4. The development will not be detrimental to the character of the area.

CONSULTATIONS

Environmental Health - No objection, the application is accompanied by a self-certification statement confirming that the installation will meet international standards on the restriction of exposure to non-ionising radiation.

Highways - No objection. The installer will need to submit a Section 50 streetworks notification with associated construction phase traffic management measures prior to commencement of development.

Parks and Open Spaces - No comments received.

3.1 Site and Surroundings

3.1.1 The application site comprises a concrete flagged footway to the western side of Claremount Road, within the adopted public highway boundary. The footway at this point is approximately 2.6 metres wide. To the rear of the footway, behind metal railings and set at a lower ground level is Flynn's Piece, a grassed area of designated public open space bounded by highways to the north and east and trees to the west and south. To the east of the application site on the opposite side of Claremount Road are detached dwellings of individual design ranging from single storey to 2 and a half storeys in height. The closest dwelling is 130 Claremount Road which, along with its neighbours has its principal elevation facing the application site and is set back from the highway behind brick boundary walling.

3.1.2 Ground levels slope downwards from south to north. Two vertically orientated items of street furniture are located immediately to the north of the proposed site. These comprise a telegraph pole measuring approximately 7.6 metres in height above ground level, and a street lighting column, measuring approximately 8 metres in height above ground level.

3.2 Proposed Development

3.2.1 Prior Approval is sought under Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for the erection of a 20 metre high galvanised steel telecommunications monopole with associated antennas, and ancillary ground cabinets.

3.3 Development Plan

3.3.1 The provisions of Schedule 2 Part 16 Class A of the GPDO do not require regard to be had to the development plan, however development plan policies can be a material consideration only in so far as they are relevant to the matters of siting and appearance.

3.3.2 Saved policy TE1 of the Wirral Unitary Development Plan sets a presumption in favour of applications for telecommunications apparatus subject to the impact of the proposal on amenity being minimal, through siting and external appearance, amongst other considerations. The policy recognises that there are technical considerations that often limit the choice of sites and the type of apparatus used to achieve the optimum signal coverage, and this will be taken into account in the determination of applications.

3.4 Other Material Planning Considerations

3.4.1 Section 10 of the National Planning Policy Framework expects planning decisions to support the expansion of electronic communications networks, including next generation mobile technology such as 5G. Paragraph 115 advises that the number of radio and

electronic communications masts should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network, and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability should be encouraged. Where new sites are required, such as for new 5G networks, equipment should be sympathetically designed and camouflaged where appropriate.

3.4.2 Paragraph 117 expects applications for electronic communications development (including applications for prior approval) to be supported by the necessary evidence to justify the proposed development. For new masts or base stations, this includes:

a) The outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area;

b) (not applicable to this case); and

c) Evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure, and a statement that self-certifies that when operational, International Commission guidelines on non-ionising radiation protection will be met.

3.4.3 Wirral Council Supplementary Planning Document on Designing for Development by Mobile Phone Operators was adopted on 30th October 2006 and supports development plan policy by providing advice on, amongst other matters, the siting and appearance of telecommunications development. In particular it encourages the siting of equipment on existing buildings as first choice and if new masts are necessary that their siting and appearance is carefully considered in terms of relationship with surrounding buildings, existing street furniture, and colour to ensure they are as recessive as possible.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are;

- The Principle of Development
- Visual Amenity
- Residential Amenity
- Highways
- Public Health
- Planning Balance and Conclusion

3.6 Principle of Development:

3.6.1 Schedule 2, Part 16 Class A of the GPDO grants deemed consent for new telecommunications masts of up to and including 20 metres in height when located on the public highway subject to consideration by the local planning authority of the siting and appearance of the development. Therefore, at 20 metres in height the principle of development is accepted and prior approval should be granted unless, in the opinion of the Local Planning Authority, the siting and appearance of the development causes planning harm sufficient to outweigh the benefits of development.

3.7 Visual Amenity

3.7.1 The position of the proposed mast adjacent to the public open space would allow clear visibility of it to users of the public open space and to highway users travelling north and south along Claremount Road, and east/west along Grove Road.

3.7.2 The area is characterised by relatively low density housing of between 6 to 10 metres in height above ground level. The dwellings are set back from the highway with front gardens that are generally enclosed with low level walling, hedge and shrub planting. This gives

the area a spacious appearance with low level built form softened by similarly scaled landscape planting. Where trees exist in close proximity principally to the east of the site within front gardens of dwellings on Claremount Road, these are not significantly scaled, being similar in height to the adjacent dwellings. Trees to the eastern boundary of the public open space are small scale, at between four to five metres in height. More substantial trees to the western and southern boundaries of the public open space are more distant and set at a lower ground level and would not effectively screen or soften the scale of the mast in public views. Consequently there are no buildings or vertical landscape features of a height that would effectively counterbalance, screen or soften the 20 metre height of the proposed mast, which would reach more than twice the height of surrounding built form and landscape features. Consequently the installation of the mast would result in a visually prominent vertical point feature that would dominate views from the adjacent public open space and the public highway on all approaches to the site.

3.7.3 There are existing vertically orientated items of street furniture along Claremount Road and Grove Road comprising street lighting columns and telegraph poles at approximately 8 metres in height. Whilst the proposed mast would be seen in the context of these vertically orientated items, the scale of the mast is substantially different, at least twice the height of the tallest existing piece of infrastructure. The massing of the mast is also much greater than the existing street furniture. Consequently the substantial difference in height and massing between the existing items and the proposed mast means that these items would not serve to successfully assimilate the development into the street scene and it would remain prominent and visually intrusive.

3.7.4 On this basis, the proposed scheme, by virtue of its siting and appearance would be substantially out of scale with existing development and dominant within the street scene, causing harm to visual amenity, to the detriment of the character of the area.

3.8 Residential Amenity

3.8.1 The nearest dwellings to the site are those to the eastern side of Claremount Road, particularly numbers 130 and 128 which are dormer bungalows with principal elevations and main habitable room windows facing the application site. The distance between the front elevation of these dwellings and the site of the proposed mast is approximately 20 metres. At this distance, the scale of the mast at 20 metres and its prominent siting directly in front of main habitable room windows is likely to have an overbearing and dominating impact, detrimental to the amenity that occupiers of these dwellings should expect to enjoy.

3.8.2 Visibility of the development from other dwellings is to be expected, particularly others along this stretch of Claremount Road and those to the north side of Grove Road overlooking the public open space. However these dwellings are either at a greater distance or with a much more restrictive angle of view, meaning that the mast would not harmfully dominate the view in the way that it does for the two closest dwellings.

3.8.3 Visibility from dwellings further afield cannot be ruled out, however from other locations the visibility of the mast is expected to be partially obscured by vegetation or intervening buildings and it could not be said to have an adverse overbearing impact on living conditions.

3.9 Highways

3.9.1 The Local Highway Authority offers no objection to the proposal. Whilst the ground cabinets briefly reduces the available footway width below the desired 2 metres, to 1.8 metres, this minor, momentary pinch point would not materially impede the passage of pedestrians and other footway users. The siting of the mast does not sit within any vehicular or pedestrian junction visibility splay and as such it does not have an adverse effect on highway safety.

3.10 Public Health

3.10.1 Concerns have been raised about the potential effect of the proposal on health. However, the applicant has provided a certificate to confirm that the proposal has been designed to comply with the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP). In these circumstances the National Planning Policy Framework, at paragraph 118, advises that health safeguards are not something which a Local Planning Authority should determine. No sufficiently authoritative evidence has been put forwards by contributors which would indicate that ICNIRP guidelines would not be met in this instance, or that a departure from national planning policy would be justified.

3.11 Planning Balance and Conclusion

3.11.1 The proposed development will improve mobile telephone and data connectivity for residents and businesses within the cell area, with 5G coverage allowing faster download speeds than currently available to mobile customers within the area. Given the in principle support for next generation mobile technology set out in the National Planning Policy Framework, these represent economic and social benefits which carry weight in favour of the development.

3.11.2 Weighing against the application is the environmental harm arising from the adverse impacts on visual and residential amenity caused by the prominent siting of the mast and its substantial scale in comparison with surrounding development and landscape features. Bearing in mind the requirements of saved UDP policy TE1 that seeks to ensure the siting and appearance of telecommunications seeks to minimise its impact on amenity, the benefits of development could outweigh the harm if it has been satisfactorily demonstrated that the proposed siting is the 'least harmful' solution to provide enhanced connectivity within this cell area.

3.11.3 In the supporting statement supplied by the applicant it is noted that a sequential approach has been taken to site selection, firstly considering mast and site sharing, then assessing existing buildings and structures for their suitability, and then considering ground based installations. In assessing discounted options it is noted that the nominal, or optimum location from a signal coverage perspective is a location at the junction of Claremount Road and Lyndhurst Road. This location has been discounted due to it being overlooked by a large number of dwellings and it is agreed that the nominal location would be unlikely to be considered suitable. The applicant then considers a building mounted location at the tower of Claremount Methodist Church but discounts this for two reasons, that a stub tower, if needed, would have a high visual impact, and secondly that there were suitable street works options in the area.

3.11.4 Given the applicant's own hierarchy of site selection, and the preference given in planning policy for building mounted solutions, this dismissal of the potential of the church tower is not considered robust. It has not been determined whether a stub tower would actually be needed as the church tower is comparable in height to the proposed mast, and by favouring street works options, the applicant appears to be contradicting their own site selection hierarchy. A location against trees on Sandy Lane was discounted due to the need for tree pruning, however a location amongst or alongside trees can help soften and screen masts and mitigate their visual impact without impeding signal coverage if the antenna are located at or above the top of the canopy. Locations in proximity to mature trees can therefore be preferable in planning terms and should not be dismissed so readily for want of some pruning to allow the mast to be positioned. As such, it is not considered that the site put forward by the applicant has been robustly justified as the only site that could deliver the required signal coverage whilst having a minimal impact on amenity.

3.11.4 On the basis of the above, having regard to the siting and appearance of the development, its impact on amenity, and the justification put forward by the operator, the benefits of development do not outweigh the harm to visual and residential amenity, and prior approval should be refused.

Recommended Decision: **Prior Approval Refused**

Recommended Conditions and Reasons:

1. The proposed development, by virtue of its siting and appearance, would be unduly prominent in the street scene, leading to a detrimental effect on visual amenity and the character of the area. Having regard to the limited justification put forward for the location of the development, the economic and social benefits of improved mobile connectivity are outweighed in this instance by the harm to amenity arising from the location of the mast. As such, the application fails to comply with saved policy TE1 of the Wirral Unitary Development Plan and the objectives of the National Planning Policy Framework.

2. The proposed development, by virtue of its siting and appearance in close proximity to the nearest residential dwellinghouses, would be unduly prominent and oppressive when viewed from those dwellinghouses, to the detriment of the amenity that occupiers should normally expect to enjoy. Having regard to the limited justification put forward for the location of the development, the economic and social benefits of improved mobile connectivity are outweighed in this instance by the harm to amenity arising from the location of the mast. As such, the application fails to comply with saved policy TE1 of the Wirral Unitary Development Plan and the objectives of the National Planning Policy Framework.

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