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Delegated

Reference:	Area Team:	Case Officer:	Ward:
ANTX/22/02167	DM	Mr T Barton	Seacombe

Location:	Dock Road Street Works Dock Road , Wirral, CH41 1JJ
Proposal:	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets.
Applicant:	Gallivan
Agent :	Mr Tom Gallivan Dot Surveying Ltd

Development Plan designation:	Primarily Industrial Area, Regeneration Area and Environmental Improvement Corridor
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Planning History:	<p>OUT/09/06509 Cleared Site Adjacent East Float Quay, DOCK ROAD, SEACOMBE</p> <p><i>Demolition of existing buildings and the creation of a new city neighbourhood at East Float, including a series of new urban quarters (Northbank West, Marina View &amp; Four Bridges, Vittoria Studios and SkyCity &amp; The Point), consisting of a maximum of 13,521 residential units (Class C3 Use), a maximum of 422,757sq m office and research and development floorspace (Class B1), a maximum of 60,000sq m retail uses (Classes A1-A5), a maximum of 38,000sq m hotel and conference facilities (Class C1) a maximum of 100,000 sq m of culture, education, leisure, community and amenity floorspace (Classes D1 and D2), together with the provision of car and cycle parking, structural landscaping, formation of public spaces and associated infrastructure and public realm works and including retention of and conversion works to Grade II Listed Hydraulic Tower. Within this overall maxima permission is now sought for flexible use under the GPDO Part 3 Class E for 48,500 sq m of floorspace (reduced from 485,000 sq m) to be used for office and research and development floorspace (Class B1), retail uses (Class A1 retail, Class A2 Financial &amp; Professional Services, Class A3 restaurants and cafes, Class A4 bars and Class A5 hot food takeaways), hotel and conference facilities (Class C1), culture, education, leisure, community and amenity floorspace (Classes D1 and D2). The application remains submitted in outline with all detailed matters reserved for subsequent approval. (amended description).</i></p> <p>Approved in 2012.</p> <p>APP/22/00430</p> <p>East Float, Birkenhead Docks, CH41 1DN</p> <p><i>Application to vary condition 4 of planning approval OUT/09/06509 to remove the requirement to deliver a specific quantum of office/R&amp;D floorspace within the early (first and second) phases of the East Float development.</i></p> <p>Approved in 2022.</p> <p>Within the above approvals the land opposite and surrounding the proposed mast on the west float is not proposed to be amended and will remain as industrial.</p>
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## Summary Of Representations and Consultations Received:

1. Ward Member Comments	No comments received.
2. Summary of Representations	<p><b>REPRESENTATIONS</b></p> <p>Received: 0</p>

	<p><b>CONSULTATIONS</b></p> <p><u>Environmental Health</u></p> <p>The ICNRP Declaration of Conformity has omitted the address and date. Once a fully completed form is received, I would have no objections to this application.</p> <p><u>Highway Asset</u></p> <p>No objection with informative</p> <p>Informative:</p> <p>Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Street Works Team via <a href="http://www.wirral.gov.uk">www.wirral.gov.uk</a> prior to the commencement of the works for the approval of the proposed details.</p> <p><u>Traffic and Transportation</u></p> <p>No objection, (subject to highway approval of traffic management)</p> <p>The proposed telecommunications mast and equipment is within the adopted highway and a telecommunications permit and associated traffic management will be required prior to any works taking place within the adopted</p>
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highway.
The proposal does not impact or obstruct pedestrians on Dock Road as the positioning of the equipment is at the back of the footway.
There is appropriate visibility along Dock Road for vehicles and at the nearby Dock Road / Gorse Lane junction also.
On that basis Traffic and Transportation would have no objection to the proposals subject to appropriate section 50 streetworks notification and the traffic management approved by Wirral Highways prior to the works commencing.

<b>3.1 Site and Surroundings</b>	The application relates to the footpath of the A Classified Dock Road. To the immediate north of the site is a manufacturing unit and opposite the site to the south are industrial units on the west float.
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<b>3.2 Proposed Development</b>	Prior Approval is sought under Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the proposed 5G telecoms installations consisting of a H3G 20m street pole and additional equipment cabinets.
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<b>3.3 Development Plan</b>	<p>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.</p> <p>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.</p>
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<b>3.4 Other Material Planning Considerations</b>	<p>Chapters 10 High Quality Communications and 12 Achieving well-designed places of the National Planning Policy Framework (NPPF) are particularly relevant.</p> <p>The NPPF expects planning decisions to support the expansion of electronic communications networks, including next generation mobile technology such as 5G. The NPPF 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.</p> <p><b>The NPPF 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:</b></p> <ol style="list-style-type: none"> <li>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 within a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area;</li> <li>(not applicable to this case); and</li> <li>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 will be met.</li> </ol> <p><b>Supplementary Planning Document 1 on Designing for Development by Mobile Phone Operators</b></p> <p>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.</p> <p><b>The Emerging Local Plan</b></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25<sup>th</sup> July 2022. The Local Plan was submitted to the Secretary of State on the 28<sup>th</sup> October 2022. The local plan and supporting evidence base can be viewed online at <a href="http://www.wirral.gov.uk/lpexam">www.wirral.gov.uk/lpexam</a></p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>â€œLocal planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</li> </ul>
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- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)â€

Within the emerging local plan the site is located within the Birkenhead and Wallasey Docks Hinterland Primarily Employment Area, Northside Regeneration Area and Birkenhead Regeneration Framework Area.

#### **Applications for Telecommunications**

##### Main policy:

Policy WD 13 Telecommunications Development

##### Other supporting policies:

Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking

Policy WS 6 Placemaking for Wirral

#### **Applications in Primarily Employment Areas**

##### Main policy:

Policy WS 4.2 Designated Employment Areas

##### Other supporting policies:

Policy WS 1.2 (E)

Policy WS 4.1 (A)(3)

Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking

Policy WS 6 Placemaking for Wirral

Policy WS 8 Strategy for Sustainable Construction

Policy WD 1 Landscaping including Trees

#### **Applications Within Regeneration Areas**

##### Main policy:

Area-specific policies in Part 4 including:

Policy RA 8 - Northside (commercial areas to the north of Wirral Waters)

##### Other supporting policies:

Policy WS 7 Principles of Design, includes Privacy and Amenity and Parking

Policy WS 6 Placemaking for Wirral

Policy WS 8 Strategy for Sustainable Construction

Policy WD 1 Landscaping including Trees

#### **3.5 Assessment**

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

1. The Principle of Development
2. Siting, Appearance, and effect on Visual Amenity
3. Residential Amenity
4. Highways
5. Public Health

#### **3.6 Principle of Development**

Schedule 2, Part 16 Class A of the GPDO grants deemed consent for new telecommunications masts of up to and including 25 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 requirements of the GPDO have not otherwise been met, or the siting and appearance of the development causes planning harm sufficient to outweigh the benefits of development.

#### **3.7 Siting, appearance, and effect on visual amenity**

The siting of the proposed mast within a Primarily Industrial Area (and the Wallasey Docks Hinterland Primarily Employment Area within the emerging local plan) and on an A classified Road is such that I do not consider that the proposal would have a significant detrimental impact on the appearance/visual amenity of the surrounding area. The mast would be seen within the context of surrounding industrial units and lighting columns. The light grey colour proposed for the column will be similar in appearance to the lighting columns on the road. The mast is set sufficiently away from the trees within the neighbouring site such that I do not consider that it will have a significant impact.

Any harm caused by the public visibility of the mast in the street scene is not sufficient to outweigh the public benefits of the development, including the economic and social benefits of improved mobile connectivity in the area, including provision of 5G services, which is supported under paragraph 114 of the Framework. As the siting of the mast in the location proposed by the applicant has, on balance, been found acceptable, it is not necessary for the merits of potential alternative sites to be considered in this case.

3.8 Residential Amenity	There are no residential properties in close proximity to the proposal.
3.9 Highways	The Local Highway Authority has offered no objection to the application.
3.10 Public Health	Contrary to the Environmental Health officer's comments, an address and date has been included on the submitted ICNRP Declaration of Conformity. The applicant has therefore 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 compliance with NPPF paragraph 118.

Summary of Decision	Having regards to the individual merits of this application the decision to grant Prior Approval has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-
	Having regard to the context of the site and the visual impact of the development, the proposed mast will not cause harm to visual amenity and the character of the area sufficient to outweigh the wider public benefits of the installation. No harm has been found to living conditions at nearby dwellings and there is no harmful restriction on the passage of pedestrians or other impacts on highway safety. The application is accompanied by the necessary information to demonstrate that International Commission guidelines on non-ionising radiation will be met.

Recommended Decision:	Prior Approval Given
Recommended Conditions and Reasons:	
1	The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 21/12/2022 and listed as follows: WIR23200_SHE025_TBC_CHO621_GA_REV_A (002 SITE LOCATION PLAN, WIR23200_SHE025_TBC_CHO621_GA_REV_A (215 PROPOSED SITE PLAN) and WIR23200_SHE025_TBC_CHO621_GA_REV_A (265 PROPOSED SITE ELEVATION).
<b>Reason:</b> For the avoidance of doubt and to define the permission.	
2	
Any mast, apparatus or structure shall be removed from its site as soon as reasonably practicable after it is no longer required for the purposes hereby approved and the land shall be restored to its condition before the development took place, or to any other condition as agreed in writing with the Local Planning Authority.	
<b>Reason:</b> In the interests of amenity.	
Notes to Applicant:	
1	Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Street Works Team via <a href="http://www.wirral.gov.uk">www.wirral.gov.uk</a> prior to the commencement of the works for the approval of the proposed details.

Last Comments By:	03- 02- 2023
Expiry Date:	01- 03- 2023