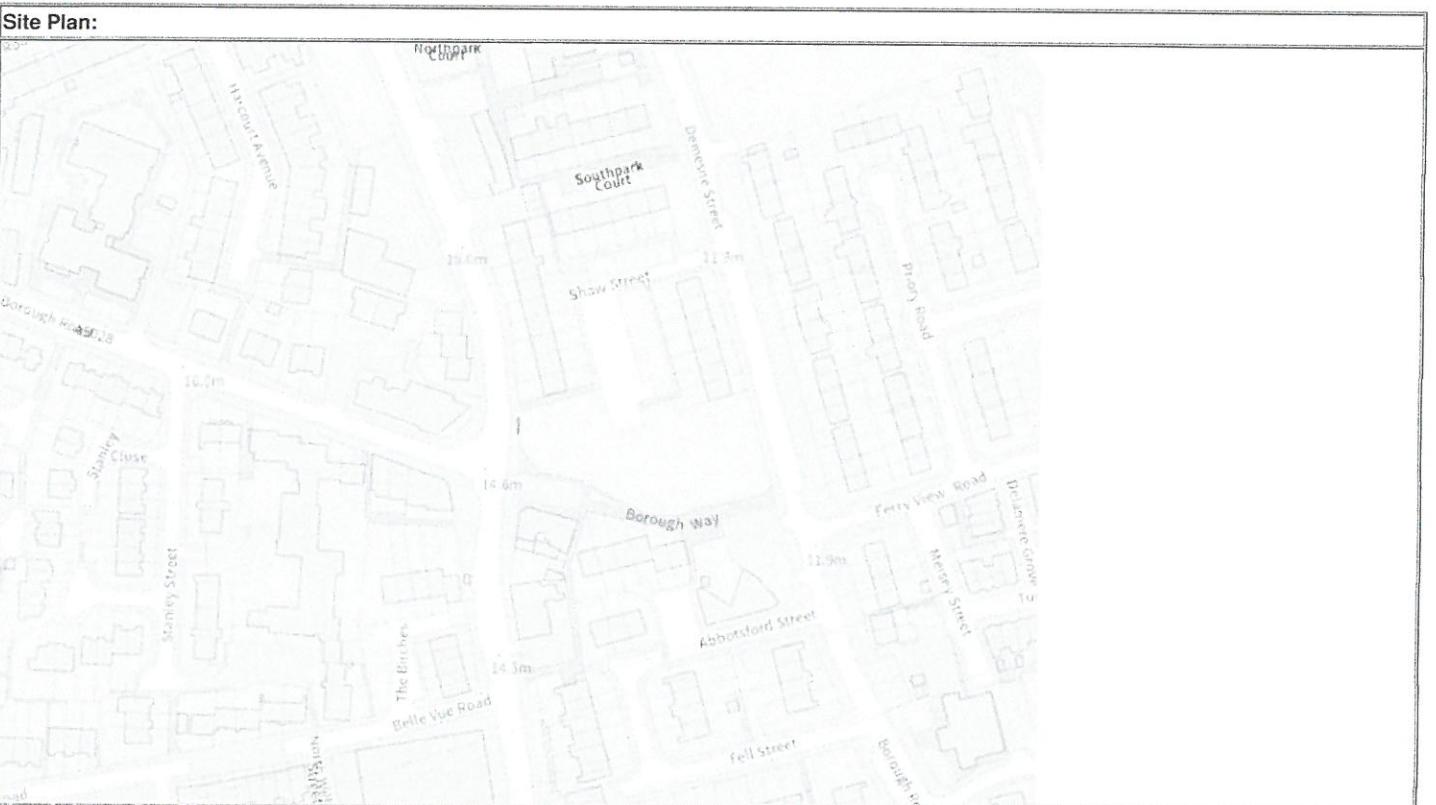


Delegated

| Reference: | Area Team: | Case Officer: | Ward: |
|---------------|------------|---------------|----------|
| ANTX/23/00008 | DM | Mr B Bechka | Seacombe |

| | |
|------------|--|
| Location: | Borough Way Street Works Borough Way, Birkenhead , CH44 6NA |
| Proposal: | Application to determine if prior approval is required for a proposed 15 metre high telecommunications mast with associated antenna and ground cabinets. |
| Applicant: | Gallivan |
| Agent : | Mr Tom Gallivan Dot Surveying Ltd |

| | |
|---------------------|----|
| Qualifying Petition | No |
|---------------------|----|



© Crown copyright and database rights 2022 Ordnance Survey 100019803 You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.

| | |
|-------------------------------|----------------------------|
| Development Plan designation: | Primarily Residential Area |
|-------------------------------|----------------------------|

| | |
|-------------------|------|
| Planning History: | None |
|-------------------|------|

| |
|--|
| Summary Of Representations and Consultations Received: A total of 236 consultation letters were sent out to neighbouring properties within 100 metres of the application site. A site notice was also posted. |
|--|

| | |
|--------------------------------------|--|
| 1. Ward Member Comments | No comments received. |
| 2. Summary of Representations | <p>REPRESENTATIONS</p> <p>1 no. representation was received from a neighbouring property. A summary of this representation is listed below:</p> <ul style="list-style-type: none"> concern as to receiving consultation letter 4 days later than date specified on sent letter and limited time left to make representation; concern as to its location within residential area; concern as to potential health threats relating to mast and its impact upon nearby residents, schools, and workplaces; and the location on letter states Birkenhead as opposed to Seacombe, which is misleading. |

| | |
|----------------------|---|
| CONSULTATIONS | |
| | Highways (Traffic and Transportation): No objection subject to highway approval of traffic management. |

Highways (Asset): No comments received

Environmental Health: No objection, the application is accompanied by an ICNIRP compliance statement.

| 3.1 Site and Surroundings | |
|----------------------------------|---|
| 3.1.1 | The application site relates to a paved public footway forming part of the adopted highway located to the eastern side of Brighton Street (A554) within Seacombe. It sits immediately forward of a large open grassed area sitting between Brighton Street and Demesne Street (to the east). |
| 3.1.2 | Located to the north of application site and sited along Brighton Street, is two-storey terraced row of residential properties. To the south of the application site and bounding the green space, is a three-storey building forming a public house. Sited approximately 50m (60m) to the east of the application site and to the northern edge of the grassed area, are residential properties comprising a two-storey terraced row, which backs face onto the application site. |
| 3.1.3 | Whilst not fronting directly onto the application site is located close to the junction of Brighton Street and Borough Road (A5028). Sited to the northern corner of this junction and facing the application site is a new three-storey flat development (approximately 9m height), which is bound to its north, along Brighton Street, by a new residential development comprising a small, two-storey terraced row. Sited to the southern corner of this junction sits a three-storey mixed use development comprising commercial at ground floor level and residential above. |
| 3.1.4 | The wider area comprises predominantly residential properties and is a densely built-up urban area. The River Mersey is located approximately 250m to the east of the application site, with the Kingsway Tunnel Ventilation tower forming quite a prominent feature along the skyline, especially given its context amongst surrounding largely low-level two-storey residential dwellings. |
| 3.1.5 | In terms of existing vertical features, the immediate street scene comprises most noticeably of lighting columns approximately in 10m height, whilst within the wider landscape the above-mentioned Kingsway Tunnel Ventilation tower can be seen to the east, as well as large residential tower development. |
| 3.1.6 | It is located within a Primarily Residential Area in Seacombe. |

| 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 15 metre high galvanised steel telecommunications mast with associated antennas, and ancillary ground cabinets, designed to facilitate 5G mobile communications in the surrounding area. |

| 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 | <p>Paragraph 117 of 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:</p> <p>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 within a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area;</p> |

| | |
|--|--|
| | <p>b) (not applicable to this case); and</p> <p>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 will be met.</p> |
| 3.4.3 | <p>Paragraph 130 of the NPPF sets out that planning decisions should ensure developments are visually attractive, are sympathetic to local character, and promote a high standard of amenity for existing and future users.</p> |
| 3.4.4 | <p>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.</p> |
| 3.4.5 | <p>Emerging Wirral Local Plan and its status:</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 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</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>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); 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).” |
| 3.4.6 | <p>Relevant Emerging Wirral Local Plan Policies</p> <p>RA1 - Seacombe River Corridor Regeneration Area WS4 - Strategy for Economy and Employment WS6 - Placemaking for Wirral WD13 -Telecommunications</p> |
| 3.5 Assessment | |
| 3.5.1 | <p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • The Principle of Development • Siting, Appearance, and effect on the Character of the Area • Residential Amenity • Highways • Public Health |
| 3.6 Principle of Development | |
| 3.6.1 | <p>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 or other areas covered by Article 2(3) land, 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.</p> |
| 3.7 Siting, Appearance, and effect on visual amenity: | |
| 3.7.1 | <p>The proposed 15m high mast of the proposal, would be just be over double the height of the surrounding approximately 7m high two-storey scale dwellings. However, would also be seen in the context of the nearby taller structures sited to the junction between Brighton Street and Borough Road. The buildings which sit to either corner of this junction are three-storey in scale, ranging between 9-12m in height. Also, located immediately south of the proposal and just beyond the open</p> |

| | |
|-------|---|
| 3.7.2 | <p>greenspace is an old public house, which given its clock tower fronting onto the road, sits approximately 12m high. On the approach from the north down Brighton Street views onto the proposed mast would be seen against the backdrop of the public house. It is considered that the 15m height of the mast would not appear so out of place against the approximately 12m high clock tower of the public house, which would be offset to the side of the mast. Additionally, the mast would appear much slender compared to the bulk and massing of the clock tower. To some degree views of the mast would be softened by the canopy of the approximately 7m high tree sited immediately to its south and sitting between the mast and the public house.</p> |
| 3.7.3 | <p>When approaching from the south up Church Road, the proposed mast would only be likely to come into view as you approached the bend in the road. Although it would be seen against the backdrop of the approximately 7m high terraced row to its north, the mast would also be viewed within the context of the larger three-storey properties sited to the junction with Borough Road, as well as the clock tower of the public house. It would also be seen in the context of the approximately 10m high lighting columns lining the road to either side. Albeit around half the height of the proposed mast, the approximately 7m high tree sited immediately forward of it, would to a degree help to screen, soften, and filter views onto the lower half of the proposed mast from within the street scene.</p> |
| 3.7.4 | <p>The proposed mast would likely appear most prominent as a vertical feature within the streetscene, when looking eastwards onto the mast, with it being seen against the low lying two-storey terraced row sited to its south and against the backdrop of the wide-open greenspace behind, to its east. Though, views from this position would predominantly be limited to the junction between Brighton Street and Borough Road.</p> |
| 3.7.5 | <p>By virtue of its offset position to the south of this junction, there would be no views onto the proposed mast when approaching from the west along Borough Road, until the point you reached the junction with Brighton Street. At this point the mast would also be seen within the wider context of the three storey properties flanking the junction to either side, as well as against the clock tower of the public house to its north. It is accepted that the open greenspace lying immediately east of the application site would afford wide open views of the skyline and the tops of the buildings to Liverpool beyond. However, it is also accepted that this view is interrupted by the Kingsway Tunnel Ventilation tower, which as a landmark forms a significant and prominent vertical feature against the skyline. It is also considered that the grey colour of the proposed mast would at times, dependant on where you were standing, help soften and blend its appearance against the skyline.</p> |
| 3.7.6 | <p>To the opposite side (eastern extent) of the greenspace to Demesne Street the proposed mast would be seen against the backdrop of the three-storey buildings to the junction, as well as the approximately 10m high lighting columns.</p> |
| 3.7.7 | <p>Although, introducing a highly visible and prominent vertical feature within the street scene, views onto the proposal from all approaches would be limited. Its comparative 15m height and siting in relation to the nearby tall buildings and street furniture would ensure that it did not appear an isolated vertical point feature, helping it to assimilate better within the street scene and reducing its apparent prominence. As such, it is considered unlikely that the proposal would have detrimental visual impact on the character of the area.</p> |
| 3.7.8 | <p>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.</p> |

| 3.8 Residential Amenity | |
|-------------------------|--|
| 3.8.1 | <p>The closest residential properties is the terraced row to the north of the application site. An approximately 10m separation distance would be achieved to the blank side gable end of this terraced row. Whilst the mast would sit forward of these properties and would be visible from within their front garden areas, there would be no direct views from the openings within their front elevations onto the proposed mast. The backs of the properties to Demesne Street (to the east) would face directly on the proposal, with views possible from within their rear garden areas and from their rear facing habitable openings, these properties would be sited. However, minimum separation distances of approximately 50m and 60m, respectively, would be achieved to their rear garden areas and habitable openings. Sited to the west and to the opposite side of Brighton Street, the new three storey development faces directly on to the application site. Despite this, given the siting of the openings within this residential development, none of the openings to these flats would face directly onto the proposed mast. It is noted that the mixed use development to the opposite corner of the junction between Brighton Street and Borough Road has residential accommodation to its upper floors. It is unclear as to their layout, but the only windows that would face directly onto the proposal are sited to its small corner splay. Furthermore, a minimum separation distance of approximately 31m would be achieved between these openings and the proposed mast. As such, it is considered that the proposal would not appear unduly dominant or overbearing to neighbouring residential properties and/or their garden areas.</p> |

| | |
|---------------------|---|
| 3.9 Highways | |
| 3.9.1 | The Local Highway Authority has offered no objection to the application subject to appropriate section 50 streetworks notification and the traffic management approved by Wirral Highways prior to the works commencing. The proposal does not impact or obstruct pedestrians on Brighton Street as the positioning of the equipment is at the back of the footway. Highways also consider that there is appropriate visibility along Brighton Street and at the nearby Borough Road junction. As such there will be no adverse impact on highway safety or the amenity of highway users. |

| | |
|---------------------------|--|
| 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. |

| | |
|----------------------------|--|
| Summary of Decision | Having regards to the individual merits of this application the decision to grant Planning Permission 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 15m high 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 6th January 2023 and listed as follows: |
| WIR23218_WIR177_TBC_CH0625_GA_REV_A (002 Site Location Plan), received 6th January 2023; |
| WIR23218_WIR177_TBC_CH0625_GA_REV_A (215 Proposed Site Plan), received 6th January 2023; and |
| WIR23218_WIR177_TBC_CH0625_GA_REV_A (265 Proposed Site Elevation), received 6th January 2023. |

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.

Further Notes:

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 highway.

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 www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details."

| | |
|-------------------|---------------|
| Last Comments By: | 12-02-2023 |
| Expiry Date: | 03-March-2023 |