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Delegated

Reference:	Area Team:	Case Officer:	Ward:
ANTX/23/00905	DM	Miss C Robinson	Bidston and St James

Location:	Laird Street, Claughton, Birkenhead, Wirral, CH41 8EN
Proposal:	Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole and associated ancillary works.
Applicant:	Signal Infrastructure UK Limited
Agent :	Ryan Marshall WHP Telecoms Limited

Qualifying Petition	Yes, 78 signatures
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Site Plan:



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Development Plan designation:	Traditional Suburban Centre
Planning History:	<p>APP/12/00853 Full Planning Permission Variation of condition 9 of planning consent APP/2006/7319 to allow opening of the food store on a Sunday between 10:00 hours and 18:00 hours for a temporary period between 22 July 2012 and 9 September 2012. Decision Issued 29-08-2012 - Refuse</p> <p>ADV/86/05287 Advertisement Consent Illuminated fascia sign. Decision Issued 09-04-1986 - Approve</p> <p>APP/10/00724 Full Planning Permission Retention of anti climb guard to rear of foodstore building and columns and luminaires together with CCTV cameras Decision Issued 17-08-2010 - Approve</p> <p>ADV/86/06195 Advertisement Consent Entrance location sign and flagpoles/flags to frontage. Decision Issued 04-09-1986 - Approve</p> <p>ADV/13/00492 Advertisement Consent One fascia sign Decision Issued 06-06-2013 - Approve</p> <p>APP/89/06369 Full Planning Permission Alterations to Laird Street elevation by bricking up existing windows and extension to cladding. Decision Issued 07-09-1989 - Approve</p> <p>APP/85/06438 Full Planning Permission Erection of retail carpet store. Decision Issued 19-09-1985 - Approve</p>

Summary Of Representations and Consultations Received:
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1. Member Comments	As outlined below, a qualifying petition was received within the specified consultation period. However, the application could not have been dealt with by Planning Committee within the statutory 56 day period. In accordance with the scheme of delegation, the Chair of the Planning Committee and spokes persons were notified of the application. Cllr Kelly commented that the proposed mast is within the commercial area and has limited impact on the closest residential area and agreed with the recommendation for approval.
2. Summary of Representations	<p>REPRESENTATIONS</p> <p>Having regard to the Council's guidance on publicity for planning applications, notification letters were sent to 190 addresses within 100 metres of the site on 21 June 2023 and a site notice was posted. The deadline for receipt of representations passed on 30 July 2023. At the conclusion of the consultation period, a 78 signature petition had been received objecting to the proposal. The main points of objection raised are summarised as follows -</p>

- The mast and cabinets will ruin the aesthetics of the area as it will be an ugly eyesore on what is a busy community driven residential and shopping area. A monstrosity near the Aldi & a blot by the Arriva bus depot.
- The New Hampshire Study of Nov 2020 states that all antenna should be at least 500 metres from peoples homes & this mast will be approx 25 metres from some houses
- **The proposed siting is approximately 250-300 metres away from 3 schools - Coop Academy Portland, Kilgarth Special School & Our Lady and St Edwards Catholic Primary School.**
- There are also 34 other masts within approximately 1 mile of the proposed siting

2.1	CONSULTATIONS
2.1.1	<p>Airbus</p> <p>Hawarden Aerodrome Safeguarding has assessed against the safeguarding criteria as required by DfT/ODPM Circular 1 / 2003: Safeguarding of Aerodromes and the Commission Regulation (EU) No 139/2014 and has identified that the proposed development does not conflict with safeguarding criteria. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information given.</p>
2.1.2	<p>Environmental Protection</p> <p>Further to your email, I can confirm to you that I have no objection to this application having considered that:</p> <p>The level of emissions from the proposed telecommunications mast conforms to the standard set by the International Commission on Non-ionising Radiation Protection (ICNIRP). Members of the public will not have access to the exclusion zone.</p>
2.1.3	<p>Traffic & Transportation</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 highway. The proposal does not impact or obstruct pedestrians on Laird Street as the positioning of the equipment is within the back of the footway, it's outside of the pedestrian desire line and there remains satisfactory footway width for pedestrians to pass by without obstruction. There is appropriate visibility along Laird Street and at the nearby side junction of Mallaby Street for both pedestrians and vehicles. 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.</p>
2.1.4	<p>Highway Asset</p> <p>No objection; please see informative attached to decision notice.</p>

3.1 Site and Surroundings	The application site falls on Laird Street, an arterial route into Birkenhead. The site is on the pavement outside the Aldi store, located in the vicinity of a bus stop. The immediate character is mixed use, with Birkenhead Medical Centre being located immediately East and a further collection of retail units to the West.
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3.2 Proposed Development	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 15m Phase 8 Monopole and associated ancillary works.
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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 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> <ol style="list-style-type: none"> 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; (not applicable to this case); and 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.

3.4.3

Emerging Wirral Local Plan

The Council's new Local Plan has been submitted for examination to the Secretary of State following regulation 19 public consultation. Policies of the new Local Plan can be a material consideration in development management decisions, however the weight to be applied to them remains limited until the plan has been examined. Relevant policies for this application type comprise:

- WS4 - Strategy for Economy and Employment
- WS6 - Placemaking for Wirral
- WP6 - Policy for West Kirby and Hoylake
- WD13 - Telecommunications

3.5 Assessment

The main issues pertinent in the assessment of this 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

3.6.1

Schedule 2, Part 16 Class A of the GPDO grants deemed consent for new telecommunications masts of up to and including 30 metres in height when located off the public highway and areas not covered by Article 2(3) land, subject to consideration by the local planning authority of the siting and appearance of the development. Therefore, at 15 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

3.7.1

The siting of the proposal is set against a backdrop of an Aldi supermarket. Birkenhead Medical building borders the Aldi carpark to the East, being a substantial three-storey building which provides context for a mast structure of this height. Adjacent to the site is existing street furniture such as bus stops, street lamps, bollards and which share similar vertical columns to the mast, supporting it in visually assimilating into the setting. Nearby to the mast are clusters of tall, mature trees which provide natural screening for the mast, seeking to minimize any impact on visual amenities in the area.

3.7.2

There are residential properties on the other side of Laird Street, however the prevailing character of the immediate area is clearly mixed use. Due to the character of the immediate area and existing street furniture paraphenalia it is therefore considered that neither the mast itself or the cabinets will have a detrimental impact onto siting and amenity. The light grey colour proposed for the column will be similar in appearance to the lighting columns on the road.

3.7.3

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

3.8.1

Residential neighbours are located to the North-East of the site at a distance of some 35m, located on Brassey Street. The orientation will see an angled relationship between the principle elevation of these properties and the proposed works. The proposed mast may be visible but due to the distance, and the intervening buildings and paraphenlia, views are likely to be softened and filtered and it would not be so close to the dwelling that it would appear dominant or overbearing. As such, the development is not expected to harm the living conditions at the nearest residential properties and, therefore, it follows that any property at a greater distance which may have visibility of the mast would be similarly unaffected.

3.9 Highways

3.9.1

The local authority's highway department have been consulted for comment during the course of this application and do not consider that the proposals have any implications for the operation or safety of the highway network.

3.10 Public Health

3.10.1

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). The NPPF at

3.10.2	<p>paragraph 116 advises that Local Planning Authorities should not set health safeguards different to the International Commission guidelines and therefore no implications arise for public health as a result of the scheme.</p> <p>The petition submitted in opposition to this application raises multiple concerns regarding negative health implications of the proposed mast and equipment, in relation to neighbouring residential properties as well as nearby schools (the closest school being located 300m away). As above, the proposals have been designed in accordance with the guidelines published by the International Commission on Non-Ionising Radiation Protection (ICNIRP) and the LPA has received no substantive evidence in refutation of this safeguard.</p> <p><i>220 m</i></p>
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Summary of Decision	<p>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:-</p>
	<p>Having regard to the context of the site, the technical requirements of the operator, and the visual impact of the development, the proposed monopole will not cause harm to visual amenity and the character of the area sufficient to outweigh the wider public benefits of the installation through supporting continued stable television reception in the surrounding area. No harm has been found to living conditions at nearby dwellings. The application is accompanied by the necessary information to demonstrate that International Commission guidelines on non-ionising radiation will be met.</p>

Recommended Decision:	Prior Approval Given
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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 June 14th 2023 and listed as follows:
<ul style="list-style-type: none"> • 210 Proposed Site Plan master drawing no. WIR26145_M001 Issue A dated 05/06/2023 • 260 Proposed Elevation master drawing no. WIR26145_M001 Issue A dated 05/06/2023
Reason: For the avoidance of doubt and to define the permission

2 Any mast, apparatus or structure authorised by this consent 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.
Reason: In the interests of visual amenity

Informatics:
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:	30-07-	2023
Expiry Date:	11-	

August-
2023