



Planning Committee

Date:	Tuesday, 22 September 2020
Time:	6.00 p.m.
Venue:	Microsoft Teams

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

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Website: <http://www.wirral.gov.uk>

1. MINUTES

To approve the accuracy of the minutes of the meeting held on 8 September 2020.

2. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the committee are asked whether they have any personal or prejudicial interests in connection with any application on the agenda and, if so, to declare them and state the nature of the interest.

3. APP/19/01340: SEA POINT, 11 KIRBY CLOSE, WEST KIRBY, CH48 2HB, RETROSPECTIVE APPLICATION FOR ALTERATIONS AND EXTENSIONS TO THE FRONT, SIDES AND REAR OF THE BUNGALOW. (Pages 1 - 6)

4. APP/20/00251: VARIOUS LOCATIONS ON NETWORK RAIL LAND BETWEEN BIDSTON AND NEW BRIGHTON RAILWAY STATIONS. THE INSTALLATION OF FIVE 8.6-METRE-HIGH TELECOMMUNICATION MASTS, EACH COMPRISING 4 NO. ANTENNA, PLUS ONE ELECTRICITY CABINET AND ASSOCIATED EQUIPMENT, TO SUPPORT AND ENHANCE INTERNET CONNECTIVITY FOR THE FUTURE MERSEYRAIL FLEET. (Pages 7 - 22)

5. **APP/20/00474: VARIOUS LOCATIONS ON RAILWAY LAND BETWEEN BIDSTON AND WEST KIRBY STATIONS. THE INSTALLATION OF 11 (ELEVEN) 8.6-METRE-HIGH TELECOMMUNICATION MASTS, EACH COMPRISING 4 NO. ANTENNA, PLUS ONE ELECTRICITY CABINET AND ASSOCIATED EQUIPMENT, TO SUPPORT AND ENHANCE INTERNET CONNECTIVITY FOR THE FUTURE MERSEYRAIL FLEET. (Pages 23 - 46)**

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Agenda Item 3

Planning Committee

22 September 2020

Reference:
APP/19/01340

Area Team:
Development
Management Team

Case Officer:
Ms J Storey

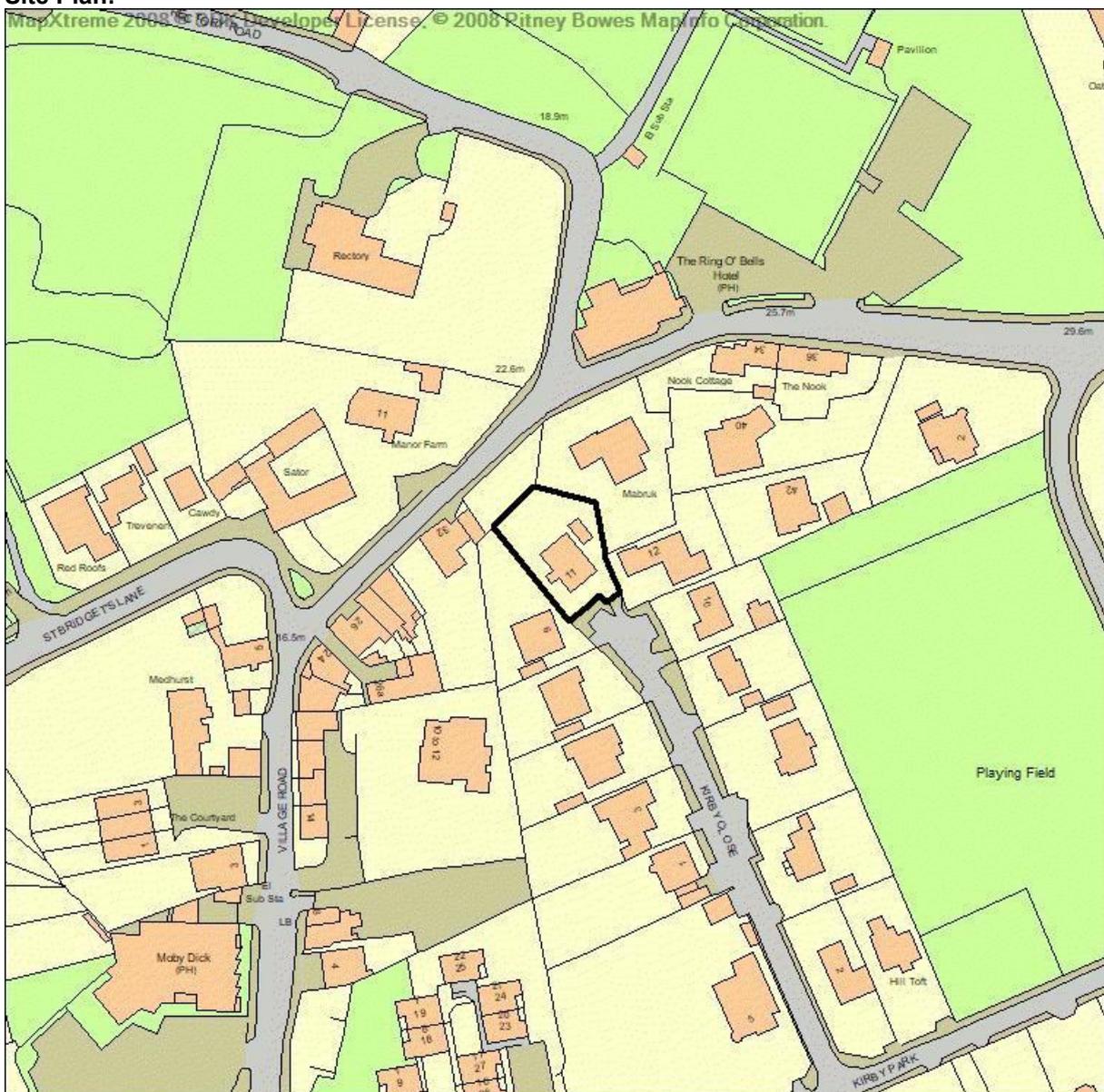
Ward:
West Kirby and
Thurstaston

Location: SEA POINT, 11 KIRBY CLOSE, WEST KIRBY, CH48 2HB
Proposal: Retrospective Application for alterations and extensions to the front, sides and rear of the bungalow.

Applicant: Mr & Mrs Allsop
Agent: N/A

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Conservation Area (for illustrative purposes)
Primarily Residential Area

Planning History:

Location: 11, Kirby Close, West Kirby. L48 2HB
Application Type: Full Planning Permission
Proposal: Erection of single storey extension at rear of bungalow and detached garage at side.
Application No: APP/91/07325
Decision Date: 31/01/1992
Decision Type: Approve

Summary of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

- 1.1 Councillor Watt requested referral of this application to Planning Committee following representations made from the occupiers of a neighbouring properties and concerns about the impact of the development on that property.

2.0 SUMMARY OF REPRESENTATIONS

Objections have been received from the occupier of Mabruk. These can be summarised as: -

2.1 REPRESENTATIONS

1. **Access to new decking:** The extent and height of the decking combined with full height glazing affords her neighbours a clear and unobstructed view into her private amenity space and principle rooms. The addition of a recent side screen provides no significant improvement to the loss of privacy.
2. **Internal layout:** The new open plan layout of the applicants' property significantly aggravates the loss of privacy caused by the new full height glazing.
3. **Removal of original screening:** The original arrangement of walls and doors maintained privacy. When these were removed the applicants showed no regard for maintaining the privacy of their neighbour in their design proposals.

3.1 Site and Surroundings

- 3.1.1 The application site comprises of a detached bungalow at the head of a small cul-de-sac of different house types and designs. The rear garden is bounded by a stone wall and shrubbery.

- 3.1.2 'Marbruk' to the north east of the site is a part-single part 2-storey dwelling that is L-shaped with large windows that look across the rear garden of the application site.

- 3.1.3 No.9 Kirby Close to the south-west of the application site is a detached bungalow and is situated at right angles to the application site.

3.2 Proposed Development**3.2.1 Background**

This application has been submitted following an enforcement investigation. The Councils records show that the applicants submitted an initial pre-application enquiry to determine if planning permission was required for their proposed extensions.

In the absence of any elevational detail a response was issued which set out the criteria for Permitted Development in connection for house extensions.

Following a site visit by a Planning Enforcement Officer it was discovered that the eaves of the extension exceeded the height of the eaves of the original dwelling and planning permission was therefore required for this development.

The original eaves height was 2.6m and this has been increased to 2.85m

- 3.2.2 The first element of the development replaced the front entrance, bathroom and former garage to the east of the bungalow with a new entrance, utility room and kitchen. The extension projects out bringing it flush with the side boundary with No.12 Kirby Close and 'Mabruk' at the rear. The height of the extension is 3.4m.
- 3.2.3 The second element of the scheme extended the existing bedroom out at the western side of the property. Extending out by 2.9m, the structure lies flush to both original front and side elevations.
- 3.2.4 In addition, the previous split-level flat roof has been replaced, and raised to a uniform level.

3.3 Development Plan

- 3.3.1 The application property is located within land designated as Primarily Residential Area in Wirral's Unitary Development Plan, and the property falls under the use class C3 as it is a dwelling house. UDP Policy HS11 – House Extensions and Supplementary Planning Guidance SPG11 – House Extensions are directly relevant in this instance.
- 3.3.2 With regards to HS11, extensions should be designed in such a way as to have no significant adverse effect on the appearance of the original property, the amenities of neighbouring properties, in particular through overlooking, or an adverse effect on the area in general. SPG11: House Extensions acts as a supporting document in relation to HS11.

3.4 Other Material Planning Considerations

- 3.4.1 NPPF - Requiring Good Design - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.5 Assessment

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

- Principle of development (appropriateness of residential development in rural location);
- Design;
- Highways and PROW;
- Ecology; and
- Amenity

3.6 Principle of Development:

- 3.6.1 The site is located within an area designated as primarily residential where the erection of extensions to dwellings is acceptable subject to relevant policies.

3.7 Design:

- 3.7.1 Policy HS11 - House Extensions advises that domestic extensions are acceptable subject to proposals being of an appropriate scale in relation to the size of the plot and not unduly dominant; with regard had to the effect on light to and the outlook from neighbours habitable rooms and to not result in significant overlooking. Policy HS11 also seeks proposals to replicate the design features of the existing dwelling and to be finished in matching materials.
- 3.7.2 This application seeks to erect two extensions. One to the side to create an extension to

the existing bedroom and the second to replace an existing garage to the opposite side elevation.

3.7.3 Neither extensions extend beyond the front wall of the dwelling, which is set back from Kirby Close. The original garage was of no architectural merit thus its removal is welcomed in principle. The selection of materials to match the existing helps to integrate the proposal as a sympathetic addition to the existing property. The width of both extensions are proportionate to the existing elevation. Such design cues meet the overarching advice and aims of policy HS11 and are not considered to have a detrimental impact on the visual quality of the street scene.

3.8 Highways:

3.8.1 There are no Highway Implications relating to this proposal.

3.9 Ecology:

3.9.1 There are no Environmental/Sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 The objector has raised 3 main concerns

Access to new decking: The extent and height of the decking combined with full height glazing affords her neighbours a clear and unobstructed view into her private amenity space and principle rooms. The addition of a recent side screen provides no significant improvement to the loss of privacy.

The applicant maintains that the height of the decking has not changed. *"the original terrace off the kitchen area is the same height and size we simply replaced the wood the only change was to the steps which were concrete and stove we have replaced with wood".*

The applicants have installed a small screen to cover the area of the steps. This is to prevent any overlooking to the objector's property from this area as the applicants go in and out of the kitchen. It is not therefore considered that any changes to the decking area are significant and likely increase overlooking or loss of privacy to the objector's property.

3.10.2 *Internal layout: The new open plan layout of the applicants' property significantly aggravates the loss of privacy caused by the new full height glazing.*

This is not considered to be a planning matter. You not required to apply for planning permission for internal alterations including building or removing an internal wall.

3.10.3 *Removal of original screening: The original arrangement of walls and doors-maintained privacy. When these were removed the applicants showed no regard for maintaining the privacy of their neighbour in their design proposals.*

The main outlook of windows from the application site is north facing. The objector's property is at right angles to the application site with the main windows facing westwards over the garden of the host property.

3.10.4 None of the windows within in the application property have a direct view into windows of Mabruk. The decking area has not increased in height and is less than 1m above ground level. There is existing hedging along the side boundary between these two properties, plus the additional short screen.

3.10.5 It is considered that the extensions are appropriate scale in relation to the size of the plot and not unduly dominant. With regard had to the effect on light to and the outlook from neighbours' habitable rooms the proposal is not considered to result in significant overlooking to the neighbouring property. The proposal is therefore compliant with UDP Policy HS11 – House Extensions and SPG11 – House Extensions.

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: -

It is considered that the extensions are appropriate scale in relation to the size of the plot and not unduly dominant. With regard had to the effect on light to and the outlook from neighbours' habitable rooms the proposal is not considered to result in significant overlooking to the neighbouring property. The proposal is therefore compliant with UDP Policy HS11 – House Extensions and SPG11 – House Extensions.

Recommended Approve
Decision:

Further Notes for Committee:

Last Comments By: 07/07/2020
Expiry Date: 26/12/2019

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Agenda Item 4

Planning Committee

22 September 2020

Reference:
APP/20/00251

Area Team:
**Development
Management Team**

Case Officer:
Mr A Siddall

Ward:
Wallasey

Location: Various locations on Network Rail land between Bidston and New Brighton railway stations

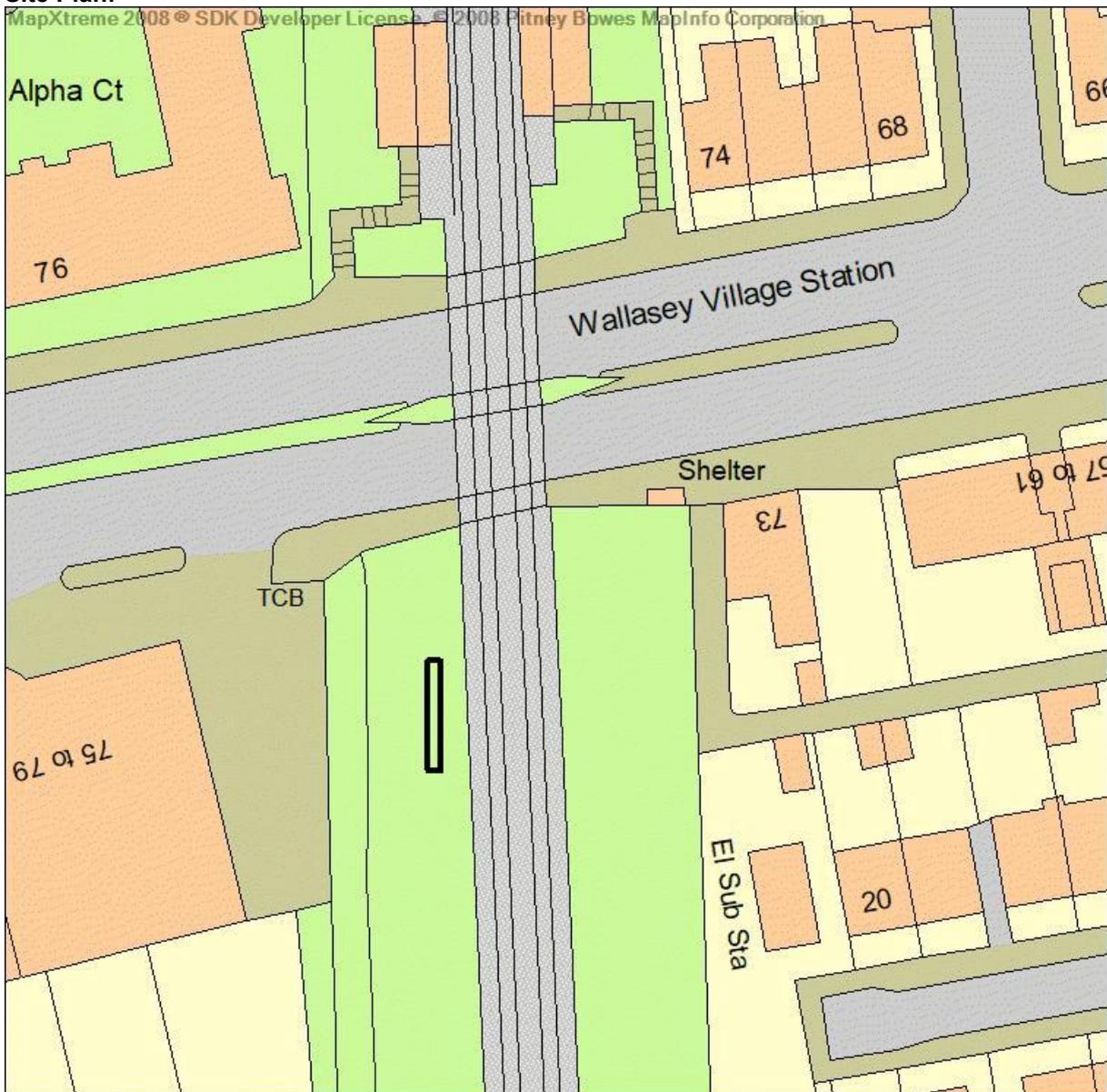
Proposal: The installation of five 8.6-metre-high telecommunication masts, each comprising 4 no. antenna, plus one electricity cabinet and associated equipment, to support and enhance internet connectivity for the future Merseyrail fleet.

Applicant: Alan Dick Communications Ltd, a Panasonic Company

Agent: Ruth Jackson Planning Ltd

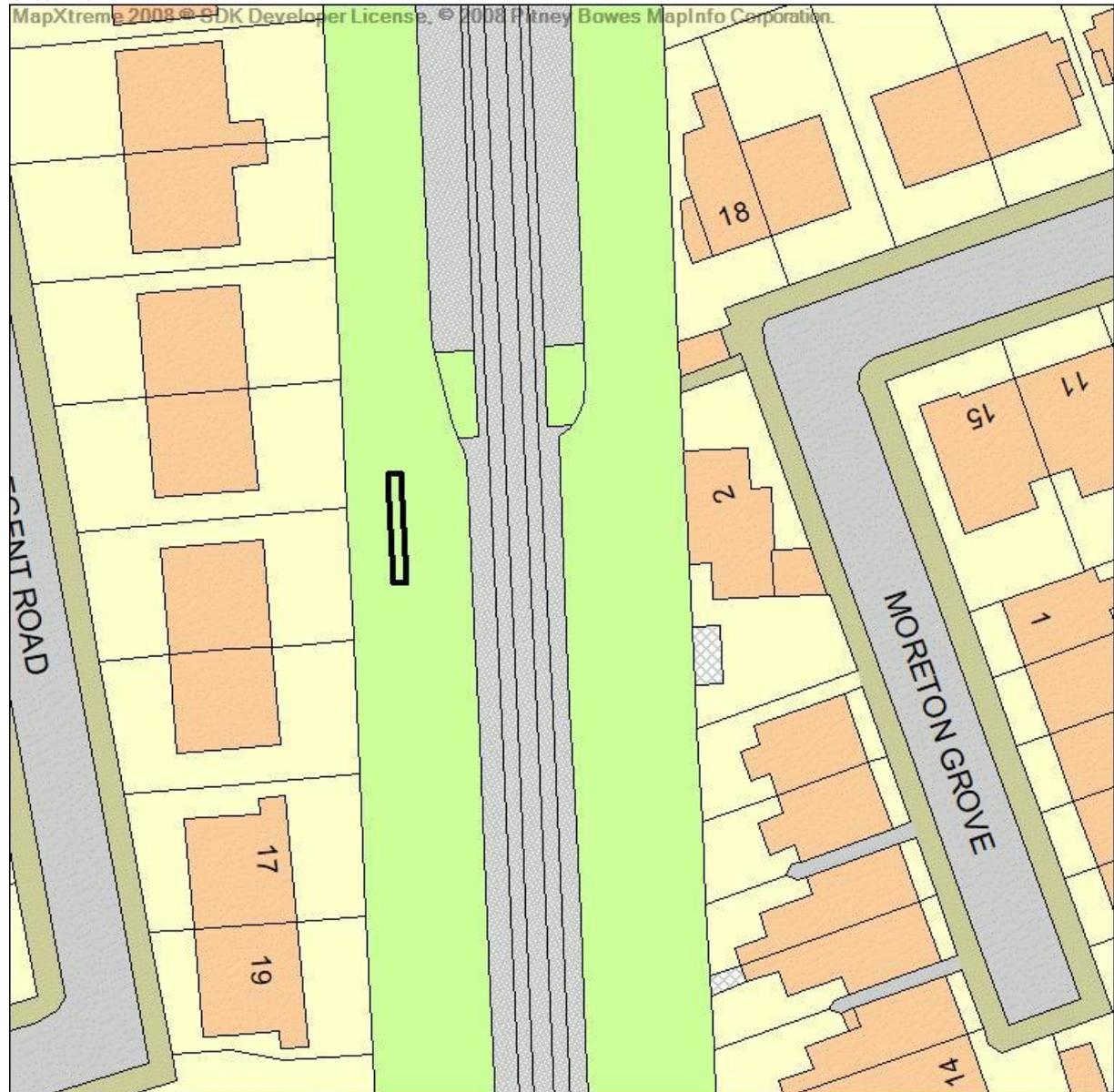
Qualifying Petition: No

Site Plan:



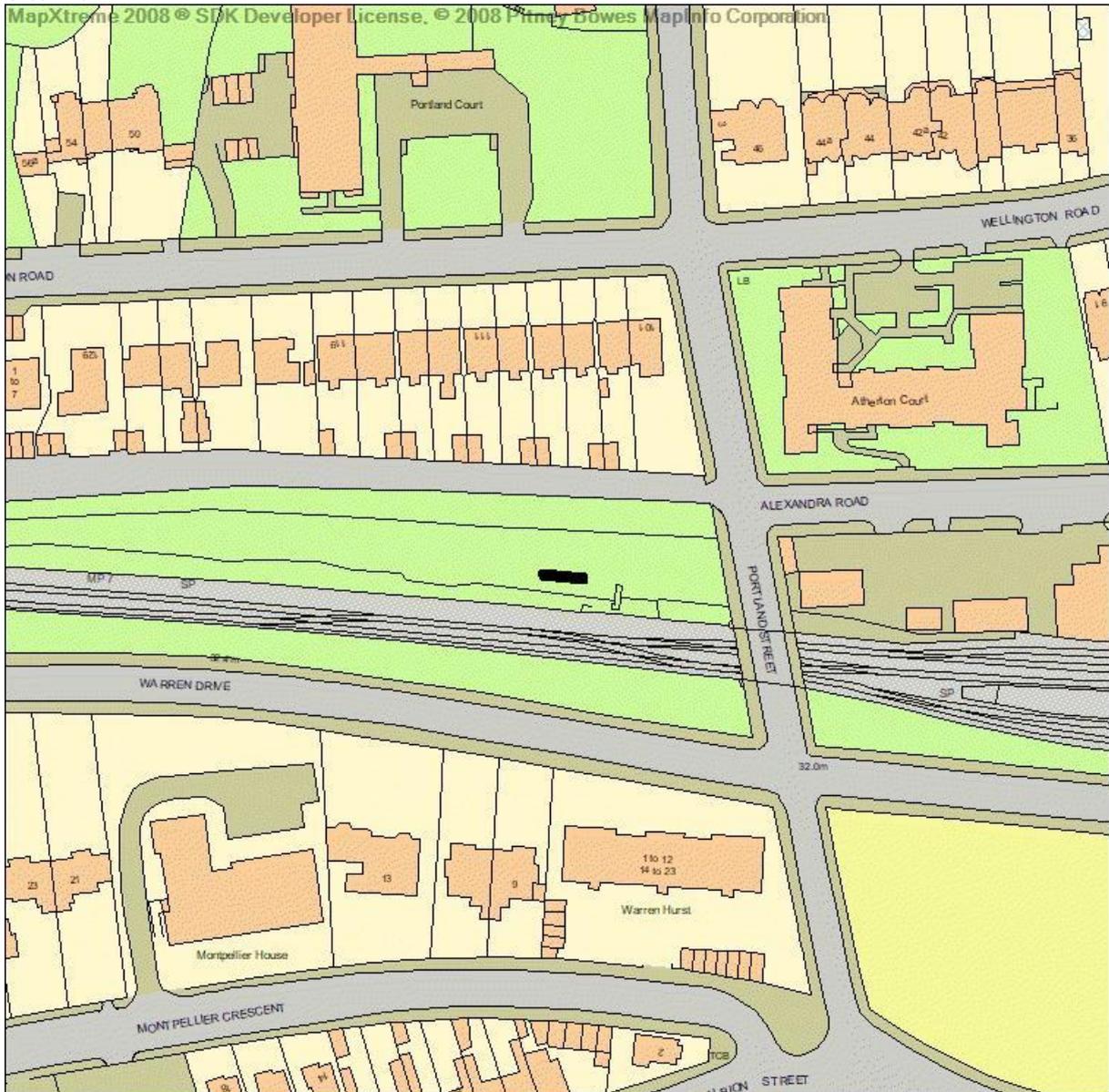
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Site Plan:



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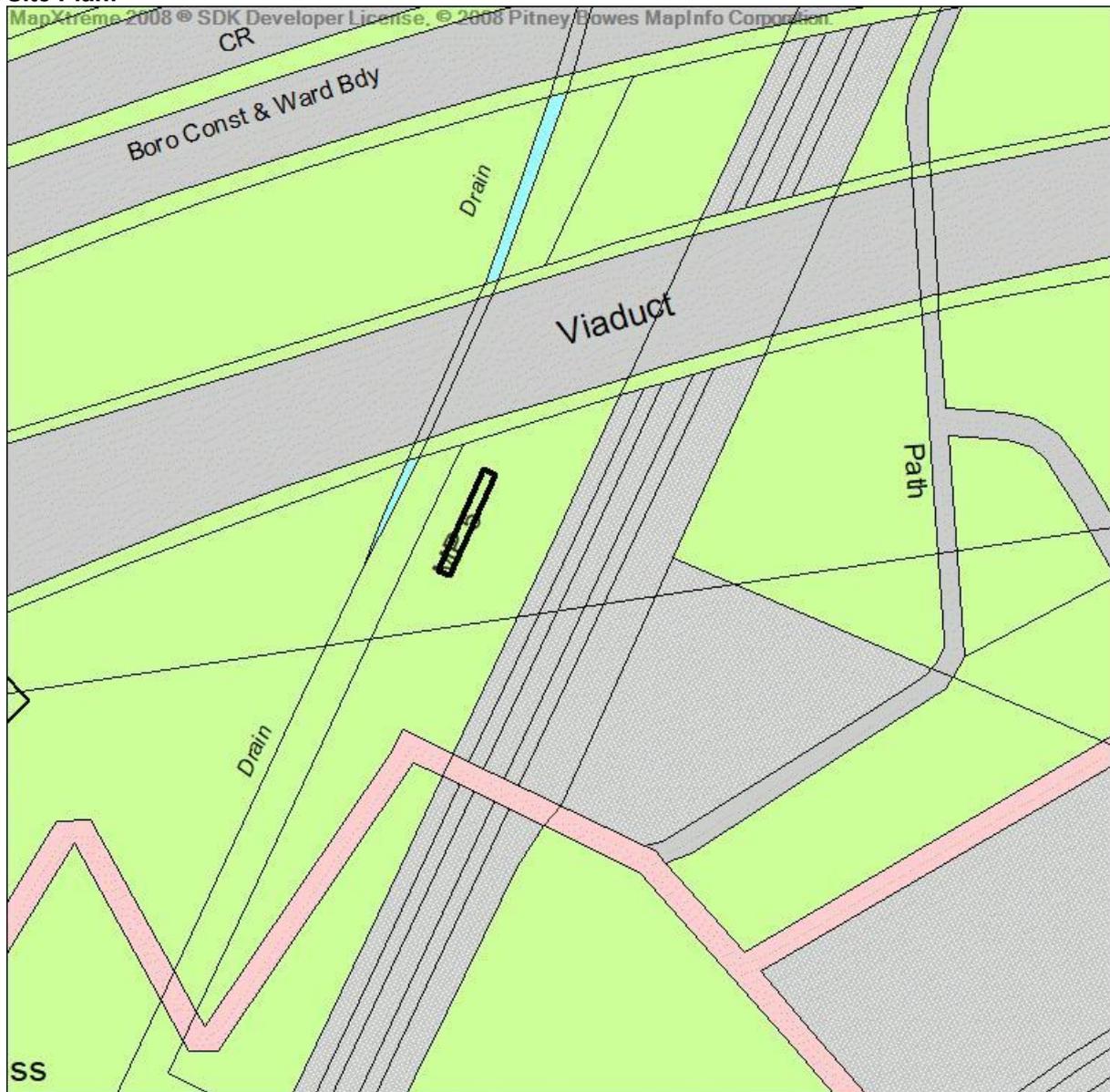
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Development Plan designation:

Primarily Residential Area
Coastal Zone

Planning History:

There is no relevant planning history for any of the five mast sites.

The Local Planning Authority has approved under delegated powers APP/20/00250 for four masts on railway land between Birkenhead Park and Bidston stations which forms the first phase of this wider Liverpool City Region project within Wirral.

APP/20/00474 for 11 masts in various locations on railway land between Bidston and West Kirby stations comprising the next stage of the project are presented to this Committee for a decision with a recommendation to approve.

Similar applications have been made and approved earlier in 2020 under both delegated powers and

by Planning Committee in the areas of Liverpool City, Knowsley, Sefton and West Lancashire Councils.

Summary of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 Councillor Ian Lewis (Wallasey) objects to this application and related application APP/20/00250 on the basis of the potential for loss of trees and wildlife should felling be required to undertake the installation of the masts and equipment. He also objects to the close proximity of the masts to housing and to the mast south of Wallasey Village station (TBS076) to its location on a steep embankment which could harm the visual amenity of the area.

2.0 SUMMARY OF REPRESENTATIONS

2.1 Having regard to the Council's guidance on publicity for planning applications, as a telecommunications application notification letters were sent on 26 March 2020 to a total of 432 addresses within 100 metres of each mast location. A site notice was posted to the public highway in close proximity to each mast location, with the exception of mast location TBS143 due to the lack of public access to the location. The deadline for receipt of representations and consultations passed on 21 May 2020.

2.2 REPRESENTATIONS

A total of 23 representations in objection have been received to the proposal. Of these, 15 were received from addresses within the 100-metre consultation zone, giving a response rate of 3.5% of those most affected by the development. A further eight objections were received from locations further afield, three from properties just outside the initial consultation zones, one from Leasowe, one from Liverpool and three from Buckinghamshire.

Objections were received from eight addresses in relation to mast TBS076 south of Wallasey Village station. The material planning considerations raised can be summarised as follows:

1. The decision should be delayed until after Covid-19 to allow for further consultation and investigation by local residents;
2. Telecommunications equipment such as this should not be located in residential areas
3. Health concerns from the signals and the risk of potential future increases in signal strength
4. The effect of development on bats and other wildlife species;
5. An adverse visual impact from the structures;
6. Potential structural damage to houses from installation;
7. The loss of trees to facilitate construction;
8. Potential for noise disturbance from the equipment;
9. Development would prejudice the potential redevelopment of an adjacent site for housing.

Objections were received from six addresses in relation to mast TBS077 south of Wallasey Grove Road station and all the objections from further afield related to this mast location. The material planning considerations raised can be summarised as follows:

1. Alternative locations along the railway away from residential areas should be used;
2. The mast would dominate and overshadow gardens;
3. The disturbance caused to local wildlife including bats;
4. Construction would cause noise and other disruption to residents;
5. Trees have already been removed and the risk of further felling;
6. The mast at this site is too close to location TBS076 and not in accordance with the applicant's own spacing guidelines.

Mast location TBS078 west of New Brighton station received one objection, a general

comment expressing concern about the effect of development on the environment and local residents.

Mast locations TBS102 and TBS143, with significantly fewer residential properties within 100 metres, received no objections.

2.3 CONSULTATIONS

Environmental Health - No objection, compliance with International Commission guidelines is shown;

Highways - No objection, the development has no impact on the adopted highway;

MEAS - No objection. A condition requiring a Construction Environmental Management Plan should be imposed to manage the effects of construction on biodiversity.

Natural England - No objection, No significant adverse impacts on statutorily protected nature conservation sites or landscapes

3.1 **Reason for referral to Planning Committee**

3.1.1 The application exceeds the threshold within the Planning Scheme of delegation of 15 individual letters of objection being received by the Local Planning Authority, with 23 letters in objection received. As such the application must be determined at Planning Committee.

3.1.2 At its meeting on 9th June 2020, In light of the objections raised to the application by Cllr Ian Lewis and by members of the public, Planning Committee resolved to defer this application to give the applicant the opportunity to consider carrying out further consultation with local residents and ward members. In reaching this decision Members of the Committee had regard to advice from the Legal Advisor surrounding the requirements of the applicant and Authority to consult. They heard how it is not a statutory duty of the Applicant to consult and that the Planning Authority had conducted its statutory consultation requirements.

3.1.3 Following the decision of the Committee, the applicant has carried out further engagement and the application is now brought back for consideration in light of the further consultation effort carried out.

3.2 **Update following deferral for further consultation with the community**

3.2.1 A statement of community involvement has been submitted which details the consultation effort undertaken. The statutory consultation carried out by the Local Planning Authority was wide ranging with every address within 100 metres of each mast location being notified and therefore, with the agreement of Officers, the consultation carried out by the applicant has been much more targeted involving letters sent to elected members and directly to those Wirral addresses where objections were received, explaining the project, seeking to understand the objections, and inviting those residents and elected members to virtual meetings.

3.2.2 The written representations received by the applicant centred on mast locations TBS076 and TBS077 with objectors considering that these masts could be relocated to reduce visual impacts on residents. It was also felt that the applicant should have carried out a sequential assessment to determine the siting of the masts. Concerns were raised around tree removal and the effect of development on local ecology, along with the potential for effects on public health arising from the proximity of the masts to houses.

3.2.3 Following receipt of the written representations two virtual meetings were held both of which involved Cllr Lewis and the first with two local residents and the second with three local residents. In response to the meetings further information has been provided by residents in relation to potential alternative locations and written responses as to the merits of these locations have been issued by the applicant, along with information around ecological effects and tree removal.

- 3.2.4 Residents proposed the relocation of mast TBS076 approximately 200 metres south to a raised embankment to the rear of Southbourne Road and Gainsborough Road. This location is more open, has a greater landscape impact and it directly affects a greater number of dwellings as more houses directly face the site. In amenity terms Officers consider the current site to be sequentially preferable to the alternative. There are no wider visual or residential amenity benefits to the relocation and it simply serves to remove the view of the mast from the objector's properties to the detriment of a greater number of residents.
- 3.2.5 Residents proposed the relocation of mast TBS077 to the north, firstly within Wallasey Grove Road station car park and secondly adjacent to a parcel of open space directly to the south of Harrison Drive. They recognised that this would result in a gap in signal coverage but considered that acceptable to allow an improvement in their amenity. In response the applicant notes that the site is too far from the running rails which would reduce the coverage of the highly directional signals, require further masts to compensate and potentially result in off-railway signal interference. Use of the car park would result in the loss of car parking spaces which could give rise to other planning harms. The applicant accepts that some gaps in coverage can be acceptable, but no more than 50 metres in each instance. To relocate the mast to the second proposed site would result in a coverage gap of over 130 metres due to the line of sight restrictions caused by the overbridges to the south of the station. The mast has to be located between these bridges to avoid a coverage gap.
- 3.2.6 The comments made by residents in relation to trees, ecology and public health are addressed in section 3.9 of this committee report and are unchanged from the original report. There is no requirement for the applicant to carry out a sequential test and a planning decision must be made on the merits of the sites put forward. It would not be reasonable to refuse this planning application on the basis that an applicant should consider alternative locations and Members are required to make a decision on the merits of the site locations in front of them.
- 3.2.7 The Statement of Community Involvement demonstrates that the applicant has listened to the objections of neighbouring residents and has explained why the relocation of the masts as requested would not be feasible in technical terms or desirable in planning terms. Officers accept the technical justification given by the applicant and remain of the view that the amenity impacts of the proposed locations are highly localised and outweighed by the wider economic and social benefits of the development to the public across the Merseyrail network. Officers remain of the view that the application is in accordance with national and local development plan policy and should be approved without delay. The original report is provided below.

3.3 Site and Surroundings

- 3.3.1 This application comprises five separate sites, all of which are located along the railway line between Bidston and New Brighton stations and are adjacent to the running lines within the Network Rail land boundary. The five locations, as identified using the location identifiers on the application documents are as follows:

TBS076 - To the west side of the railway line on a raised embankment approximately 45 metres south of the platform at Wallasey Village station within a primarily residential area. The location is immediately east of West Wallasey vehicle hire and approximately 40 metres north east of the rear elevation of 21 Southbourne Road and 20 metres from the garden boundary.

TBS077 - To the west side of the railway line approximately 15 metres south of the platform of Wallasey Grove Road station within a shallow cutting. The location is approximately 15 metres east of the rear elevation of 11/13 Regent Road and 8 metres east of the garden boundary, within a Primarily Residential Area.

TBS078 - To the north side of the railway line in a cutting approximately 35 metres west of

the overbridge carrying Portland Street, within a wider Primarily Residential Area. The site is approximately 55 metres south of 105/107 Wellington Road and 48 metres north of Warren Hurst apartments.

TBS102 - To the north side of the railway line on a raised embankment approximately 100 metres east of Sandcliffe Road and 130 metres east of the nearest residential dwellings on Smugglers Way. Land to the north and south of the railway is designed as Urban Greenspace.

TBS143 - To the west side of the railway line immediately to the south of the M53 viaduct adjacent to Bidston Moss. The site is adjacent to a local wildlife site, within flood zone 2 and an area requiring landscape renewal.

3.4 Proposed Development

3.4.1 At each location it is proposed to install an identical telecommunications mast. Each mast would be 8 metres high and take the form of a single galvanised steel monopole with a diameter of 200mm. Atop the mast would be bi-directional transmit and receive antennas with a height of 650mm, giving an overall height of 8.65 metres. The masts would be hinged at the base to allow ground level maintenance. Adjacent to each mast would be an equipment cabinet of 1.8 metres in height. The mast and cabinet compound would measure 12 metres in length and 1.8 metres in width (to allow a hinged mast to lie flat within the compound) and be fenced to a height of 1.1 metres. The masts would be approximately 4 metres distant from the running rails and require a poured concrete foundation. Mast location TBS077 will also require some excavation into the cutting with ground retention gabion baskets.

3.4.2 Officers consider the application to be for a 'connected transport' infrastructure project and forms part of Merseyrail's Train Connectivity Information System (TCIS) project which supports the new fleet of trains due to come into service in 2020. The infrastructure would support on-board monitoring systems, train performance, maintenance, passenger information and announcements, CCTV, location services, communication links to the control room and also wireless internet connectivity for passengers. The project is taking place throughout the Merseyrail network across the Liverpool City Region. Officers note that the constraints of the project mean that the transmitters and receivers have to be located on the lineside and this prevents third party buildings being used for the antennae. The need to ensure continuous line of sight between masts necessitates a closer spacing than the existing, larger Network Rail masts and precludes mast sharing.

3.5 Development Plan

3.5.1 UDP Part 1 Policy TEL1 advises that proposals for the provision of telecommunications antennae and their associated apparatus will be assessed with regard to their siting and design, environmental impact and impact on the amenity of neighbouring uses, to the strategic requirements of the telecommunications network concerned and to other technical constraints. UDP Part 2 Policy TE1 sets a presumption in favour of telecommunications apparatus, noting that they will be approved where the impact of the proposal on amenity is minimal through siting and design and where it is demonstrated that an existing building cannot be used or an existing mast shared. The Council 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 planning applications for telecommunications apparatus.

3.5.2 Saved UDP policy GR7 seeks to ensure trees on development sites are considered during the application process and advises that the LPA will seek to substantially preserve the wooded character of a site or the surrounding area, provide for the protection of trees of greatest visual or wildlife value (or other vigorous healthy trees), ensure that retained trees have adequate space to prevent damage to the canopy or root structures, and protect trees on adjacent land which may be affected by development, amongst other considerations.

3.5.3 Saved UDP policy NC7 notes that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is

satisfied that the protection of the species can be secured through the use of planning conditions and or planning obligations.

3.5.4 Saved UDP policy HS15 confirms that within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:

(i) be of such scale as to be inappropriate to surrounding development;

(ii) result in a detrimental change in the character of the area; and,

(iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

3.5.5 UDP Policy WAT1 indicates that planning permission will only be granted for new development which would not be at risk from fluvial or tidal flooding, or which would not increase these risks to other developments. UDP Policy WA1 adds that development may be permitted in areas at risk of flooding where land is protected by flood defences, subject to consultation with the Environment Agency and, where necessary, the imposition of appropriate conditions. Development which would itself increase the risk of flooding to other properties or which would reduce the effectiveness or impede the maintenance of flood control structures or works is not permitted.

3.5.6 Saved UDP policy NC5 advises that development affecting Local Wildlife Sites will only be permitted where the LPA is satisfied that the continued ecological viability of the habitat, or wildlife interest of the site, can be adequately safeguarded through the use of appropriate conditions and/or legal agreements.

3.5.7 Saved UDP policy LA3 notes that in areas requiring landscape renewal, proposals introducing additional intrusive development, or which would lead to a further loss of landscape features, will not be permitted.

3.6 Other Material Planning Considerations

3.6.1 The National Planning Policy Framework expects planning decisions to support the expansion of electronic communications networks whilst recognising that the number of 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. Where new sites are required, such as for connected transport applications, equipment should be sympathetically designed and camouflaged where appropriate. LPAs should not insist on minimum distances between telecommunications development and existing development. For new masts, planning applications should be accompanied by evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures, and a statement that self-certifies that, when operational, International Commission guidelines will be met. At paragraph 116 it is made clear that LPAs must determine applications on planning grounds only. They should not question the need for an electronic communications system or set health safeguards different from the International Commission guidelines for public exposure.

3.6.2 NPPF paragraph 155 makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 158 refers). Planning Applications in areas at risk of flooding should, where required, be accompanied by a site specific flood risk assessment and development should only be

allowed in such area where, in light of the assessment, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location, and that the development is appropriately flood resistant and resilient, amongst other matters.

- 3.6.3 Paragraph 175 of the NPPF expects LPAs to avoid significant harm to biodiversity resulting from development through locating on an alternative site with less harmful impacts, adequately mitigating the harm or, as a last resort, compensating for it. If none of these can be achieved, planning permission should be refused.

3.7 Assessment

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

- The Principle of Development;
- Overarching material considerations relating to public health, trees and protected species;
- Site Specific Visual and Residential Amenity Assessments;
- Flood Risk in relation to mast TBS143
- Effect on Local Wildlife Site in respect of mast TBS143
- Effect on Landscape Character in respect of mast TBS143

3.8 Principle of Development:

3.8.1 Both the UDP and the NPPF set a presumption in favour of new telecommunications development, subject to the effect of such development on amenity being minimised (taking into account the siting and design limitations necessary to ensure optimum signal coverage), that the wooded character of the lineside is 'substantially preserved,' that 'significant harm' to biodiversity is avoided and that where necessary the development is suitably flood resistant and resilient. If these, and other policy considerations are met the application should be approved as there would be no significant environmental harm to outweigh the economic and social benefits of enhanced digital connectivity for the Merseyrail network and its passengers.

3.9 Overarching Considerations

3.9.1 Public Health - The Government recognises that health considerations and public concern can, in principle, be material considerations when determining applications for planning permission or prior approval. The National Planning Policy Framework indicates that planning applications for masts should be accompanied by self-certification that International Commission guidelines will be met, and that LPAs should not set differing health safeguards. In this instance the application is accompanied by the relevant self-certification and therefore the apparatus is considered safe under International Commission guidelines. In this particular context the maximum safe level is only exceeded within an 89.8mm distance directly in front of the transmitters. There is no prospect of the general public coming so close to the antennae and there would be no justification for the LPA to refuse this application on grounds of public health.

3.9.2 Trees - Each mast location is accompanied by ecological survey reports confirming that to construct each mast and its base station no more than 25 square metres of vegetation will need to be cleared at each site. To put this in context, a domestic double garage with a floor area of 6 by 6 metres has an area of 36 square metres. This may include tree pruning or felling should trees encroach within this 25 square metre area. At location TBS076 there are scattered sycamore trees with ground flora and the report confirms that it is highly unlikely that these will need to be felled. At location TBS077 there are semi natural broad-leaved woodland species of Sycamore and Willow at an immature or early mature stage. At either location it is unlikely that felling will be required to construct the development although some pruning is likely, however should felling ultimately be required the small scale of this is such that Officers are satisfied that where the lineside is wooded, the character of this would be 'substantially preserved' in accordance with the requirements of saved UDP policy GR7.

The applicant confirms that they have not felled any trees along the lineside however it's

possible that Network Rail, as landowner and statutory undertaker may have carried out some felling for other reasons associated with maintaining the safe operation of the railway. Railway operators are statutory undertakers and have the right to fell trees on their operational land in the interests of safety, or when inspecting, repairing or renewing apparatus, which would override any attempt by the LPA to impose Tree Preservation Orders on lineside trees within their operational boundary.

3.9.3 Protected Species - The ecological reports confirm that trees at location TBS076 and TBS078 have some features that could support opportunistic roosts for small numbers of bats and therefore have low roost potential. Trees at location TBS077 were categorised as having negligible potential. MEAS are satisfied that if any of these need to be felled, then this should be done using 'soft-felling' techniques in accordance with ecological best practice which, if conditioned as part of a Construction Environmental Management Plan, would be sufficient to discharge the Council's duty to avoid significant harm to biodiversity. Soft felling presumes that bats may be present within the trees and requires a phased approach to felling to allow any roosting bats to safely escape and seek alternative nearby roosting opportunities. MEAS also assess the effect of development on the potential for harm to terrestrial mammals, Great Crested Newts and breeding birds and conclude that with pre-commencement ecological checks and reasonable avoidance measures conditioned as part of the CEMP, no significant harm will occur. On the subject of the railway being good foraging and commuting habitat for bats, the limited vegetation removal to facilitate mast would not materially affect the overall quality of the habitat. On this basis the development is compliant with paragraph 175 of the NPPF and meets the objectives of saved UDP policy NC7.

3.9.4 Covid-19 - Some representation has been received on the basis that this application should not be determined during the Covid-19 pandemic as local residents have not had the ability to meet, discuss and organise petitions against the scheme. The Government considers it important that planning applications are still determined in a timely manner to avoid delays to development as a result of the pandemic, whilst still maintaining public participation in the decision-making process. In this case the Council has maintained both the neighbour notification scheme and the posting of a site notice as required by its Guidance on publicity for planning application and, with letters sent to all addresses within 100 metres of each mast location, those most affected by the development have been given the opportunity to comment. Relevant documents have been made available to view on the Council's website and residents have made their views known via comments made on the website and received by email and post. The proper publicity procedures have been followed for this scheme.

3.10 Site Specific Amenity Assessments

3.10.1 Location TBS076 - The mast at this location will be visible from the station platform but in this context will be seen as a piece of railway infrastructure not out of context with the location. In wider public views the position on a raised embankment increases the potential for visibility but the adverse effects of this are largely mitigated by the built-up character of the area. On the approach from the east the presence of three storey buildings between the highway and the site limits the potential visibility whilst from the west the mast will largely be screened by trees, however the antennae are likely to be visible above the tree line. The effect of this is mitigated by the vertical point features of the large streetlights, telegraph poles, rooftop vents and television aerials which all result in a proliferation of such features in the landscape. In this context the slender profile of the mast will not be unduly prominent or eye-catching. In terms of residential amenity, the visibility of the mast from residential properties to the north side of Southbourne Road is accepted. As a vertical point feature, no larger in scale than a large street lighting column its 40-metre distance from the rear elevation of the nearest dwelling will not result in an overbearing or enclosing effect, with the elevated siting taken into account. Being offset to the side, it will not be prominent in the outlook from the rear windows of the dwelling and will be softened by trees along the embankment. For context, members are advised that taking into account the elevation difference, a two-storey dwelling at the distance of the mast location would be policy compliant and would not be reused on overbearing, overlooking or overshadowing effect.

- 3.10.2 Location TBS077 - The mast at this location will be visible from the station platform at Wallasey Grove Road but will be seen as a piece of railway infrastructure not out of context with the location. Other public views would be available looking west along Bidston Avenue, but otherwise the mast would only be glimpsed from the overbridges carrying Groveland Road and Green Lane. In the view from Bidston Avenue the mast will be softened by vegetation and seen in the context of existing vertical point features such as telegraph poles and street lighting columns meaning that it would not appear unduly intrusive. The mast is likely to be seen from the rear elevations of properties along the east side of Regent Road, particularly numbers 11 and 13. The profile of the mast is similar to a large street light and could not be considered to be overbearing, enclosing or of such bulk to cause harmful overshadowing. For context, at a distance of 15 metres from the rear elevation and 8 metres from the rear garden, a two storey dwelling (without facing windows) would be policy compliant and a structure of much greater bulk would not be refused by Officers on overbearing or overshadowing effects.

The applicant has provided detailed follow up information on the siting of this mast in response to neighbour concerns over the spacing between masts:

"TBS077 is located 100m south of Wallasey Grove Road station and 70m from Groveland Road bridge just off the platform at Wallasey Grove Road station. This location was selected in order to give sufficient clearance from the bridge to allow a useable radio signal both under the aperture of the bridge into the station and above the bridge along the track towards the extreme curve 460m to the north whilst still maintaining a good line of sight to TBS076 to the south of Wallasey Village station noting that there is another road bridge at Green Lane. TBS077 is almost equidistant from the bridges at Grove Lane and Groveland Road, making this a critical point where being closer to either bridge would create severe shadowing. In summary, we are extremely restricted in this area due to the curves in the track and the frequency of road bridges."

This additional information provides sufficient justification to Officers that the siting is necessary to ensure optimum signals given local topographical constraints and that the relocation of mast as desired by some residents will not be possible. Members are required by local and national policy to take these technical constraints and the efficient operation of the telecommunications network into account and weigh them against the amenity of local residents.

- 3.10.3 Location TBS078 - This mast is located in a deeper cutting with substantial vegetation to the north and south sides. This, along with the high parapets of the Portland Street overbridge restricts public visibility. The top of the mast and the antennae may be visible from the bridge but would not be visually intrusive. The vegetation screen, lower ground level of the railway line, and distance to neighbouring dwellings means that no adverse effect on residential amenity will arise.
- 3.10.4 Location TBS102 - This location has no effect on residential amenity due to the nearest dwellings being approximately 130 metres distant but has a greater effect on visual amenity due to its location on a vegetation free raised embankment adjacent to public open space. The full mast and its equipment cabinet will be clearly visible against the sky in public views however the slender profile of the mast, its siting adjacent to the larger Network Rail mast and the proliferation of other vertical point features visible from this urban location mean that the mast will not be so harmful to visual amenity to outweigh the wider benefits of this scheme to the Liverpool City Region as a whole.
- 3.10.5 Location TBS143 - This location has no effect on residential amenity with no dwellings in proximity to the mast. It is located immediately to the south of the M53 viaduct which dominates views from footpaths within the adjacent Bidston Moss and the mast will be viewed as a small-scale point feature, largely lost against the scale of the adjacent motorway infrastructure.

3.11 Flood Risk in relation to Location TBS143

3.11.1 This location is in flood zone 2 and an area benefiting from flood defences. The submitted flood risk assessment has considered the potential risk of flooding from all sources and concludes that it is low. The nature of the development as a small-scale piece of unattended infrastructure is also categorised as 'less vulnerable' to the effects of flooding as set out in the flood risk vulnerability classification. The assessment concludes that no specific flood risk mitigation measures are required however as a matter of standard design, and to meet Network Rail approval, the equipment cabinet is waterproofed with sealed compression cable entry points to prevent water ingress and the most significant sensitive equipment, the antennae are located well above flood level at the mast head. Officers are satisfied that the equipment is suitably flood resistant and resilient given the low level of risk and the objectives of development plan policy are met.

3.12 Local Wildlife Site in relation to Location TBS143

3.12.1 MEAS have considered the location of this mast adjacent to the Bidston Marsh Local Wildlife Site which has importance as habitat for overwintering birds in association with nearby European designated sites. MEAS conclude that due to the small scale of the works, wholly located within the railway boundary and with minimal habitat loss, which itself is of limited value to overwintering birds there are no likely significant effects on the local site or European sites and this conclusion is seconded by Natural England. Construction activity could cause some limited pollution of the local wildlife site and therefore mitigation measures, to include provision of spill kits should be proposed within the CEMP to be conditioned.

3.13 Landscape Character in relation to Location TBS143

3.13.1 Mast TBS143 is located within an area requiring landscape renewal. Being wholly located within the railway boundary, it does not result in any adverse impact on the wider character or pattern of the landscape in this area. Its slender profile and relatively low height at 8.6 metres which is dwarfed by the adjacent motorway viaduct and electricity pylon means that it would not be significantly intrusive in the landscape to warrant an objection under saved UDP policy LA3.

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: -

The proposed scheme forms part of wider Liverpool City Region connected transport infrastructure project for which there is general support in national and local planning policy. The siting of the five masts along this section of the route does not have a significant adverse impact on visual amenity and landscape character or on the outlook from nearby residential properties. Whilst some vegetation clearance will be necessary, the scheme is expected to substantially preserve the wooded character of the lineside in relevant locations, whilst significant harm to biodiversity can be avoided and mitigated through the use of planning conditions. There are no environmental effects of development that outweigh the economic and social benefits of enhanced digital connectivity for the railway operator and its passengers and therefore the application complies with the relevant requirements of the development plan and comprises sustainable development under the terms of the National Planning Policy Framework.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 17 March 2020 and listed as follows:

003141 A01 (076 Location Plan) dated 18.12.19
003142 A01 (076 Plan View) dated 18.12.19
003143 A01 (076 Cross Section) dated 18.12.19

003137 A01 (077 Location Plan) dated 18.12.19
003138 A01 (077 Plan View) dated 18.12.19
003139 A01 (077 Cross Section) dated 18.12.19

003129 A01 (078 Location Plan) dated 18.12.19
003130 A01 (078 Plan View) dated 18.12.19
003131 A01 (078 Cross Section) dated 18.12.19

003133 A01 (102 Location Plan) dated 18.12.19
003134 A01 (102 Plan View) dated 18.12.19
003135 A01 (102 Cross Section) dated 18.12.19

003145 A01 (143 Location Plan) dated 18.12.19
003146 A01 (143 Plan View) dated 18.12.19
003147 A01 (143 Cross Section) dated 18.12.19

Reason: For the avoidance of doubt and to define the permission.

3. No development, to include vegetation removal or ground works, shall commence until a Construction Environmental Management Plan (CEMP) for the works has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the issues outlined at paragraphs 7 to 17 of the consultation response of the Merseyside Environmental Advice Service (document ref W120-032 dated 30 April 2020). Thereafter development shall be carried out in accordance with the approved CEMP.

Reason - To ensure the development avoids significant harm to biodiversity in accordance with the objectives of saved policies NC5 and NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

4. 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 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 amenity.

Further Notes for Committee:

1. Should further copies of the MEAS consultation response be required in order to inform the approval of details required by condition 3, these can be obtained from the Local Planning Authority by email via planningapplications@wirral.gov.uk quoting application reference number APP/20/00251
2. The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

Last Comments By: 21/05/2020
Expiry Date: 12/05/2020

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Agenda Item 5

Planning Committee

22 September 2020

Reference:
APP/20/00474

Area Team:
**Development
Management Team**

Case Officer:
Mr A Siddall

Ward:
Various

Location:
Proposal:

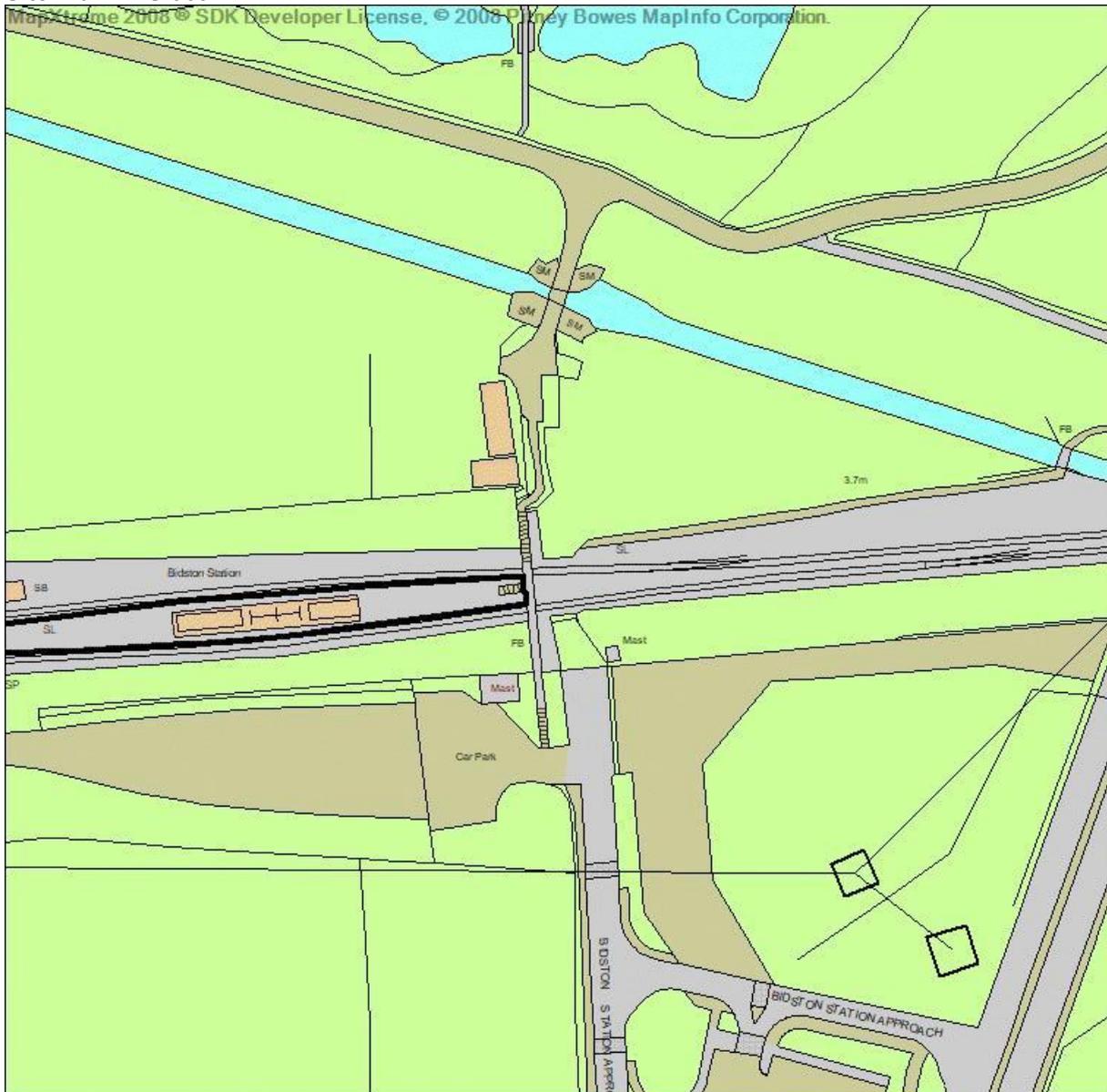
Various Locations on Railway Land between Bidston and West Kirby stations
The installation of 11 (eleven) 8.6-metre-high telecommunication masts, each comprising 4 no. antenna, plus one electricity cabinet and associated equipment, to support and enhance internet connectivity for the future Merseyrail fleet.

Applicant:
Agent:

Alan Dick Communications Ltd, a Panasonic Company
Ruth Jackson Planning Ltd

Qualifying Petition: No

Site Plan TBS 069:



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Site Plan TBS 142:



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Site Plan TBS 070:

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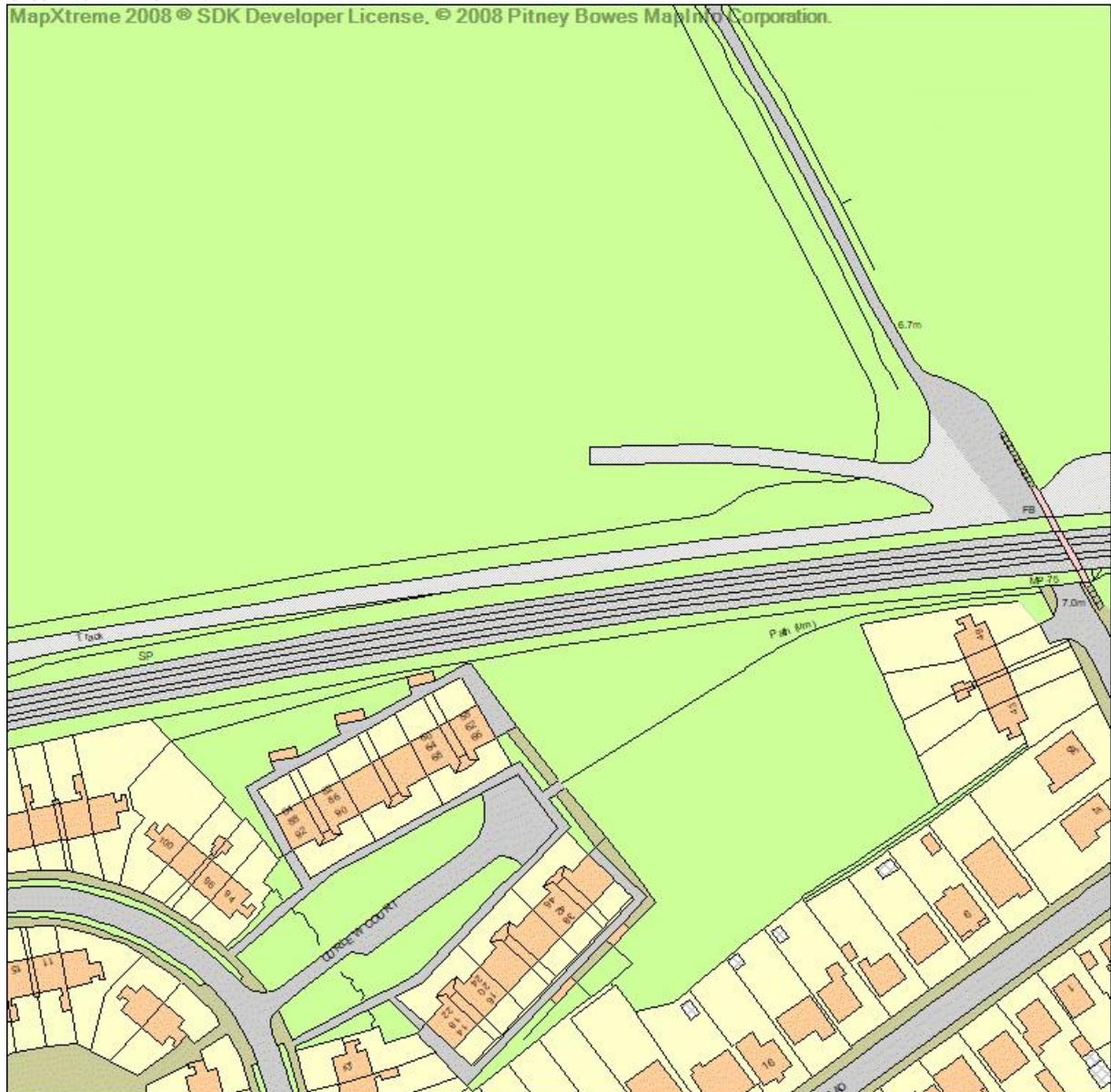
Site Plan TBS 071:



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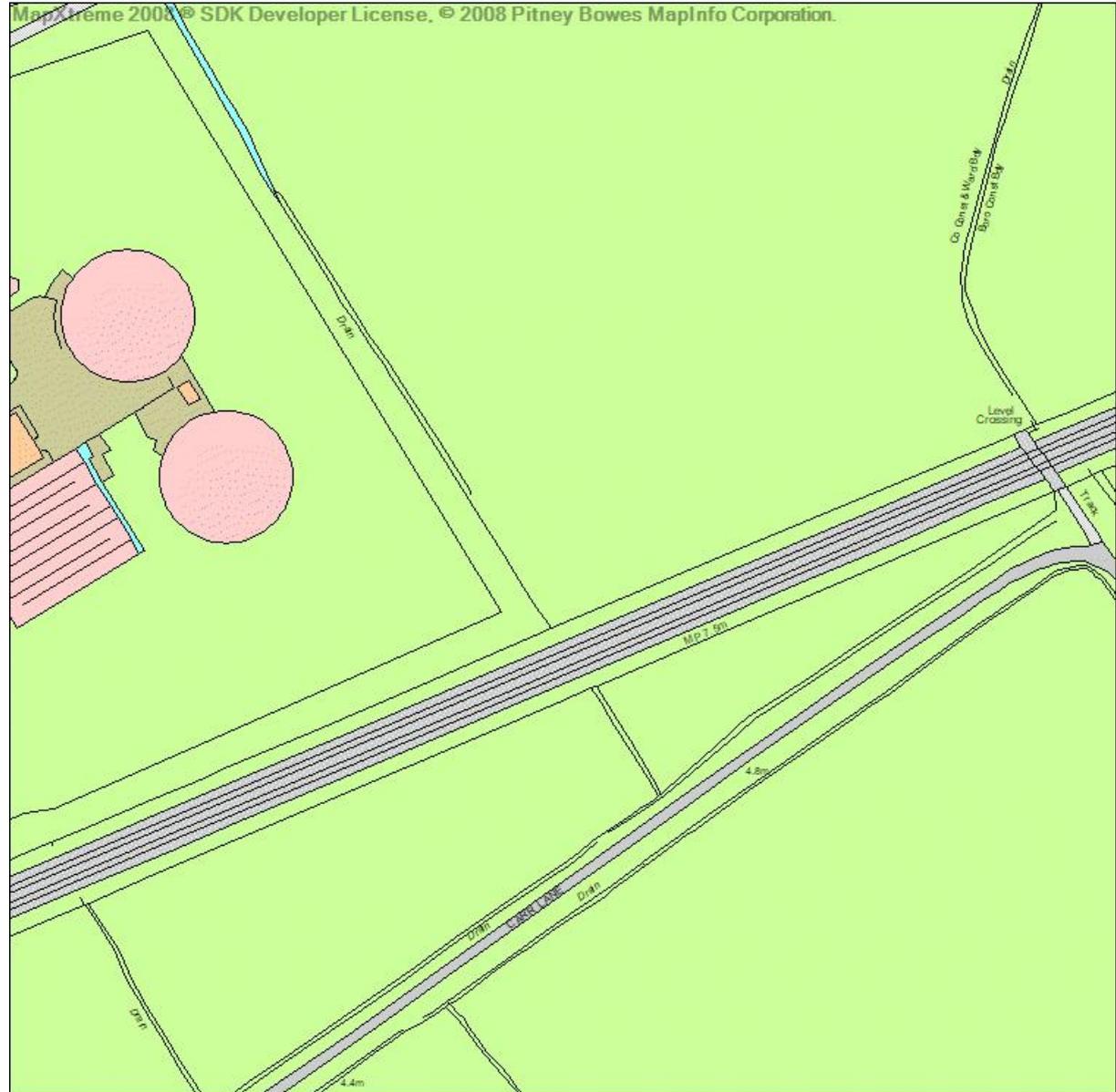
Site Plan TBS 140:

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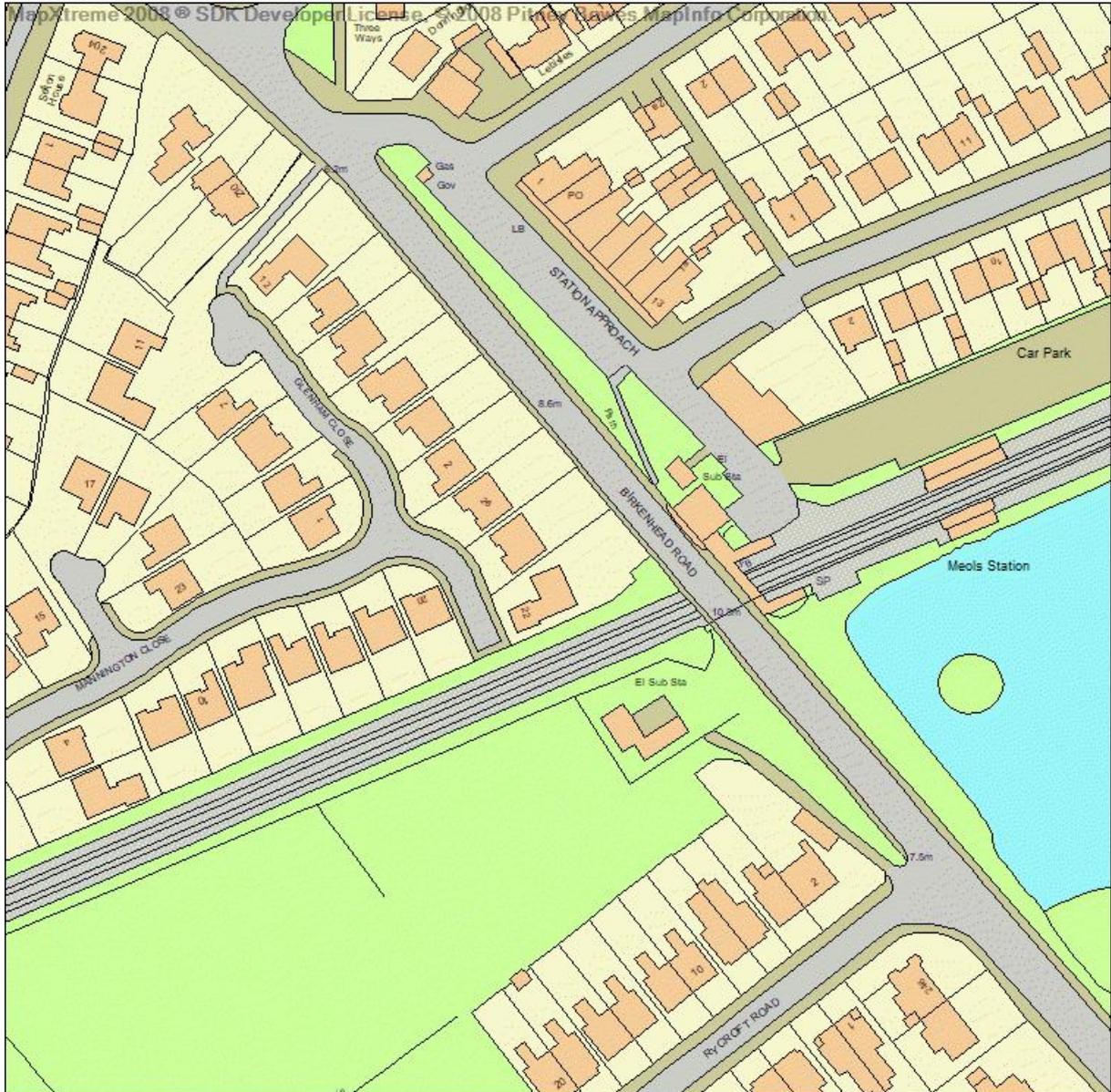
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Site Plan TBS 141:



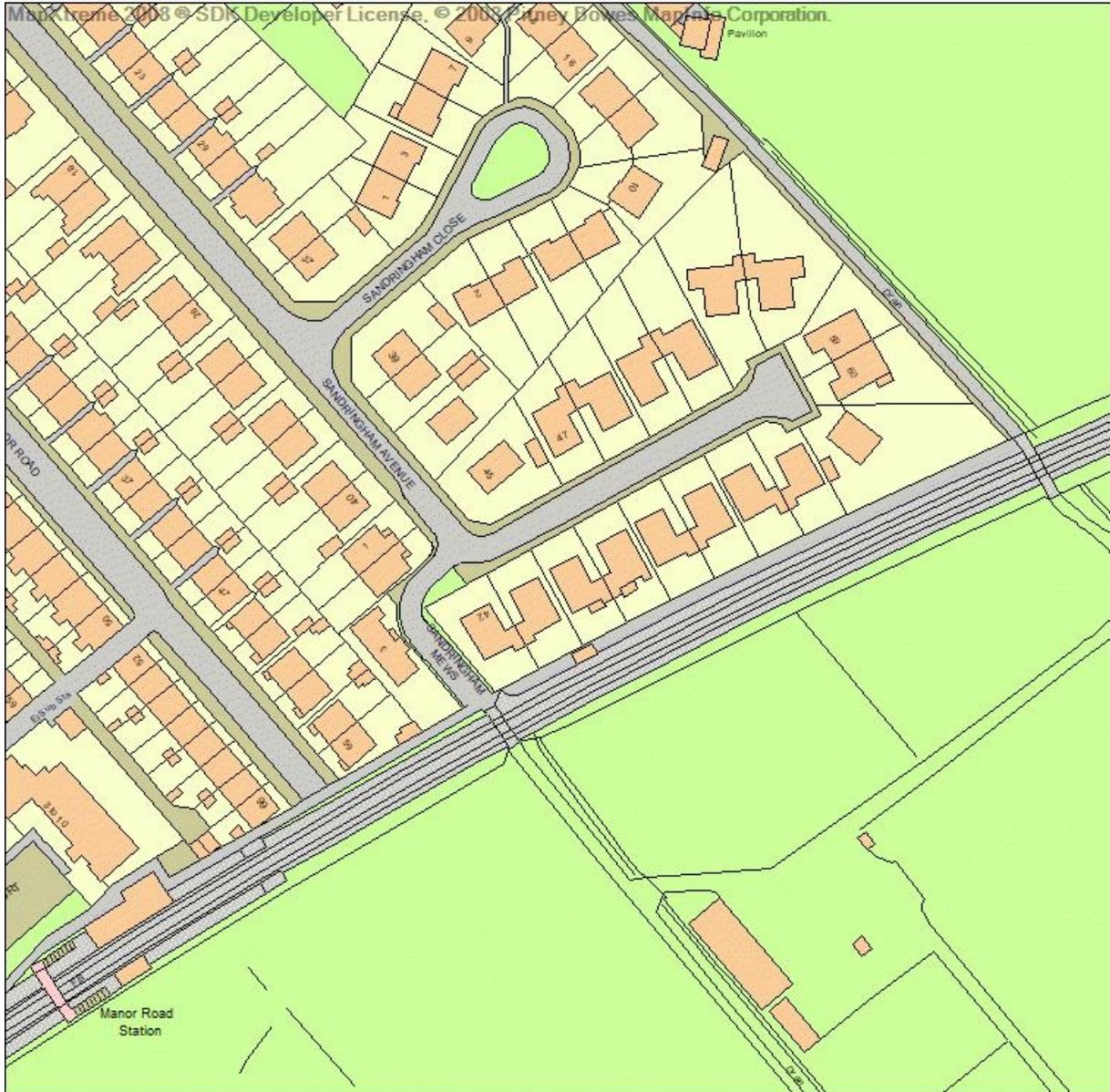
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Site Plan TBS 072:



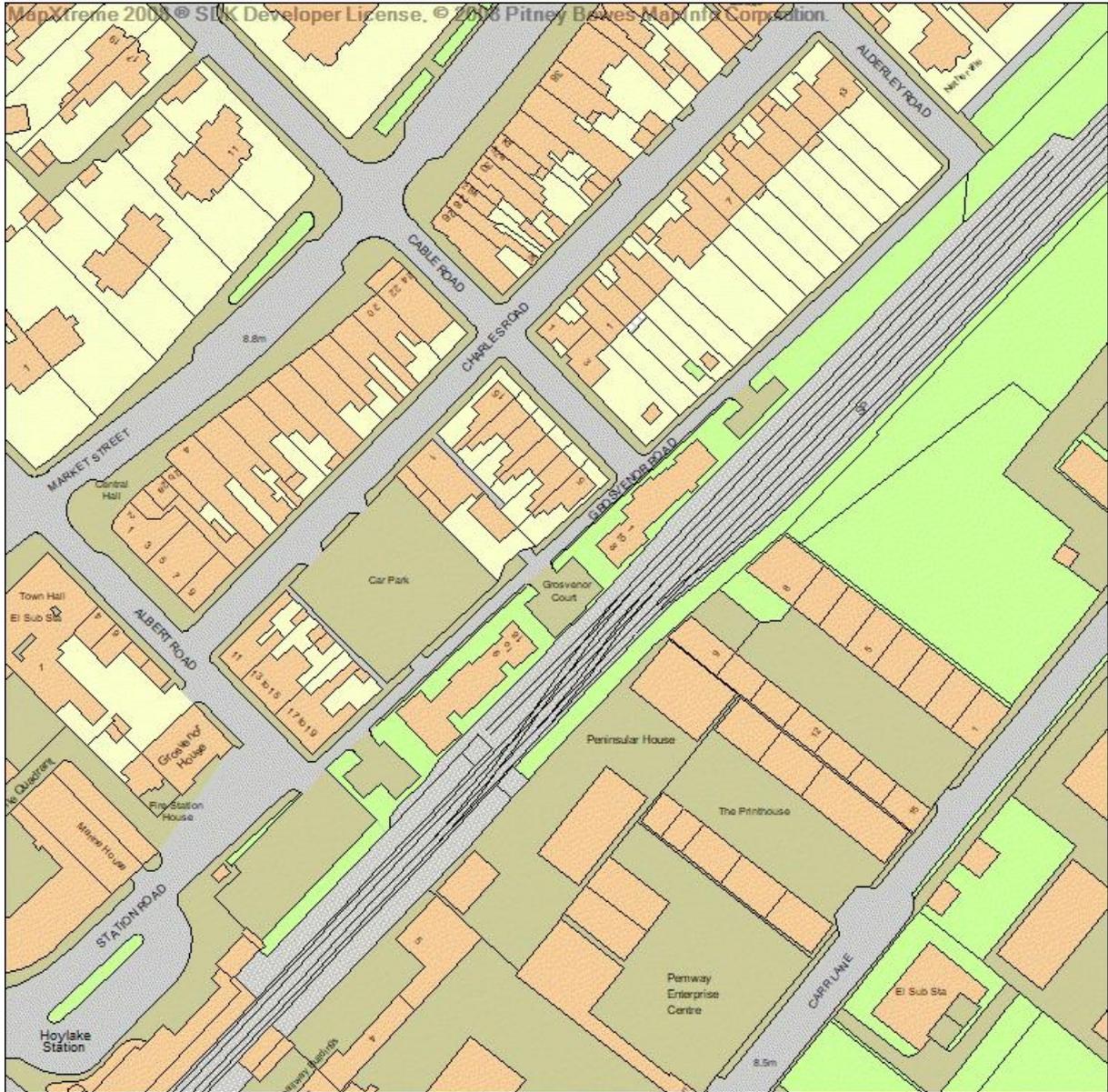
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Site Plan TBS 073:



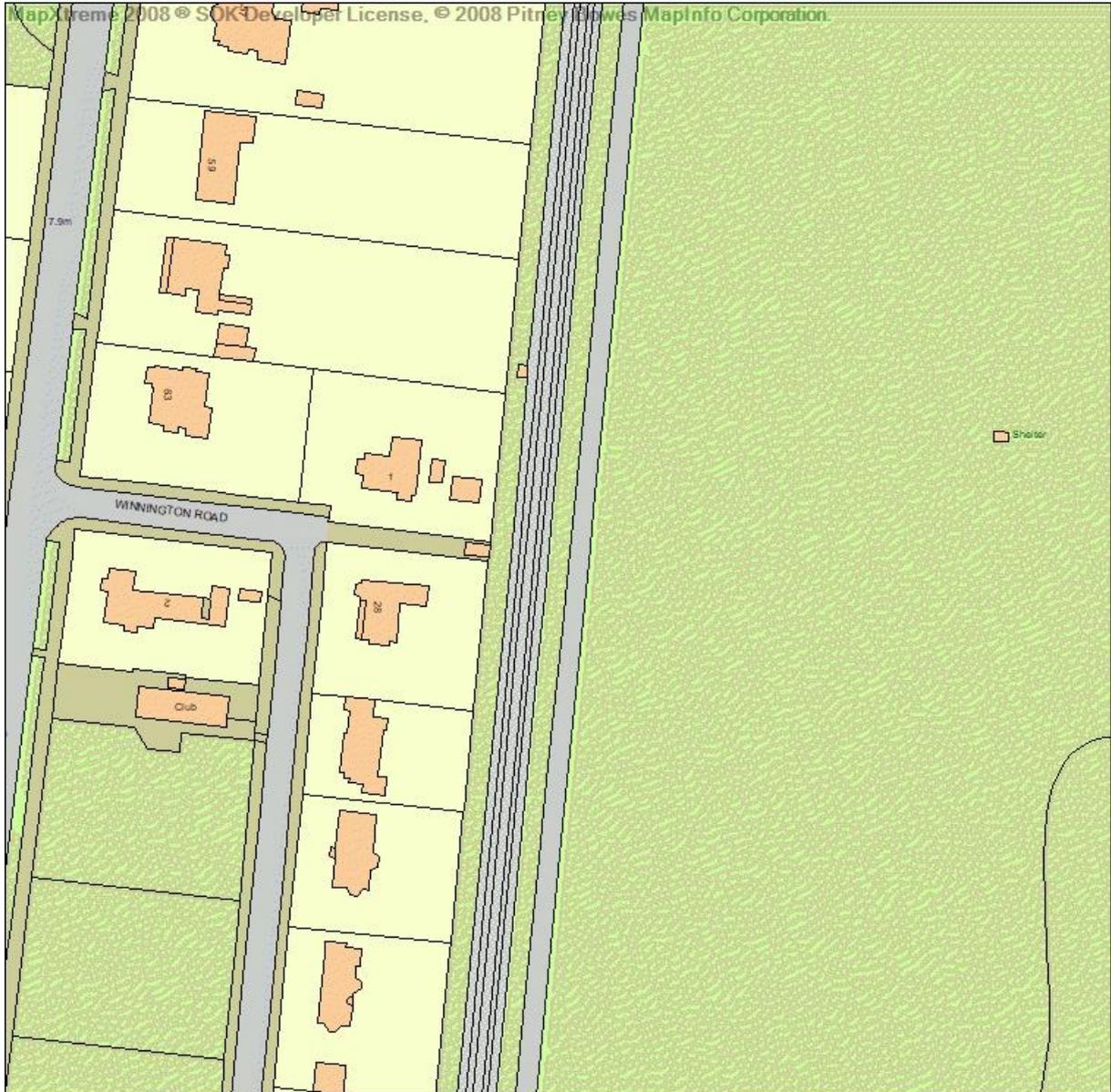
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Site Plan TBS 074:



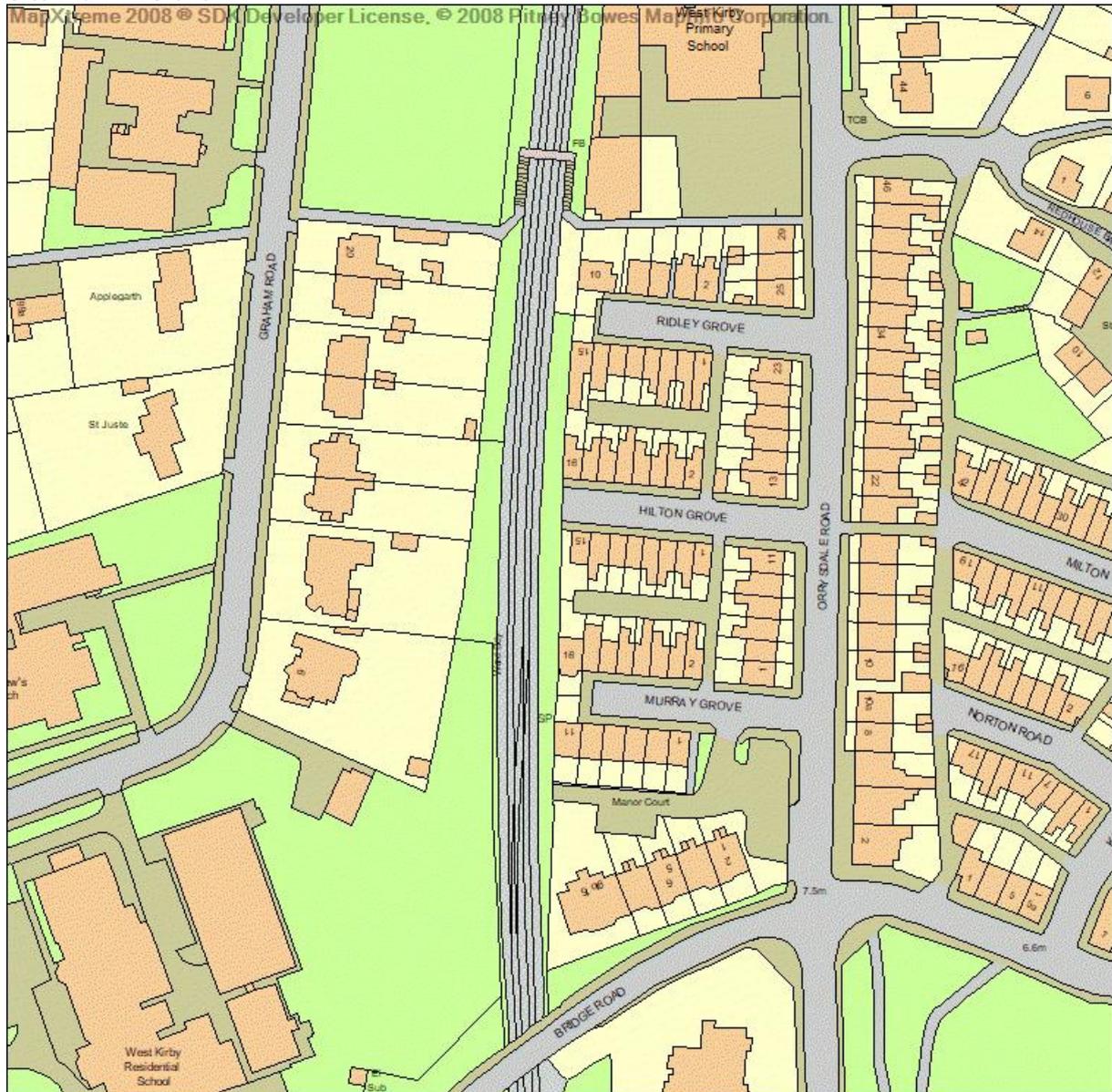
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Site Plan TBS 144:



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Site Plan TBS 075:



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Development Plan designation:

Area Requiring Landscape Renewal
Washland
Site of National Importance for Nature Conservation
Green Belt
Primarily Residential Area
Primarily Industrial Area
Rail Corridor subject to Environmental Improvement
Road Corridor subject to Environmental Improvement

Planning History:

There is no relevant planning history for any of the 11 mast sites.

The Local Planning Authority granted planning permission under delegated powers on 25 May 2020 for APP/20/00250 for four masts on railway land between Birkenhead Park and Bidston Stations which formed the first phase of this wider Liverpool City Region project within the boundary of Wirral

MBC.

Planning Application APP/20/00251 for the second phase comprising five masts between Bidston and New Brighton stations is also on this Agenda for consideration by Members following deferral at the Planning Committee meeting of 09 June 2020 to allow the applicant the opportunity to carry out further public consultation. The Officer recommendation is that APP/20/00251 should be approved.

Members should note that this is a wider Liverpool City Region project and applications for the same masts within the administrative boundaries of Liverpool City, Knowsley, Sefton and West Lancashire Councils, serving the Northern Lines of the Merseyrail network have already been approved earlier this year.

Summary of Representations and Consultations Received:

1.0 WARD MEMBER COMMENTS

1.1 No comments received.

2.0 SUMMARY OF REPRESENTATIONS

2.1 Having regard to the Council's guidance on publicity for planning applications, as a telecommunications application notification letters were sent on 28 April 2020 to a total of 568 addresses within 100 metres of each mast location. A site notice was posted to the public highway in close proximity to each mast location, with the exception of mast location TBS142 due to the lack of public access to the location. The deadline for receipt of representations and consultations passed on 26 May 2020.

2.2 REPRESENTATIONS

2.2.1 A total of 17 representations in objection have been received to the proposal, 16 of which were from addresses originally notified and one from outside the consultation boundary. Of those most affected by development and living within 100 metres of mast locations, 16 objections represents a response rate of 2.8% of addresses.

2.2.2 Objections were received in relation to mast sites in Meols, Hoylake and West Kirby, no objections were received to mast locations 069 (Bidston Station) 070 (Leasowe Station) 071 (Moreton Station) 140 (adjacent Curlew Court Moreton) 141 (Adjacent Carr Lane Moreton) and 142 (Adjacent River Fender Leasowe)

2.2.3 Objections were received from 4 addresses in relation to mast location TBS072 at Meols Station with the material planning considerations raised summarised as follows:

1. Unacceptable proximity of the mast to housing and alternative locations should be investigated;
2. The presence of the mast would be detrimental to visual amenity;
3. The presence of the mast would have an overbearing effect on neighbouring residents.

2.2.4 Objections were received from 2 addresses in relation to mast location TBS073 at Manor Road Station with the material planning considerations raised summarised as follows:

1. Unacceptable proximity of the mast to housing and alternative locations should be investigated;
2. The presence of the mast would be detrimental to visual amenity;
3. No information is provided on the potential for noise emissions;
4. The radiation emitted from the mast may be a danger to public health
5. The submitted plans are inaccurate and unclear.

2.2.5 Objections were received from 2 addresses in relation to mast location TBS074 at Hoylake Station with the material planning considerations raised summarised as follows:

1. Unacceptable proximity of the mast to housing and alternative locations should be investigated;
2. The presence of the mast would be detrimental to visual amenity;

3. The radiation emitted from the mast may be a danger to public health.
- 2.2.6 Objections were received from 3 addresses in relation to mast location TBS144 (Infill adjacent to Winnington Road West Kirby) with the material planning considerations raised summarised as follows:
1. Unacceptable proximity of the mast to housing and alternative locations should be considered;
 2. The presence of the mast would be detrimental to visual amenity;
 3. The radiation emitted from the mast may be a danger to public health;
 4. There is insufficient supporting information to make an accurate assessment of the implications of the development on neighbouring residents.
- 2.2.7 Objections were received from 6 addresses in relation to mast location TBS075 north of West Kirby Station with the material planning considerations raised summarised as follows:
1. Unacceptable proximity of the mast to housing and alternative locations should be considered;
 2. The presence of the mast would be detrimental to visual amenity;
 3. No information is provided on the potential for noise emissions;
 4. The radiation emitted from the mast may be a danger to public health;
 5. The ecological appraisal relates to a different site and the mast has the potential to disturb nesting birds;
 6. Noise and disturbance from construction activity would be detrimental to the amenity of neighbours;
 7. The presence of the mast may result in use for 5G equipment in the future;
 8. The signals from the mast may interfere with home wi-fi networks
- 2.2.8 A number of objectors also considered the masts to have a detrimental effect on their property values, which is not a material planning consideration.
- 2.3 **CONSULTATIONS**
- 2.3.1 **Environmental Health** - No objection, ICNIRP guidelines are met;
- Environment Agency** - No objection subject to development being carried out in accordance with the recommendations of the submitted flood risk assessments;
- Highways** - No objection, no highways implications;
- MEAS** - No objection, a Construction Environmental Management Plan will be required to ensure the construction operations do not have a significant adverse effect on biodiversity;
- Natural England** - No objection, the development should not result in significant adverse impacts on statutory nature conservation sites or landscapes;
- Network Rail** - Are in consultation with the applicant regarding this development and do not wish to comment;
- Wirral Wildlife** - Make comments drawing the applicant's attention to biodiversity issues and recommend conditions to prevent a significant adverse effect on biodiversity and protected species.
- 3.1 Reason for referral to Planning Committee**
- 3.1.1 The application exceeds the threshold within the Planning Scheme of delegation of 15 individual letters of objection being received by the Local Planning Authority, with 17 letters in objection received. As such the application must be determined at Planning Committee.
- 3.2 Site and Surroundings**
- 3.2.1 This application comprises 11 separate sites, all of which are located along the railway line

between Bidston and West Kirby stations and are adjacent to the running lines within the Network Rail land boundary. The five locations, as identified using the location identifiers on the application documents are as follows:

- 3.2.2 **TBS069-** To the south side of the railway line on flat land approximately 20 metres east of Bidston station platform adjacent to an area of redundant concrete hardstanding. The site is within the Green Belt and an area of landscape renewal, and adjacent to Bidston Marsh Local Wildlife Site.
- 3.2.3 **TBS070-** To the north side of the railway line on flat land approximately 30 metres west of Leasowe Station platform within a primarily residential area and a flood zone. The site is south of the rear garden of 33 Reedville Grove.
- 3.2.4 **TBS071-** To the north side of the railway line on flat land to the west of Moreton Station, approximately 25 metres west of Pasture Road overbridge. The land is within a primarily industrial area and a flood zone with primarily residential area located to the south of the railway line. The site is opposite the rear gardens of properties on Bramble Way.
- 3.2.5 **TBS072-** To the north side of the railway line on flat land to the west of Meols Station approximately 10 metres west of the Birkenhead Road overbridge and to the south of the garden of 22 Mannington Close. The site is in the Green Belt although adjacent to a primarily residential area with the boundary being the railway boundary. The site is within a flood zone.
- 3.2.6 **TBS073-** To the north side of the railway line on flat land approximately 65 metres east of Manor Road station platform and 13 metres east of Sandringham Mews level crossing. The site straddles the southern garden boundaries of 42 and 44 Sandringham Avenue and is in the Green Belt, adjacent to a primarily residential area with the boundary formed by the railway boundary.
- 3.2.7 **TBS074-** To the north side of the railway line approximately 30 metres north east of the platform at Hoylake station within a primarily residential area. The site is adjacent to a resident's car park between two apartment buildings known as Grosvenor Court on Grosvenor Road. To the south of the railway is a primarily industrial area.
- 3.2.8 **TBS075-** To the east side of the railway line on flat land, in a primarily residential area adjacent to the side gable elevation of 15 Hilton Grove, West Kirby. To the west side of the line are rear gardens of properties on Graham Road.
- 3.2.9 **TBS140-** To the north side of the railway line on flat land within the Green Belt approximately 100 metres west of Lingham Lane footbridge at Moreton. To the south of the railway is an area of public open space within a primarily residential area. The nearest residential properties are apartments to Curlew Court, approximately 35 metres south west. The site is within an area designated for landscape renewal.
- 3.2.10 **TBS141-** To the north side of the railway line on flat land within the Green Belt north of Carr Lane and adjacent to the south eastern corner of Carr Lane sewage works. The land is also located within a flood zone, an area designated for landscape renewal and is adjacent to the southern boundary of Meols Meadows Site of Special Scientific Interest.
- 3.2.11 **TBS142-** To the north side of the railway line on flat land approximately 50 metres east of its crossing of the River Fender. The site is within the green belt, a flood zone and an area designated for landscape renewal. Immediately to the north of the site is Bidston Golf Club.
- 3.2.12 **TBS144-** To the east side of the railway line on flat land within the Green Belt. The site is adjacent to a public right of way and Hoylake Golf Club. Land to the west of the railway is within a primarily residential area with the gardens of numbers 1 Winnington Road and 28 Eddisbury Road adjacent. Number 1 Winnington Road is within the Meols Drive Conservation Area.

3.3 Proposed Development

- 3.3.1 At each location it is proposed to install an identical telecommunications mast. Each mast would be 8 metres high and take the form of a single galvanised steel monopole with a diameter of 200mm. Atop the mast would be bi-directional transmit and receive antennas with a height of 650mm, giving an overall height of 8.65 metres. The masts would be hinged at the base to allow ground level maintenance. Adjacent to each mast would be an equipment cabinet of 1.8 metres in height. The mast and cabinet compound would measure 12 metres in length and 1.8 metres in width (to allow a hinged mast to lie flat within the compound) and be fenced to a height of 1.1 metres. The masts would be approximately 4 metres distant from the running rails and require a poured concrete foundation.
- 3.3.2 The application looks to support a 'connected transport' infrastructure project and forms part of Merseyrail's Train Connectivity Information System (TCIS) project which supports the new fleet of trains due to come into service in 2020. The infrastructure would support on-board monitoring systems, train performance, maintenance, passenger information and announcements, CCTV, location services, communication links to the control room and also wireless internet connectivity for passengers. The project is taking place throughout the Merseyrail network across the Liverpool City Region. Officers note that the constraints of the project mean that the transmitters and receivers have to be located on the lineside (which inevitably results in some being located in residential areas) and this prevents third party buildings being used for the antennae. The need to ensure continuous signal coverage between masts necessitates a closer spacing than the existing, larger Network Rail masts and precludes mast sharing.

3.4 Development Plan

- 3.4.1 UDP part 1 policy TEL1 advises that proposals for the provision of telecommunications antennae and their associated apparatus will be assessed with regard to their siting and design, environmental impact and impact on the amenity of neighbouring uses, to the strategic requirements of the telecommunications network concerned and to other technical constraints. Part 2 policy TE1 sets a presumption in favour of telecommunications apparatus, noting that they will be approved where the impact of the proposal on amenity is minimal through siting and design and where it is demonstrated that an existing building cannot be used or an existing mast shared. The Council 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 planning applications for telecommunications apparatus.
- 3.4.2 Saved UDP policy GR7 seeks to ensure trees on development sites are considered during the application process and advises that the LPA will seek to substantially preserve the wooded character of a site or the surrounding area, provide for the protection of trees of greatest visual or wildlife value (or other vigorous healthy trees), ensure that retained trees have adequate space to prevent damage to the canopy or root structures, and protect trees on adjacent land which may be affected by development, amongst other considerations.
- 3.4.3 Saved UDP policy NC7 notes that development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and or planning obligations.
- 3.4.4 Saved UDP policy HS15 confirms that within the Primarily Residential Areas as defined on the Proposals Map, proposals for small-scale built development and changes of use for non-residential uses will only be permitted where the proposal will not:
- (i) be of such scale as to be inappropriate to surrounding development;
 - (ii) result in a detrimental change in the character of the area; and,
 - (iii) cause nuisance to neighbouring uses, particularly in respect of noise and disturbance, on-street parking and deliveries by vehicle.

Proposals should make adequate provision for off-street car parking standards and servicing requirements.

- 3.4.5 UDP Policy WAT1 indicates that planning permission will only be granted for new development which would not be at risk from fluvial or tidal flooding, or which would not increase these risks to other developments. UDP Policy WA1 adds that development may be permitted in areas at risk of flooding where land is protected by flood defences, subject to consultation with the Environment Agency and, where necessary, the imposition of appropriate conditions. Development which would itself increase the risk of flooding to other properties or which would reduce the effectiveness or impede the maintenance of flood control structures or works is not permitted.
- 3.4.6 Saved UDP policy NC5 advises that development affecting Local Wildlife Sites will only be permitted where the LPA is satisfied that the continued ecological viability of the habitat, or wildlife interest of the site, can be adequately safeguarded through the use of appropriate conditions and/or legal agreements.
- 3.4.7 Saved UDP policy LA3 notes that in areas requiring landscape renewal, proposals introducing additional intrusive development, or which would lead to a further loss of landscape features, will not be permitted.

3.5 Other Material Planning Considerations

- 3.5.1 The National Planning Policy Framework expects planning decisions to support the expansion of electronic communications networks whilst recognising that the number of 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. Where new sites are required, such as for connected transport applications, equipment should be sympathetically designed and camouflaged where appropriate. LPAs should not insist on minimum distances between telecommunications development and existing development. For new masts, planning applications should be accompanied by evidence that the applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures, and a statement that self-certifies that, when operational, International Commission guidelines will be met. At paragraph 116 it is made clear that LPAs must determine applications on planning grounds only. They should not question the need for an electronic communications system or set health safeguards different from the International Commission guidelines for public exposure.
- 3.5.2 When considering any planning application for development affecting the green belt, the NPPF expects LPAs to ensure that substantial weight is given to any harm to the green belt. Inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. At paragraph 146 of the NPPF, local transport infrastructure which can demonstrate a requirement for a green belt location will not be inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.
- 3.5.3 NPPF paragraph 155 makes it clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 158 refers). Planning Applications in areas at risk of flooding should also, where required, be accompanied by a site specific flood risk assessment and development should only be allowed in such area where, in light of the assessment, it can be demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location, and that the development is appropriately flood resistant and resilient, amongst other matters.

3.5.4 Paragraph 175 of the NPPF expects LPAs to avoid significant harm to biodiversity resulting from development through locating on an alternative site with less harmful impacts, adequately mitigating the harm or, as a last resort, compensating for it. If none of these can be achieved, planning permission should be refused.

3.6 **Assessment**

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

- The Principle of Development
- Assessment against Green Belt Policy
- Overarching material considerations;
- Site Specific Visual and Residential Amenity Assessments;
- Flood Risk
- Local Wildlife Sites
- Landscape Character
- Historic Environment

3.7 Principle of Development:

3.7.1 Both the UDP and the NPPF set a presumption in favour of new telecommunications development, subject to the effect of such development on amenity being minimised (taking into account the siting and design limitations necessary to ensure optimum signal coverage), that the wooded character of the lineside is 'substantially preserved,' that 'significant harm' to biodiversity is avoided and that where necessary the development is suitably flood resistant and resilient. If these, and other policy considerations are met the application should be approved as there would be no significant environmental harm to outweigh the economic and social benefits of enhanced digital connectivity for the Merseyrail network and its passengers.

3.8 Green Belt

3.8.1 The proposed telecommunications masts are considered to comprise local transport infrastructure which can demonstrate a requirement for a Green Belt location. It is necessary for the equipment to be located on the lineside and for the masts to be spaced to allow for continuous signal coverage along the route, necessitating locations within the Green Belt. The masts are small scale similar to a telegraph pole or large street lighting column. It can be contended in this particular case, having regard to the railway line setting that they would appear as appropriate features in line with NPPF paragraph 146 (f). t, in line

3.9 Overarching Material Considerations:

3.9.1 **Public Health** - The Government recognises that health considerations and public concern can, in principle, be material considerations when determining applications for planning permission or prior approval. The National Planning Policy Framework indicates that planning applications for masts should be accompanied by self-certification that International Commission guidelines will be met, and that LPAs should not set differing health safeguards. In this instance the application is accompanied by the relevant self-certification and therefore the apparatus is considered safe under International Commission guidelines. In this particular context the maximum safe level is only exceeded within an 89.8mm distance directly in front of the transmitters. There is no prospect of the general public coming so close to the antennae and there would be no justification for the LPA to refuse this application on grounds of public health.

3.9.2 **Trees** - Each mast location is accompanied by ecological survey reports confirming that to construct each mast and its base station no more than 25 square metres of vegetation will need to be cleared at each site. To put this in context, a domestic double garage with a floor area of 6 by 6 metres has an area of 36 square metres. This may include tree pruning or felling should trees encroach within these 25 square metre areas. At location TBS070 there

are mature Oak and Poplar trees north of the railway boundary which may need some lateral reduction. At location TBS071 there are mature coniferous trees north of the railway boundary which may require some pruning. At other sites vegetation comprises ground cover only or immature trees of less than 15cm stem diameter and of no biodiversity or a value. At either location with mature trees it is unlikely that felling will be required to construct the development although some pruning is likely, however should felling ultimately be required the small scale of this is such that it is considered that where the lineside is wooded, the character of this would be 'substantially preserved' in accordance with the requirements of saved UDP policy GR7.

- 3.9.3 **Protected Species** - MEAS have considered the ecological reports for each site in respect of the potential impact on protected species at or near the sites. Each site may be suitable habitat for nesting bird Badger and Hedgehog, whilst there is Great Crested Newt habitat within the vicinity of locations TBS072 and TBS141. For each site, reasonable avoidance measures during the construction phase should be detailed in a Construction Environmental Management Plan. Otter and Water Vole may be present in the River Fender and the CEMP should demonstrate a 5-metre construction exclusion zone in proximity to the river to minimise impact on habitat. (On the basis of the site plans the work zone should be well clear of this distance) On the subject of the railway being good foraging and commuting habitat for bats, the limited vegetation removal to facilitate mast would not materially affect the overall quality of the habitat. On this basis a CEMP can be reserved by condition and the development is compliant with paragraph 175 of the NPPF and meets the objectives of saved UDP policy NC7 to avoid harm to protected species.
- 3.9.4 **Noise** - The installation does not emit any noise once operational as it is passively cooled. There are no motors or cooling fans installed within the ground mounted cabinet or on the mast. The installation of the masts is likely to result in some noise for neighbouring residents however this will be temporary and of short duration. Some construction noise and disturbance is to be expected and is not a barrier to granting planning permission.
- 3.9.5 **Public Consultation** - There is no requirement in law or in national or local planning policy for the applicant to carry out pre-application community consultation on a planning application of this scale, and any decision to carry out discretionary consultation is one for the applicant alone. The Local Planning Authority can encourage additional consultation but cannot compel the applicant to consult and if they choose not to do so the application must be determined on its own merits. The Local Planning Authority consults far more widely on telecommunications applications than it does for other types of development and every address within 100 metres of each location was sent a letter, with a notice posted at the nearest public location to each site (with the exception of location TBS142 due to its inaccessibility by the public). This resulted in 568 consultations letters being sent to neighbours and 17 replies, a response rate of 3%. On this basis it is clear that the proposal is not locally controversial and does not warrant further consultation. Where comments have been made the response of the applicant has been included in this report and members are required to weigh any harm to amenity against the wider public benefits of development, taking into account technical limitations on the siting of the equipment, as required by national and local planning policy.
- 3.10 Site Specific Visual and Residential Amenity Assessments
- 3.10.1 **TBS069** - The mast is to be located immediately east of Bidston station platform alongside existing telecommunications infrastructure, electricity pylons and in a wider context including elevated highways infrastructure with street lighting. On this basis the siting, scale and external appearance of the mast will not be intrusive in visual terms and no residential properties are located within the vicinity of the site, not giving rise to any residential amenity considerations.
- 3.10.2 **TBS070** - The mast is to be located to the west of Leasowe station where public visibility will be limited to the station platform itself where the mast will be identified as a piece of railway infrastructure, not out of context with the location. The lineside at this point is bordered by the gardens of residential properties with the siting on the boundary line between 29 and 33 Reedville Close to the north. The mast will be sited approximately 21

metres from the rear elevations of the dwellings and due to its limited height and girth will not be an overbearing feature, nor will it overshadow the garden as a result of its design as a slender vertical point feature. The mast is a greater distance from gardens on Pasture Avenue and will be softened and screened by existing trees, with no material impact on living conditions to these dwellings.

- 3.10.3 **TBS071** - The mast is to be located immediately to the west of Pasture Road bridge west of Moreton Station and will be set against mature trees of a scale greater than the mast, limiting views from the industrial area to the north of the line. As a result of this screening, public visibility will be limited to those pedestrians on the bridge, where the mast will be seen at a lower level and will not be prominent. To the south side of the line the mast will be seen from gardens of dwellings on Bramble Way, set against the tree line and approximately 36 metres from the rear elevation of the closest dwelling. At this distance, the siting and scale of the mast will have no adverse effect on residential amenity in planning terms.
- 3.10.4 **TBS072** - The mast is to be located immediately to the west of Birkenhead Road overbridge to the west of Meols station. Tree screening to both the north and south of the bridge means that public visibility of the mast will only be available to pedestrians on the bridge itself, where the mast will be seen at a lower level and will not be an intrusive or prominent structure. In terms of residential amenity, the mast will be seen from the rear windows and garden of number 22 Mannington Close with it sited adjacent to the boundary to the east and approximately 12 metres from the rear elevation. The occupier has objected on the basis of this proximity and requests that the equipment either be located on the station itself or to the southern side of the railway line. In response to this objection the applicant comments as follows:

"Installing equipment on stations/shared infrastructure brings up issues with access for construction and maintenance and has been avoided on the whole network. However, it cannot be sited on the south side of track as the low voltage & telecoms cable route for this section of track follows the Down West Kirby line, unfortunately this is the only route available for the low voltage power & telecoms fibre cables, the other side of the railway being reserved for high voltage cables which are currently being replaced/upgraded as part of the wider improvements to train services. Furthermore, Network Rail Telecommunications and Signalling Standards will not allow for such a mix of cables to be installed within the same cable route, especially for non Network Rail Assets."

It is clear that technical limitations relating to the separation of high voltage and low voltage cable runs to opposite sides of the railway prevent the equipment being located on the south side of the line, and this justification is given for all sites where residents suggest the option. It is apparent that Network Rail safety standards will not allow both high and low voltage cabling to occupy the same space and this technical justification for the siting must be weighed in the balance against any harms to residential amenity.

In this case it is noted that the mast will be visible from the nearest residential dwellings but it is offset to the south and as a result of its height and slender form, similar to a telegraph pole or large street lighting column, it will not be overbearing or harmfully overshadowing to the adjacent dwelling or its garden.

- 3.10.5 **TBS073** - The mast is to be located to the east of Sandringham Mews level crossing to the rear of numbers 44 and 46 Sandringham Avenue, straddling the boundary line to these dwellings. Public visibility of the mast will be limited by the presence of housing to the north side of the line and whilst it may be visible from the highway between dwellings, it will not be a prominent feature. The mast will be clearly visible from the rear elevation and gardens of adjacent dwellings at a distance from the rear elevations of approximately 9 metres given the shallow depth of the gardens at this location. As the scale of the mast is similar to a telegraph pole or large street lighting column it is not considered that this distance will result in harmful overbearing or overshadowing effects to the dwellings, indeed a telegraph pole is located in the street to the front of these dwellings at a distance of approximately 7 metres from the front elevation of the dwellings. Two objections to this mast have been received,

including one from 46 Sandringham Avenue requesting that the mast be re-sited. In response the applicant notes the following:

"Location was chosen to be on the outside of the curve in the track which provides a better line of sight for the incredibly narrow beam width (18 degrees) antenna. Moving the site west would cause line of site issues and present an excessive site spacing to TBS072. Cannot site on south side for reasons set out above."

Where a mast is to be located on curved track, the location needs to be carefully considered to optimise signal line of sight which normally requires a location on or as close as possible to the apex of the curve. Relocation to the east or west will result in gaps in signal coverage on the curve and will require either the replotting of every mast along the route to compensate, or the addition of further masts to provide sufficient signal coverage, both of which could have unintended adverse effects on material planning considerations. The technical siting limitations and the wider economic and social benefits of development are considered to outweigh the limited harm to residential amenity arising from the proximity of the mast to nearby housing.

- 3.10.6 **TBS074** - The mast is located adjacent to a resident's car park serving Grosvenor Court apartments and will be visible to the public from Grosvenor Road. The apartment buildings themselves will screen visibility of the mast on approach so that any visibility is limited to those passing directly adjacent to the car park. In this view the mast will be seen against industrial buildings and electricity infrastructure. In terms of residential amenity, the mast is offset to the south and not located adjacent to any apartment window. In this context the mast will not have an adverse effect on the outlook from any apartment within Grosvenor Court. Again, this mast is located close to the apex of a curve and any relocation will require the replotting of adjacent masts or the insertion of additional masts to compensate for the reduction in signal coverage.
- 3.10.7 **TBS075** - This mast is located immediately adjacent to the side gable elevation of 15 Hilton Grove, which will shield the mast from public view except at close quarters from the adjacent public highway. As such there will be no harm to public visual amenity. The two storey side gable elevation of 15 Hilton Grove is blank, although a single storey side and rear extension has recently been constructed which, on the basis of the approved plans, incorporates a high level ground floor window to the side, serving a kitchen. The outlook from this space is to the south and as such the presence of the mast will not affect the outlook from this dwelling. Dwellings to the western side of the railway on Graham Road are at a substantial distance, with their rear elevations set approximately 40 metres from the site. On this basis the presence of the mast, whilst visible from windows and gardens, cannot be said to harm amenity by way of overbearing or overshadowing effect. This mast was moved from its original planned location adjacent to West Kirby Concourse car park as the distance between the running lines and the railway boundary at that location was found to be insufficient to accommodate the equipment.
- 3.10.8 **TBS140** - This mast is located to the north of the railway line and will be visible from public open space to the south. In this context the mast will be seen as a piece of railway infrastructure, appropriate to its location and its scale and form, similar to a telegraph pole or large street lighting column will not be unduly intrusive. The nearest residential properties are apartments to Curlew Court approximately 40 metres south west. At this distance, the mast will have no effect on the living conditions at these dwellings.
- 3.10.9 **TBS141** - This mast is located to the north of the railway line in open countryside to the north of Carr Lane. There are no nearby residential properties and no implications arise for residential amenity. Public views of the mast from Carr Lane will be filtered by vegetation along the roadside, and where the mast is seen it will be seen alongside pole mounted electricity infrastructure and will not be unduly intrusive.
- 3.10.10 **TBS142** - This mast is located to the north of the railway to the east of its crossing of the River Fender. No residential properties are located nearby and as such the mast will have no implications for residential amenity. Public views of the mast are limited to public

highways at some distance and in this context the mast will appear as a small-scale point feature in the landscape and will not be unduly intrusive.

- 3.10.11 **TBS144** - This mast is located to the eastern side of the railway adjacent to the Hoylake, West Kirby cycle path. From this location the mast will be seen as a piece of railway infrastructure, not out of context with the presence of the railway line and will be softened by surrounding mature trees. It will not be unduly visually intrusive from public vantage points. Visibility from the nearest neighbouring dwellings on Winnington and Eddisbury Roads will not be significant due to the presence of mature trees on the boundaries. Notwithstanding these trees, the distance from the mast to the rear elevation of these dwellings is in excess of 30 metres, ensuring the siting and scale of the mast does not result in a harmful overbearing or overshadowing effect. In response to the objections received on the siting of this mast, the applicant responds as follows:

"This site cannot be moved along the track by any worthwhile degree in either direction as it is strategically placed to provide coverage to the curves in both directions. To move the site in either direction would likely result in a need for an additional infill to cover the coverage gap that would be introduced."

On the basis of the above, there are no residential amenity harms arising from this location and the technical justification for its siting is accepted.

3.11 Flood Risk

- 3.11.1 Locations TBS070, 071, 141 and 142 are within flood zone 3 in relation to tidal flooding, whilst location TBS072 is within Flood Zone 2. All locations are within areas benefiting from flood defences. The submitted flood risk assessment for each site has considered the potential risk of flooding from all sources and concludes that it is low. The nature of the development as a small-scale piece of unattended infrastructure is also categorised as 'less vulnerable' to the effects of flooding as set out in the flood risk vulnerability classification. The assessment concludes that no specific flood risk mitigation measures are required however as a matter of standard design, and to meet Network Rail approval, the equipment cabinet is waterproofed with sealed compression cable entry points to prevent water ingress and the most significant sensitive equipment, the antennae are located well above flood level at the mast head. It is considered that the equipment is suitably flood resistant and resilient given the low level of risk and the objectives of development plan policy are met. The Environment Agency have no objections subject to a condition requiring these flood resistant and resilient design measures to be implemented.

3.12 Designated Nature Conservation Sites

- 3.12.1 Mast location TBS141 is located adjacent to Meols Meadows SSSI which is also within wetland bird survey sector Meols and Leasowe Lighthouse Fields and has suitability as functionally linked land for qualifying bird species of the European designated sites of the Mersey Narrows and North Wirral Foreshore. Notwithstanding this association, the development is small scale and, based on the submitted plans Natural England have determined that the development should not have a significant adverse effect on the designated sites, and no Habitat Regulations Assessment is required. Having regard to the later Natural England advice, MEAS have withdrawn their initial comments requiring a HRA for potential construction disturbance at this location. It remains appropriate to minimise the risk of groundwater contamination at this site which can be secured through a construction method statement as part of the wider CEMP.

3.13 Landscape Character

- 3.13.1 Mast locations TBS069, 140, 141 and 142 are located within an area requiring landscape renewal. Being wholly located within the railway boundary, the masts do not result in any adverse impact on the wider character or pattern of the landscape in this area. Their slender profile and relatively low height at 8.6 metres mean the mast would not be significantly intrusive in the landscape to warrant an objection under saved UDP policy LA3 and any limited, localised visual intrusion would be outweighed by the necessity of siting the masts alongside the railway at periodic intervals, and the economic and social benefits of the technology to the railway and its passengers.

3.14 Historic Environment

- 3.14.1 Mast location TBS144 sits outside of but adjacent to the boundary with Meols Drive Conservation Area and is considered to be within the setting of this designated heritage asset. The mast is a small scale point feature, similar in scale to a large street lighting column or telegraph pole and will be largely screened from view from within the conservation area by trees on the western boundary of properties on Winnington Road and Eddisbury Road. Similarly, in views towards the Conservation Area it will be seen as a piece of railway infrastructure against the mature tree backdrop. Given the small scale of the development and the limited intervisibility with the conservation area due to tree screening there will be no adverse effect on the setting of the Conservation Area. As such there is no conflict with the objectives of saved policy CH2 of the UDP and in reaching this conclusion regard has been had to the duty at Section 72 of the Listed Buildings and Conservation Areas Act 1990.

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:-

The proposed scheme forms part of wider Liverpool City Region connected transport infrastructure project for which there is general support in national and local planning policy. The siting of the 11 masts along this section of the route does not have a significant adverse impact on visual amenity and landscape character or on the outlook from nearby residential properties. Whilst some vegetation clearance will be necessary, the scheme is expected to substantially preserve the wooded character of the lineside in relevant locations, whilst significant harm to biodiversity can be avoided and mitigated through the use of planning conditions. There are no environmental effects of development that outweigh the benefits of enhanced digital connectivity for the railway operator and its passengers and therefore the application complies with the relevant requirements of the development plan and comprises sustainable development under the terms of the National Planning Policy Framework.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 07 April 2020 and listed as follows:

003121 A01 (069 Location Plan) dated 18.12.19
003122 A01 (069 Plan View) dated 18.12.19
003123 A01 (069 Cross Section) dated 18.12.19

003113 A01 (070 Location Plan) dated 18.12.19
003114 A01 (070 Plan View) dated 18.12.19
003115 A01 (070 Cross Section) dated 18.12.19

003109 A01 (071 Location Plan) dated 18.12.19
003110 A01 (071 Plan View) dated 18.12.19

003111 A01 (071 Cross Section) dated 18.12.19

003097 A01 (072 Location Plan) dated 18.12.19

003098 A01 (072 Plan View) dated 18.12.19

003099 A01 (072 Cross Section) dated 18.12.19

003093 A01 (073 Location Plan) dated 18.12.19

003094 A01 (073 Plan View) dated 18.12.19

003095 A01 (073 Cross Section) dated 18.12.19

003089 A01 (074 Location Plan) dated 18.12.19

003090 A01 (074 Plan View) dated 18.12.19

003091 A01 (074 Cross Section) dated 18.12.19

003081 A01 (075 Location Plan) dated 18.12.19

003082 A01 (075 Plan View) dated 18.12.19

003083 A01 (075 Cross Section) dated 18.12.19

003105 A01 (140 Location Plan) dated 18.12.19

003106 A01 (140 Plan View) dated 18.12.19

003107 A01 (140 Cross Section) dated 18.12.19

003101 A01 (141 Location Plan) dated 18.12.19

003102 A01 (141 Plan View) dated 18.12.19

003103 A01 (141 Cross Section) dated 18.12.19

003117 A01 (142 Location Plan) dated 18.12.19

003118 A01 (142 Plan View) dated 18.12.19

003119 A01 (142 Cross Section) dated 18.12.19

003085 A01 (144 Location Plan) dated 18.12.19

003086 A01 (144 Plan View) dated 18.12.19

003087 A01 (144 Cross Section) dated 18.12.19

Reason: For the avoidance of doubt and to define the permission.

3. No development including vegetation removal or ground works shall commence until a Construction Environmental Management Plan (CEMP) for the works has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address the issues outlined at paragraphs 7 to 20 of the consultation response of the Merseyside Environmental Advice Service (document ref WI20-046 dated 19 May 2020). Thereafter development shall be carried out in accordance with the approved CEMP.

Reason - To ensure the development avoids significant harm to biodiversity in accordance with the objectives of saved policies NC5 and NC7 of the Wirral Unitary Development Plan and paragraph 175 of the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in accordance with the flood mitigation measures detailed within the corresponding Flood Risk Assessments for telecommunication masts TBS 069, 070, 071, 072, 141 and 142.

Reason: To ensure that the proposed development is protected from residual flood risk.

5. 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 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 amenity.

Further Notes for Committee:

1. Should further copies of the MEAS consultation response be required in order to inform the approval of details required by condition 3, these can be obtained from the Local Planning Authority by email via planningapplications@wirral.gov.uk quoting application reference number APP/20/00474
2. The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist.

Last Comments By: 26/05/2020
Expiry Date: 22/05/2020