

Planning Committee

19 October 2017

Reference:
APP/17/00878

Area Team:
North Team

Case Officer:
Mr K Spilsbury

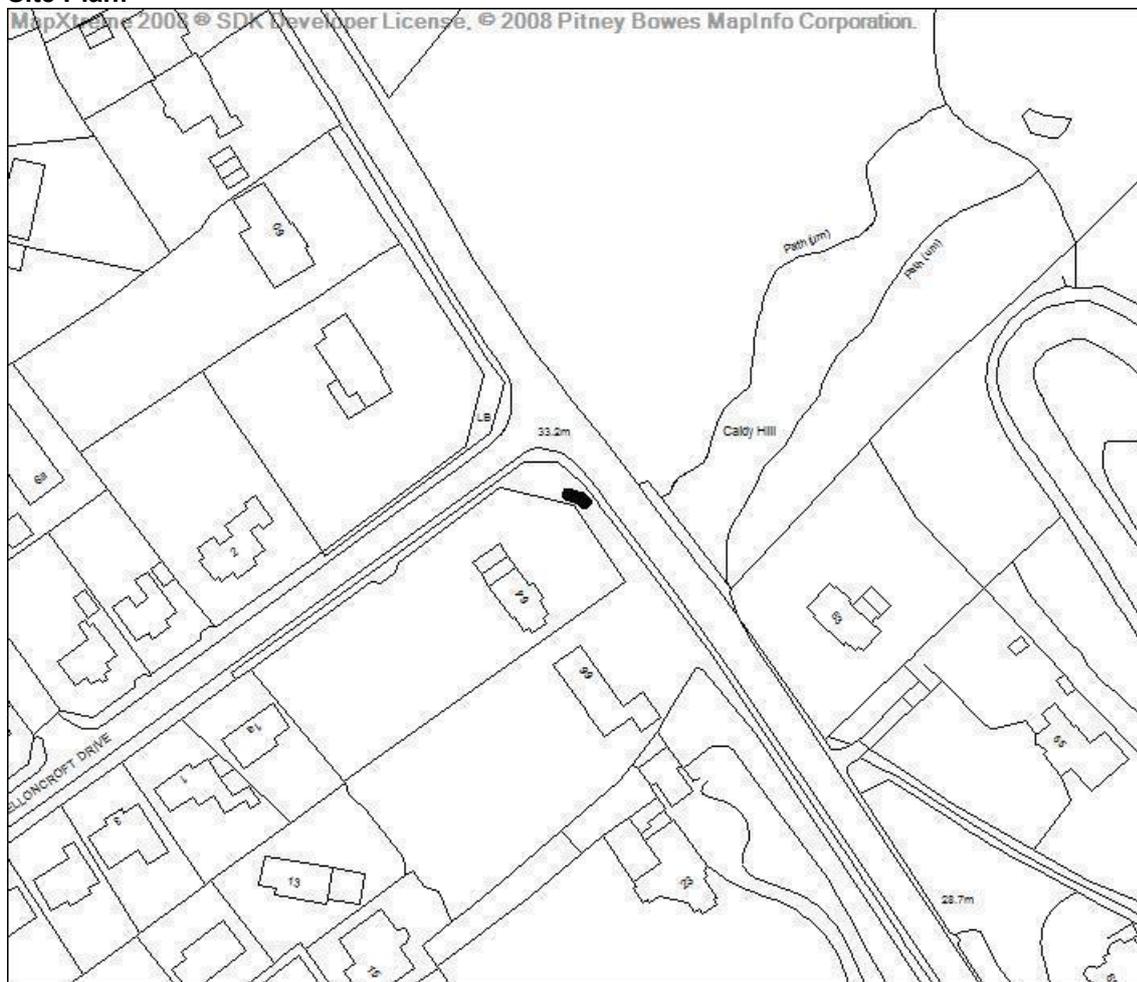
Ward:
**West Kirby and
Thurstaston**

Location: Grass Verge of Melloncroft Drive at Jct with Caldy Road, Caldy CH48 2HN

Proposal: Retrospective application for the installation of a 15m slim-line mock telegraph pole supporting 6no. antennas, 2no. equipment carriers and ancillary development thereto. (Resubmission of prior approval ANT 16/01647)

Applicant: Cornerstone Telecommunications Infrastructure LTD & Vodafone LTD
Agent : Clarke Telecom Ltd

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: Grass verge of Melloncroft Drive & the junction with Caldy Road, Caldy, Wirral, CH48 2HN
Application Type: Prior Approval of Telecommunications PD
Proposal: Installation of a 15m slim-line mock telegraph pole supporting 6 No. antennas, 2 No. equipment cabinets - BTS 3900AL - 770mmX750mmX1925mm- Fir Green - Ral 6009. Slimline meter cabinet - 655mmX260mmx1015mm-Fir Green Ral 6009.

Application No: ANT/16/01647
Decision Date: 14/02/2017
Decision Type: Prior Approval Given

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 89 notifications were sent to adjoining properties and a site notice was displayed near the site.

At the time of writing this report 18 representations have been received. 1 in favour of the scheme siting: "it is great to finally have phone reception in Caldy" and 17 against. Of the objections received, 12 have come from family members living at the same address - 5 separate households. The objections are summarised as follows:

1. Potential Health risks due to close proximity of residential dwellings
2. The mast/cabinets are sited in an area that may cause highway safety issues, block views/visibility and cause hazard during periods of maintenance. Caldy Road is very busy.
3. The site is very close to the Avalon school
4. The mast is too close to residential properties and their families this is unacceptable and possibly illegal
5. The mast is 15m tall and detrimental to visual amenity of the area (eyesore) and out of character
6. It is near Clady Hill, national trust land- area of special landscape value
7. The development will result unacceptable street clutter and will be visually obtrusive
8. Groundwork has already caused problems
9. Bracken House is a grade 2 listed building
10. The cabinets are detrimental to the character of the area
11. The development contravenes a number of planning policies
12. The mast does not resemble the original plan/ does not look like a telegraph pole
13. As the mast has been sited in the wrong place, why have the council not removed it?
14. The phone mast has been sited to afford better phone signals in Caldy no problem with phone signals in the area.
15. Loss of amenity space

The Caldy Society has also objected to the scheme. Their concerns are summarised as follows: the location of the mast on the busy main approach to the village as it appears dominant and highly visually intrusive when approaching and leaving the village. The siting of the equipment cabinets are haphazard on what was a previously neat grass verge. It should be relocated to an alternative, less sensitive site.

CONSULTATIONS

Environmental Health - No objection

Highways - No objection

DIRECTORS COMMENTS:

REASON FOR REFERRAL

The application has received over 15 individual representations and as such under the current scheme of delegation must be heard at planning committee.

INTRODUCTION

The application is for the installation of a 15m slim-line mock telegraph pole supporting 6 No. antennas, 2 No. equipment cabinets - BTS 3900AL - 770mmX750mmX1925mm- Fir Green - Ral 6009. Slimline meter cabinet - 655mmX260mmx1015mm-Fir Green Ral 6009. The application is retrospective as the works have already been carried out

Further to the giving of prior approval at the above site under LPA ref: ANT/16/01647, underground services were found in the location of the proposed pole, namely a mains water pipe. As such, the pole cannot be landed in this position. Therefore the operators have proposed to move this pole 1.3m further south west of the original siting of the centre of the root into the grass verge.

All other elements of the scheme remain the same as that shown on the plans under LPA ref: ANT/16/01647. This water main was lower than the trial hole dig carried out at this site and did not show up on the Stats Information Map. The elevation remains the same as the pole and the cabinets as originally approved.

PRINCIPLE OF DEVELOPMENT

The site is located within a primarily residential area and as such the development is acceptable in principle subject to policies HS15 and CH2 of Wirral's Unitary Development Plan and the National Planning Policy Framework (NPPF). As prior approval has been granted for the development 1.3m from the proposal site it is considered that the overall principle of development on the grass verge has been established. Consideration must therefore be given to the amended siting of the mast.

SITE AND SURROUNDINGS

The site is located on the corner of Melloncroft Drive and Clady Road on the existing grass verge at the rear of the pavement. The grass verge provides a small area of open amenity space and contains a street name sign, a park bench, BT cabinets and a sand box.

Immediately to the south of the verge is a low level wall that marks the boundary line of a residential property. There are a number of mature trees and shrubs running along the boundary that screen the dwelling house from view.

The area where it is proposed to site the mast is designated as residential within Wirrals Unitary Development Plan. The Caldly Conservation area lies to the east of the site and Caldly Hill to the north.

Whilst the grass verge is relatively level, the topography of the land falls away to the south west towards the river Dee and rises steeply to the north east on Clady Hill.

The area contains a number of vertical structures running along Caldly Road in the form of street lighting, telegraph poles and trees.

POLICY CONTEXT

The site is located within a Primarily Residential Area where such telecommunications development is acceptable in principle subject to compliance with Policies TEL1 HS15 and CH2 of the Wirral Unitary Development Plan. As prior approval has been granted for alternative development, which would not be implemented 1.3m from the proposal site, it is considered that the overall principle of development on the grass verge has already been established.

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POLICY CONTEXT

Policies TEL1 (Principles for Telecommunication) TE1 (Criteria for Telecommunications Development) of the Wirral Unitary Development Plan and Supplementary Planning Document 1 (Designing for Development By Mobile Phone Operators) permit telecommunications apparatus where the impact of the proposal on amenity would be minimal through siting and external appearance, and where that it has been demonstrated the apparatus cannot be located on an existing building or that an existing mast cannot be shared. In this case, the proposal will be a mast share between Vodafone Ltd and Telefónica UK Ltd.

The impact on the setting of Clady Conservation Area, which is located within 38m of site, must be taken into account under the terms of UDP C Policy CH2 - Development Affecting Conservation Areas. Small scale development that does not result in a detrimental change in the character of the area nor cause a nuisance to neighbouring uses is permitted under of UDP Policy HS15 - Non Residential Uses in Primarily Residential Areas.

This is in line with the National Planning Policy Framework (NPPF), which note that high quality communications infrastructure is essential for economic growth, but installations should be kept to minimum (paragraphs 42 & 43 refer). NPPF paragraphs 44 & 45 also expect applications to be supported with evidence to show: that the equipment would not irremediable interference with other broadcasting services; the outcome of consultation with interested organisations and certification that the International Commission on non-ionising radiation protection guidelines would not be exceeded.

APPEARANCE AND AMENITY ISSUES

The proposed development has been designed to imitate a telegraph pole and would be supported with two road side cabinets that could be painted in a suitable colour to blend with the surroundings. As in the previous application, the applicant states that Caldy and the surrounding area had little or no indoor 3G and 4G coverage and as such the proposal is required to provide improved indoor voice calls (2G coverage), improved 3G services and new 4G coverage where currently there is no indoor coverage. The new site will also enable a single network grid supporting modern MORAN technology for Vodafone.

The proposed site will be operated by CTIL and Vodafone Limited but will enable both Telefónica and Vodafone to provide shared services to the surrounding area. This negates the need for further radio base stations in the vicinity for either of these two operators.

The applicant states that this cell area is very challenging for the operators to provide a suitable, available sites in order to provide the latest mobile communication to this area. This is due to the residential nature of the area, the topography of the land, the fact that part of the search area is designated within a conservation area and as such this is the reason why this area has remained a coverage 'black spot' over the years.

As such the applicant claims that there is a specific requirement for a new radio base station at this location to allow Vodafone to significantly improve their 3G coverage and 4G coverage in this area of Caldy in accordance with the national Governments aim to provide a high quality communications network throughout the country, and the operators aspirations to Grow the Grid in to former 'not spot' areas and the operators 4G license obligation, to provide 98% coverage to the population by 2017.

The report submitted with the planning application states that the mast has been built but is awaiting fibre in order to make the site live for the local community.

In accordance with the licence obligations, local planning policy and advice in the National Planning Policy Framework and the Code of Best Practice in England the applicant has investigated the following options using this sequential approach to site selection:

- Upgrading their own existing base stations;
- Using existing telecommunications structures belonging to another communications operator. i.e. Mast and/ or site sharing, co-location;
- Installations on existing high buildings or structures including National Grid pylons;
- Using small scale equipment; and finally
- Erecting a new ground based mast site (1st) Camouflaging or disguising equipment. (2nd) A conventional installation e.g. a lattice mast and compound.

Site	Site Name and address	National Grid Reference	Reason for not choosing
SW - Streetworks	Barton Hey Drive at the junction with Croft Drive, Caldy, Cheshire, CH48 2JR	E: 322826 N: 384915	This site is located within the conservation area. O2 has had a previous application refused in this location for a 12.5m mock telegraph pole, which was also dismissed at appeal. It is highly unlikely that an application for an installation in this location would now be considered acceptable by the Council. The site was therefore discounted due to the negative impact it would have on Caldy Conservation Area.
SW - Streetworks	Streetworks Croft Drive West and the junction with Caldy Road, Caldy, Cheshire, CH48 2HX	E: 322321 N: 385351	A streetworks co-location was considered in this location. However, this site is located within Caldy Conservation Area. Furthermore, the site is surrounded by mature trees. A taller mast would be required in order to clear the trees than that proposed at the application site. This would have a detrimental impact on visual amenity and character and appearance of the conservation area.
GF - Greenfield	Caldy Golf Club, Links Hey Road, Caldy, Cheshire, CH48 2JX	E: 322343 N: 384843	Although this site is located outside the Conservation Area, the land is close to the operational part of the course, near The Dee Estuary. The land is very exposed in this location and would have a detrimental impact on the visual amenity of the area.
GF - Greenfield	Caldy Golf Club, Links Hey Road, Caldy, Cheshire, CH48 2JX	E: 323155 N: 384591	This site is located outside the Conservation Area. However, it is near the clubhouse which backs on to residential properties within the conservation area, with little screening. An installation in this location would have a detrimental impact on the character and appearance of the conservation area and visual amenity of the surrounding area.
SW - Streetworks	Streetworks – junction of The Green and Caldy Road, Caldy,	E: 322648 N: 385213	This site is located within Caldy Conservation Area, close to several listed buildings and residential properties, with no natural screening in the area. This would have a detrimental impact on the character and appearance of the Conservation Area, the setting of the listed buildings and the

RT - Rooftop	Church tower of the Resurrection and All Saints Caldy, Caldy, Cheshire	E: 322631 N: 385242	visual amenity to the surrounding area. The church tower is not tall enough to provide meaningful coverage to the operators target coverage area of Caldy. Furthermore, the church is surrounded by mature trees which would prevent the antennas from providing sufficient coverage to the target coverage area. As such, an additional installation would still be required, which would lead to the proliferation of radio base stations contrary to national guidance.
SW - Streetworks	Streetworks- Junction of Croft Drive East and Croft Drive, Caldy, Cheshire	E: 322683 N: 385074	The site is surrounded by mature trees, which would need to be significantly trimmed in order to facilitate an installation in this location. The operators do not own these trees and therefore are unable to trim them. Furthermore, a radio base station in this location would have a detrimental effect on the visual amenity of the area.

A further site has also been investigated following a suggestion by a local resident during the determination of the prior approval application which is located on the hairpin bend of Kings Drive. The applicant states that this site has also been discounted on the following grounds:

- The location is on a hairpin bend in the road - a proposal here would be a high risk location to put street furniture and foresee an objection from the Highways Agency
- Building the site here, needing a large crane, would be very difficult given the sloping nature of the site.
- The location is a Conservation Area. A Conservation Area is a statutory protected heritage asset and much more sensitive from the perspective of gaining planning permission. When looking for sites it is paramount to us that we avoid siting within or near a Conservation Area boundary unless absolutely necessary and there are no alternative options.
- A site at this location could work for radio however it would need to be high enough to clear the surrounding trees, especially to the south/west. This would be significantly more adverse on the Conservation Area. Also, the current proposed sensitive design could not do a job here. We would need a design where the antennas are unshrouded (like a lattice or macro monopole - these are typically used in commercial/insensitive settings with significant screening etc). This would be required so that we could get the necessary mechanical tilt on the antennas so they would be tilted downwards to ensure they hit the target area - again this type of design would not be appropriate in a Conservation Area and much less appropriate than the existing proposal and therefore would have much less chance of gaining planning permission. As such this locality was deemed as extremely difficult to service given the topography, the significant amount of mature tree 'clutter' and the dense residential nature of the target service area and therefore dismissed.

At the time of writing this report 18 representations have been received. 1 in favour of the scheme siting: "it is great to finally have phone reception in Caldy" and 17 against. Of the objections received, 12 have come from family members living at the same address - 5 separate households. The objections are summarised as follows:

1. Potential Health risks due to close proximity of residential dwellings
2. The mast/cabinets are sited in an area that may cause highway safety issues, block views/visibility and cause hazard during periods of maintenance. Caldy Road is very busy.
3. The site is very close to the Avalon school
4. The mast is too close to residential properties and their families this is unacceptable and possibly illegal
5. The mast is 15m tall and detrimental to visual amenity of the area (eyesore) and out of character
6. It is near Clady Hill, national trust land- area of special landscape value
7. The development will result unacceptable street clutter and will be visually obtrusive
8. Groundwork has already caused problems
9. Bracken House is a grade 2 listed building

10. The cabinets are detrimental to the character of the area
11. The development contravenes a number of planning policies
12. The mast does not resemble the original plan/ does not look like a telegraph pole
13. As the mast has been sited in the wrong place, why have the council not removed it?
14. The phone mast has been sited to afford better phone signals in Caldly no problem with phone signals in the area.
15. Loss of amenity space

The Caldly Society has also objected to the scheme. Their concerns are summarised as follows: the location of the mast on the busy main approach to the village as it appears dominant and highly visually intrusive when approaching and leaving the village. The siting of the equipment cabinets are haphazard on what was a previously neat grass verge. It should be relocated to an alternative, less sensitive site.

The design of the proposed mast is identical to the previous prior approval notification (ANT/16/01647) granted on 14/02/2017. The mast is designed to replicate a telegraph pole, that are commonplace in the surrounding area. As the mast is in situ, it is confirmed that it has the appearance of a brown timber pole. The mast has been constructed with mock wood effect pattern, is slightly taller than the surrounding telegraph poles and has a slightly wider girth, nonetheless it is deemed to be a better design than a regular mast, generally constructed by mobile phone operators that are usually grey metal with a large bulbous shrouds at the top. The applicant suggests that this is one of the most sensitively designed masts due to the sensitive nature of the area.

As there are a number of telegraph poles running along Caldly Road the overall design for this particular location is considered acceptable and not considered to result in an obtrusive feature which has an adverse impact upon the character or appearance of the area.

The Council's Conservation officer has been consulted about the development and has raised no objection in terms of its potential impact upon the character of the conservation area. The design replicates a telegraph pole which is a common feature in the area and the size and siting of the proposed equipment cabinets are deemed to have minimal impact upon the character of the area due to the context of there siting and the distance from the area. The development, therefore, has not been found to have any adverse impact upon the distinctive character of the adjacent conservation area as, important views in and out of the area will be preserved.

One objection states that the mast is located opposite Bracken House which is a grade II listed building. This is not the case. Bracken House is not a listed building. The closest listed building is approximately 300m away within Clady Conservation area.

As stated above there are two associated equipment cabinets proposed as part of the scheme. They are to be sited to the south west of the mast towards the boundary wall and trees forming the residential boundary of 64 Caldly Road. This helps to screen the cabinets from the wider view, and will generally soften there appearance. The applicant states that it has not sited the masts hard up against the wall so as to ensure that the structural integrity of the wall is not compromised and as such they are 1.2m away. The cabinets would have a base less than 2.5m³, would be painted green and be no more than 1.9m in height. The cabinets are similar in design and scale to the existing BT cabinets located on the grass verge and it are therefore considered not have an unacceptable impact upon the character and appearance of the area or effect the setting of the neighbouring conservation area.

The Engineers department has been consulted in relation to highway safety, vehicle movements and parking. As stated above concern has been raised with regards to highway safety and the siting of the equipment by local residents as well as congestion and the potential for dangerous vehicle movements during the servicing of the equipment by mobile operators. The Engineers Department has considered these concerns and raised no objection to the siting or design of the mast or the cabinets. As such a refusal on these grounds could not be sustained.

Concern has been raised with regards to the impact of the proposal on Caldly Hill. The mast is located on the opposite side to the road to the boundary of Caldly Hill within the residential area and replicates the design and form of a telegraph pole. The proposed equipment cabinets are similar in design to street furniture that is already in the area and as such the proposed development is not deemed to harm the visual amenity, landscape character or nature conservation of the adjacent site. The

development is located on the opposite side of the road to Caldly Hill is a site of biological importance and a site of local importance for Earth Science. As the development is sited within the residential area of Caldly it falls outside the policy requirements of Caldly Hill.

An objection has been received from a local resident stating the proposal contravenes a number of policies including LA1. The mast is sited in a primarily residential area and not within an area of special landscaped value, as such the principles of policy LA1 do not apply in this instance. In any case having regards to the primarily residential area the design and siting of the mast and associated equipment is not deemed inappropriate to the setting or to the character, appearance and setting of the surrounding area. It is also worth noting that the proposed development will be a mast share by both Vodafone Ltd and Telefónica UK Ltd, thus removing the requirement for an additional mast within the area. The mast sharing nature of this site meets the guidance set out in the NPPF in order to minimise the need for additional sites for individual operators and takes away further pressure to develop in the immediate area.

A number of concerns have been raised over the impact of the development upon the health of residents in the area and the potential health implications of the development on the nearby school as well as children living in the area. This is dealt with in detail below in the section Health Issues.

The applicant has explored a number of alternate sites following the advice set out in the National Planning Policy Framework and the Code of Best Practice in England and in this instance their findings are accepted. The principle of a mast and associated equipment has already been established on the same grass verge where the development has been sited and only as a result of circumstances beyond the applicants control including an unmapped water main and bedrock the mast has had to be sited 1.3m away from the original consent. It is therefore considered that the relocation of the mast will not harm the character or appearance of the area and the proposal therefore complies with Policies HS15, CH2, TEL1 and TE1 of Wirral's Unitary Development Plan, Supplementary Planning Document 1 (Designing for Development by Mobile Phone Operators) and the National Planning Policy Framework.

SEPARATION DISTANCES

Separation distances do not apply in this instance.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal. The Engineers Department has not objected to the scheme in terms of the development potential impact upon the highway, traffic and pedestrian safety or parking.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals. The proposed development will be a mast share by both Vodafone Ltd and Telefónica UK Ltd, thus removing the requirement for an additional mast within the area. The mast sharing nature of this site meets the guidance set out in the NPPF in order to minimise the need for additional sites for individual operators and takes away further pressure to develop in the immediate area.

HEALTH ISSUES

The Government recognises that health considerations and public concern can, in principle, be material considerations when determining applications for planning permission or prior approval. National planning policy in the National Planning Policy Framework, however, indicates that if base stations meet ICNIRP guidelines it should not be necessary for the Local Planning Authority to consider further the health aspects or concerns about them. The Local Planning Authority expects all applications for mobile telephone equipment to be accompanied by a certificate confirming that all proposed apparatus would be compliant with ICNIRP guidelines. The applicant has confirmed by the necessary certification that the emission levels from the proposed antennae will be in full compliance with the ICNIRP guidelines. Consequently a refusal on health grounds could not be reasonably and robustly sustained.

CONCLUSION

In conclusion, having regard to the applicants operation requirements, together with all relevant national, regional and local planning policies and all other material planning considerations, the Local

Planning Authority considers that the siting of the proposed mast and associated cabinets represents the least obtrusive option in the locality and having regard to its overall design and appearance, would have the least impact on the street scene. It is therefore considered that the proposal satisfies the criteria set out in Wirral UDP Policies HS15, CH2, TEL1 and TE1, and SPD1 - Designing for Development by Mobile Phone Operators and the National Planning Policy Framework.

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:- In conclusion, having regard to the applicants operation requirements, together with all relevant national, regional and local planning policies and all other material planning considerations, the Local Planning Authority considers that the siting of the proposed mast and associated cabinets represents the least obtrusive option in the locality and having regard to its overall design and appearance, would have the least impact on the street scene. It is therefore considered that the proposal satisfies the criteria set out in Wirral UDP Policies HS15, CH2, TEL1 and TE1, and SPD1 - Designing for Development by Mobile Phone Operators and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 18th July 2017 & 5th October 2017 and listed as follows: 100 Rev A (Dated 03.02.17), 201 Rev B (Dated 05.04.17) & 301 Rev B (Dated 05.04.17)

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

Last Comments By: 24/08/2017 12:50:37
Expiry Date: 12/09/2017