

Planning Committee

22 September 2020

Reference:
APP/20/00474

Area Team:
**Development
Management Team**

Case Officer:
Mr A Siddall

Ward:
Various

Location:
Proposal:

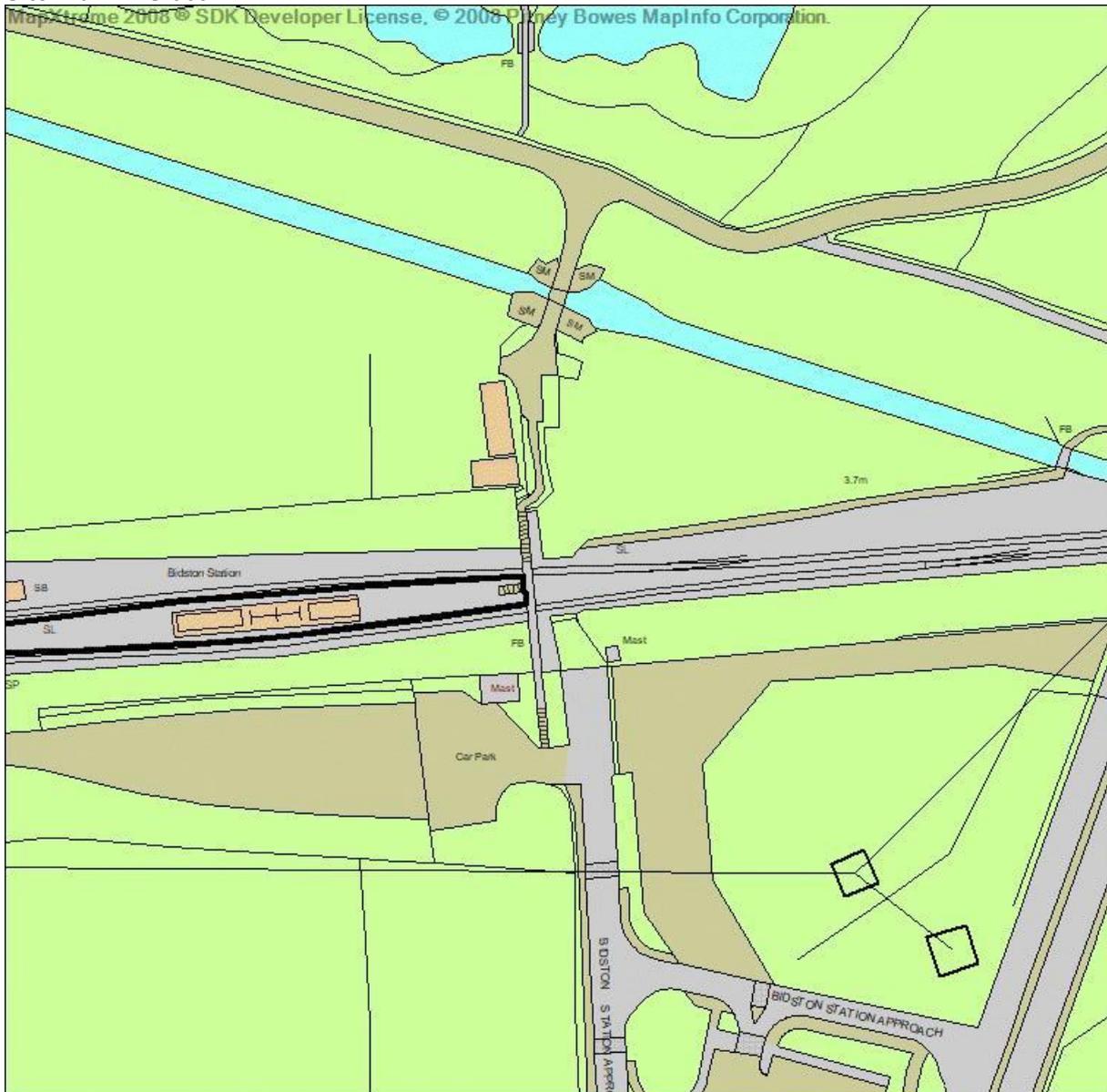
Various Locations on Railway Land between Bidston and West Kirby stations
The installation of 11 (eleven) 8.6-metre-high telecommunication masts, each comprising 4 no. antenna, plus one electricity cabinet and associated equipment, to support and enhance internet connectivity for the future Merseyrail 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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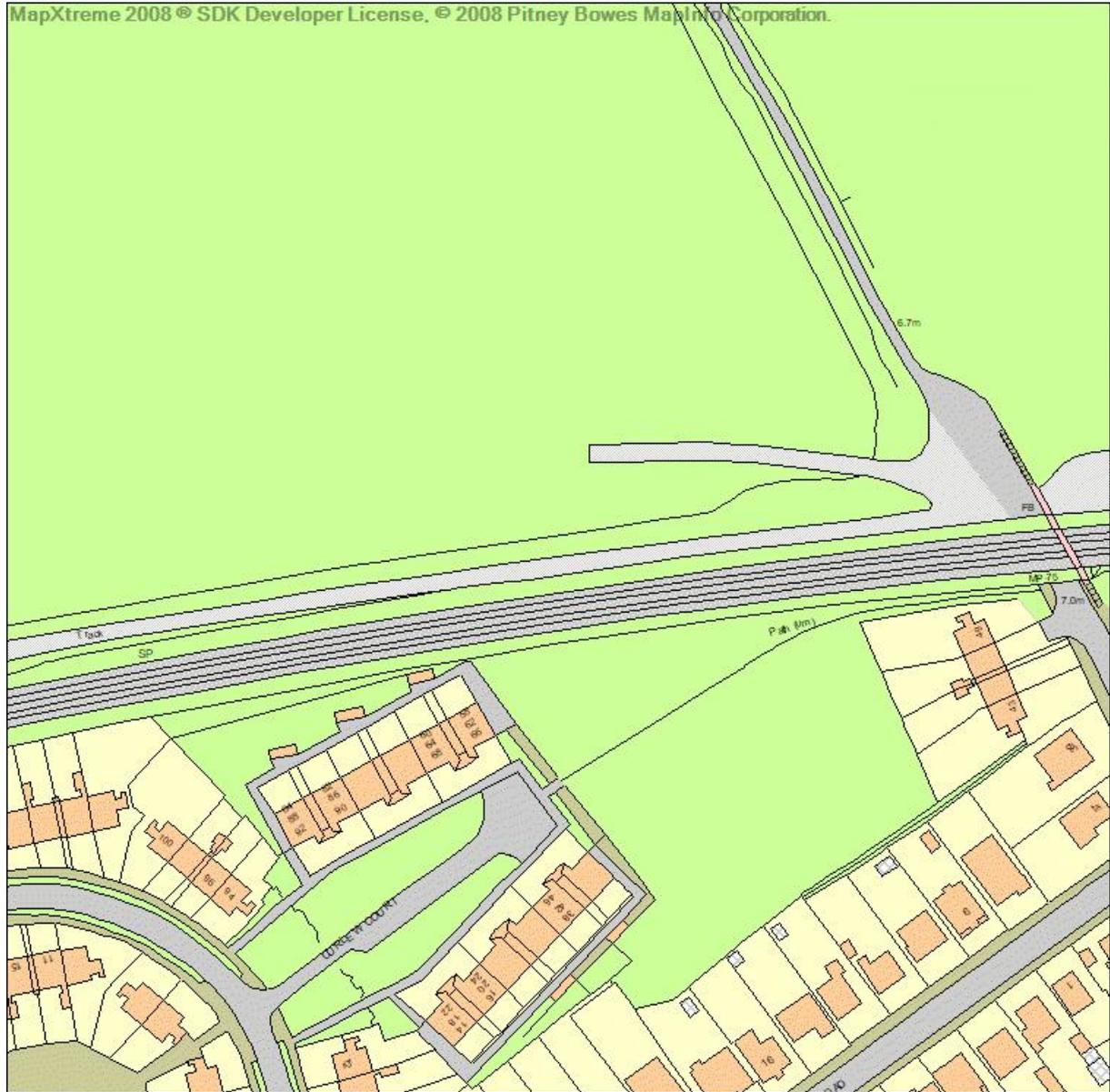
Site Plan TBS 071:



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Site Plan TBS 140:

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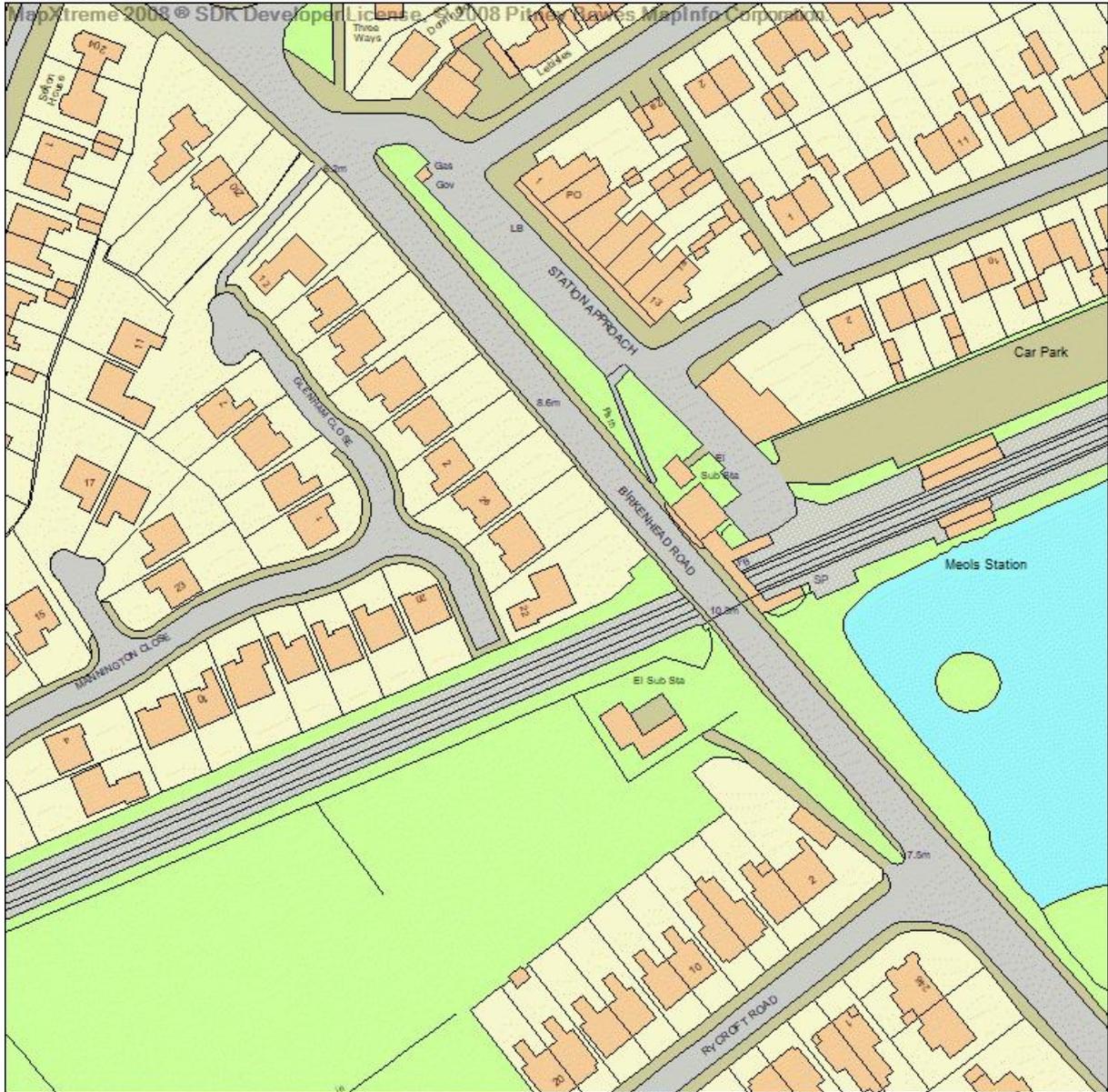
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Site Plan TBS 141:



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Site Plan TBS 072:



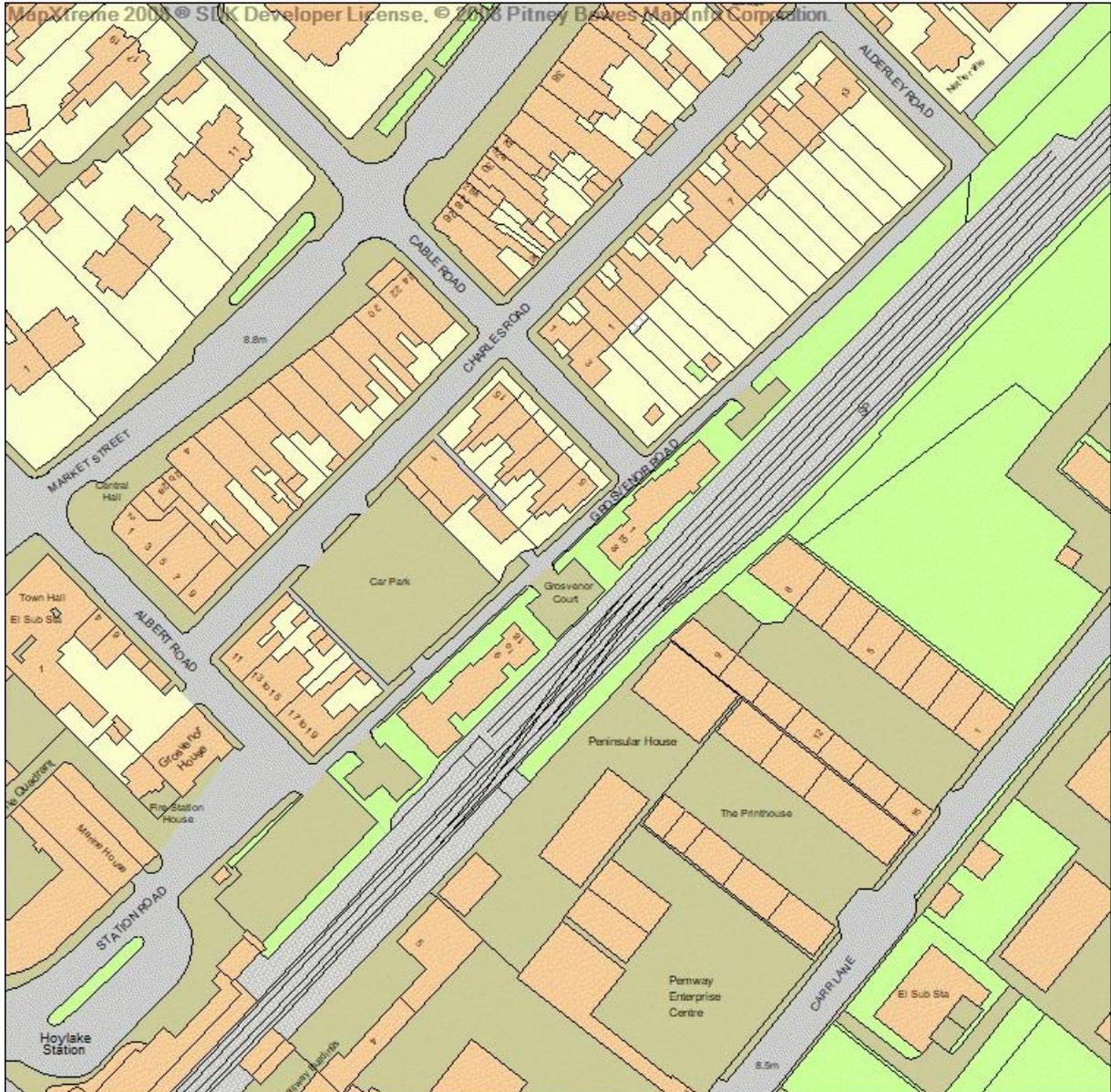
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Site Plan TBS 073:



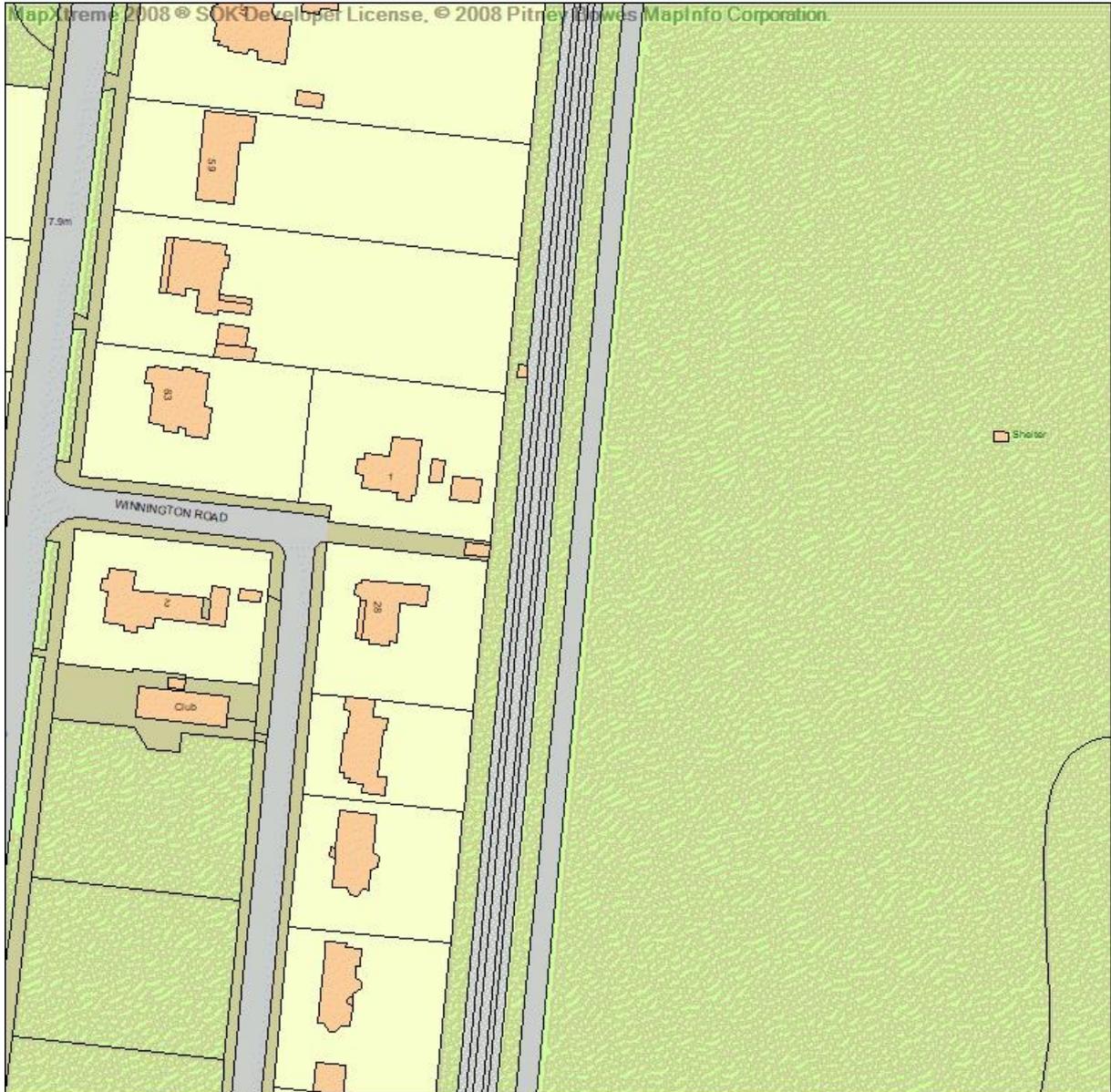
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Site Plan TBS 074:



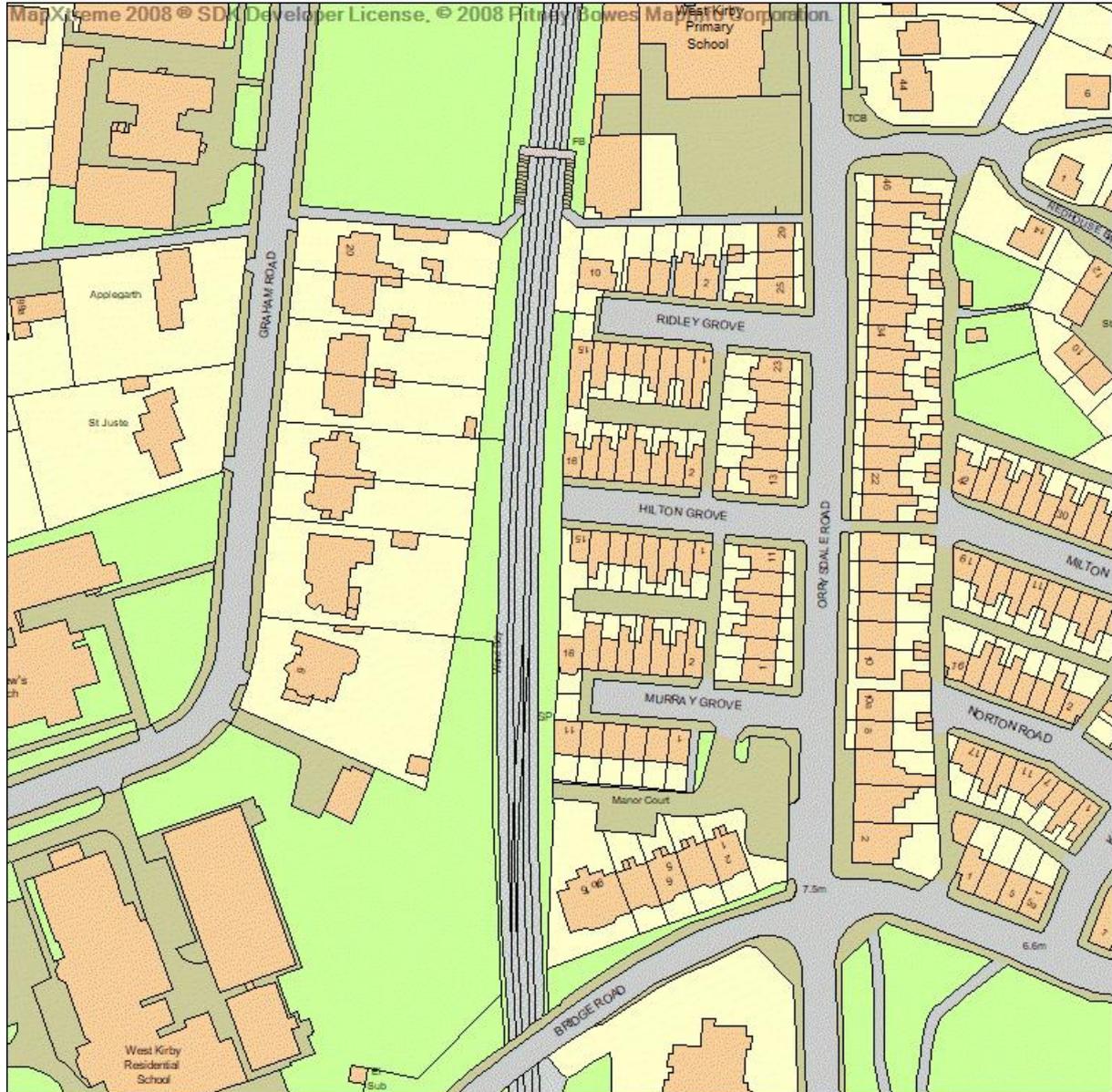
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Site Plan TBS 144:



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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