



MEETING: PLANNING (URGENT REFERRALS) COMMITTEE
DATE: Friday 25th May, 2012
TIME: 1.30 pm
VENUE: Bootle Town Hall

Member

Councillor

Councillor Veidman (Chair)
Councillor M. Fearn
Councillor John Kelly

COMMITTEE OFFICER: Olaf Hansen /Ian Barton Committee Clerk
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The Cabinet is responsible for making what are known as Key Decisions, which will be notified on the Forward Plan. Items marked with an * on the agenda involve Key Decisions

A key decision, as defined in the Council's Constitution, is: -

- any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater
- any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.

AGENDA

Items marked with an * involve key decisions

<u>Item No.</u>	<u>Subject/Author(s)</u>	<u>Wards Affected</u>
1.	Apologies for Absence	
2.	Declarations of Interest Members and Officers are requested to give notice of any personal or prejudicial interest and the nature of that interest, relating to any item on the agenda in accordance with the relevant Code of Conduct.	
3.	Minutes Minutes of the meeting held on 16 August 2012	(Pages 3 - 4)
4.	Application No. S/2012/0382 - Mast, Freshfield Station, Formby Report of the Head of Planning Services	Birkdale (Pages 5 - 22)

THIS SET OF MINUTES IS NOT SUBJECT TO "CALL-IN"

PLANNING (URGENT REFERRALS) COMMITTEE

**MEETING HELD AT THE TOWN HALL, BOOTLE
ON 16 AUGUST 2011**

PRESENT: Councillor Tweed (in the Chair)
Councillors M. Fearn and Griffiths

ALSO PRESENT: Councillor Doran

5. APOLOGIES FOR ABSENCE

No apologies for absence were received.

6. DECLARATIONS OF INTEREST

No declarations of interest were received.

7. MINUTES

RESOLVED:

That the Minutes of the meeting held on 10 August 2011 be confirmed as a correct record.

8. APPLICATION NO. S/2011/0859 - PAVEMENT, MARSH BROWS, FORMBY

Further to Minute No. 4 of the Planning (Urgent Referrals) Committee held on 10 August 2011, the Committee considered the report of the Head of Planning Services recommending that the above Prior Notification Procedure application for the erection of a replacement 15 metre high telecommunications mast and associated ground based equipment cabinet (alternative to S/2008/0703 refused 15 Oct 2008 allowed on appeal 27 May 2009) be granted subject to the conditions and for the reasons stated or referred to in the report.

Consideration of this matter had been deferred at the meeting held on 10 August 2011 to enable Members to consider the outcome of the meeting between Merseytravel and Network Rail regarding the issue of locating the mast on the car park adjacent to the site of an existing mast.

The Committee Administrator read out an e-mail from Mr. D. Jones, Integrated Transport Network Development Manager, Merseytravel to Councillor Griffiths. The e-mail indicated that Mr. D. Jones had met with Network Rail and Merseyrail representatives to discuss the potential to install a telecommunications mast within Formby Interchange. Both

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organisations were willing to consider the installation of the mast on the assumption that it would have no impact on the operation of the Interchange itself and more specifically on the operation of the rail services. Network Rail and Merseyrail were willing to meet with the phone company representatives to try to take this forward.

RESOLVED:

That the recommendation be not approved and the application, submitted in accordance with the Prior Notification Procedure, for the erection of a replacement 15 metre high telecommunications mast and associated ground based equipment cabinet on the pavement at Marsh Brows, Formby, be refused for the reasons that:-

- (1) the proposed mast, by virtue of its height, siting, diameter and its location close to residential property would have an adverse impact on the visual amenity of the street scene and outlook from nearby residential properties. The proposal is therefore contrary to policy MD8 of the Sefton UDP and advice contained in PPG8; and
- (2) the applicant has failed to demonstrate a process of site selection that has considered nearby alternative sites. The scheme is therefore contrary to Policy MD8 of the Sefton UDP and advice contained in PPG8.

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Report to: Planning Committee – Urgent Referrals **Date of Meeting:** 25 May 2012

Subject: S/2012/0382
Site for mast Freshfield Station Victoria Road, Formby

Proposal: Prior Notification Procedure for the erection of a 15m. high telecommunications mast, ground based equipment cabinet and ancillary apparatus

Applicant: Vodafone Limited **Agent:** Westwood Planning Solutions Ltd.

Report of: Head of Planning Services **Wards Affected:** (Harington Ward)

Is this a Key Decision? No **Is it included in the Forward Plan?** No

Exempt/Confidential No

Summary

The proposal seeks to erect a 15 metre high monopole dual-user telecommunications mast, and associated ground based equipment, to a site lying adjacent to the southbound platform of Freshfield Railway Station, Formby.

The key issues to consider are the impact on the visual amenity of the area and the amenity of residential properties, particularly those to Montagu Road.

Recommendation(s)

Approval

Reasons for the Recommendation:

The proposal will not have a detrimental impact on the visual amenity of the area. The applicant has demonstrated compliance with guidelines in respect of health and the siting and design of the proposed equipment is considered to be acceptable. When assessed against the Development Plan and all other material considerations, particularly policies CS3, DQ1, G1, MD8 and the National Planning Policy Framework the proposal is acceptable.

Implementation Date for the Decision

Immediately following the Committee – Urgent Referrals meeting

Contact Officer: Mandy Biagetti Telephone 0151 934 4313

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Case Officer: Neil Mackie Telephone 0151 934 3606

Email: planning.department@sefton.gov.uk

Background Papers:

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

This item was deferred at the last meeting of Planning Committee – 2nd May 2012 – to consider Late Representations made by Formby Parish Council

The Site

An area of land abutting the southbound pedestrian platform of the Freshfield Railway Station, off Montagu Road, Formby.

Proposal

Prior Notification Procedure for the erection of a 15m. high telecommunications mast, ground based equipment cabinet and ancillary apparatus

History

None.

Consultations

Highways DC – There are no objections to the proposal as there are no highway safety implications.

Environment Head of Service – No objection to the proposal.

Merseyside Environmental Advisory Service – No comments to make for this proposal.

Network Rail – Response to confirm that the proposal is on Network Rail owned land and will have to be approved prior to the commencement of any approval.

Neighbour Representations

Last date for replies: 2nd May 2012.

Representations received: Ward Councillor Dutton & Mr Doran (ward Councillor at the time of the meeting of Planning Committee on 2nd May 2012) requested that the application be determined by Committee. Ward Councillor Cuthbertson also submitted a letter of objection.

A petition with 92 (ninety two) signatures from Sefton residents has been submitted objecting to the proposal with the endorsement of Mr Doran (ward Councillor at the time of the meeting of Planning Committee on 2nd May 2012). No points of objection are made on the petition.

35 letters of objection have been received from the following addresses within Formby:

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Neighbouring the proposal site: Numbers 3, 5, 7, 8, 9, 10, 11 & 12 The Birches, Numbers 1, 2 (two representations), 3 (two representations plus further representation expanding on previous letter) & 4 (two representations from named individual plus further representations expanding on previous letters) Golf Road, Unit 2 & 3 The Bridle, Numbers 3, 8, 10, 12 & 17 Montagu Road, Numbers 4 & 6 Victoria Buildings, Number 3 Victoria Way.

Non-neighbouring addresses: Number 13 Old Mill Lane (over 800 metres away from the application site), Number 14 Elson Road (over 2km away), Number 18 Vaughan Close (over 550 metres away), Number 18 Wicks Lane (over 900m away), Number 22 Rostron Crescent (over 2km away), Number 22 Sefton Road (over 1500m away), Number 31 Harington Green (over 1km away), Number 33 Lancaster Road (over 2km away), Number 46 Edenhurst Drive (over 1500m away), Number 51 Graburn Road (over 800m away) and Number 53 Beechwood Drive (over 2km away).

In addition, 4 objections have been made from the following addresses outside Formby:

'Lanthwaite' Windermere Road Hightown, Number 31 Southport Road Thornton (two representations) and Number 19 Rossett Road Crosby.

The points of objection raised in the representations relate to the visual intrusion of the mast to the detriment of residential amenity and to the character of the area, the perceived impact upon health and non-material considerations such as the impact on house values.

This item was deferred from the last meeting of Planning Committee to further consider a representation from Formby Parish Council. The objection raises issues regarding amenity but also raises as a point of objection that pre-application discussions were not held between the Parish Council and the applicant. The Parish Council states that their involvement would have addressed their concerns over the location of the mast.

It is noted that matters relating to land ownership have been raised but no evidence has been presented to the Authority that would invalidate the application.

Policy

The application site is situated in an area allocated as Urban Greenspace on the Council's Adopted Unitary Development Plan.

CS3 Development Principles
DQ1 Design
G1 Protection of Urban Greenspace
MD8 Telecommunications Development
National Planning Policy Framework

Comments

The main issue to be considered is the impact of the installation having regard to its siting, design and external appearance.

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The National Planning Policy Framework is explicit in its requirements when considering applications for telecommunications development. The NPPF states that “Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure”.

In view of the requirements of the NPPF and as part of the proposal, the applicant has submitted a certificate to certify that emission will not exceed recommended levels (ICNIRP). Therefore the application cannot be refused consent on the grounds of the perceived risk of the proposal to health.

Whilst the fears of health effects may be a material consideration, given Government advice on the consideration of health implications of masts, it is not considered that the health concerns raised are sufficient to outweigh Government advice and the balance of evidence available at present.

In considering the impact of the mast I am mindful of the advice within the National Planning Policy Framework whereby emphasis is given on telecommunication development minimising environmental intrusion and identifying or facilitating mast sharing, and the requirements of Unitary Development Plan MD8.

The mast is to be sited in an area of designated Urban Greenspace, abutting a 1.8m high mesh fence that encloses the south bound platform at Freshfield Railway Station. To the east of the site is a protected tree, a sycamore marked T1 within Tree Preservation Order number 118 which provides a significant amount of screening to Montagu Road.

The mast is to be positioned over 26 metres to the west from the front boundary of Number 1 Montagu Road, the nearest residential property, and over 39 metres to the front elevation of this dwelling. The residential properties to The Birches, to the south east, and to Golf Road, to the south west, are over 30 metres away.

The proposal will provide for a shared installation between o2 and Vodafone, thereby limiting the need for a separate installation within the vicinity, and the applicant has provided evidence of their site selection process that has eliminated a number of potential sites, including existing telecommunications apparatus used by Network Rail. This site selection process has identified no alternative sites that will provide the level of coverage required by the operator to fulfil the remit of their Operator’s License.

Given the scale and siting of the proposed mast, 15.0 metres from ground level to the top of the antenna shroud and 0.4 diameter, views will not be readily available from public vantage points, save for the pedestrian platform to the Railway Station and its car parking area, and the mast being visible is not in itself reason to refuse. The finish of the mast is commensurate with other functional developments within the immediate area and as such is acceptable.

As the mast is positioned well away from residential properties, it will be screened to a significant degree by existing planting, a number of which are individually protected, and will not detract from the character of the area it is therefore recommended that as the proposal will not cause harm to residential amenity or be detrimental to the character of the area that prior approval be granted as the proposal complies with policy.

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In addition to the above a further representation from Number 4 Golf Road also queried the procedure notifying neighbouring properties of the application. As specified by the Council's approved February 2011 Statement of Community Involvement for telecommunications applications (prior approval or full) all residential properties within 100m of the proposed equipment will be notified (a distance threshold that significantly exceeds statutory requirements). This was applied for this application and as such resulted in the notification of some, but not all, residential properties to Montagu Road and The Birches.

Further comments have been made by Number 4 Golf Road regarding informal pre-application discussions held between the Authority and the Applicant. The now-superseded Planning Policy Guidance 8 'Telecommunications' and the recently introduced National Planning Policy Framework state that it is good practice for operators to engage in discussion with Local Planning Authorities, and Ward Councillors, when considering sites for telecommunications development.

In this instance, discussions were held prior to the submission of an application but as is the case with any communication provided outside a formal Decision Notice any advice issued is informal officer advice and does not prejudice any recommendation made to or decision made by the Authority at a later date.

Reasoned Justification

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The proposal will not have a detrimental impact on the visual amenity of the area. The applicant has demonstrated compliance with guidelines in respect of health and the siting and design of the proposed equipment is considered to be acceptable. When assessed against the Development Plan and all other material considerations, particularly policies CS3, DQ1, G1, MD8 and the National Planning Policy Framework the proposal is acceptable.

Conditions & Reasons

Notes

Drawing Numbers

100 B, 101 C, 200 C, 300 C, 400 B.

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Existing site plan

Proposed site plan

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34 St Peter's Avenue
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Geoffrey.gaskin@virgin.net
01704 876185

For the attention of Neil Mackie,

Planning & Economic Regeneration Department,
Sefton Council,
Magdalen House,
30 Trinity Road,
Bootle,
L20 3NJ

25 April 2012

Dear Mr. Mackie,

Your Ref: - S/2012/0382 re site for telecommunications mast at Freshfield Station, Victoria Road, Formby, L37 7DD

I am writing in response to the above mentioned planning application having been approached by local residents and confirm that the following points will be endorsed at the full monthly meeting of Formby Parish Council on next Tuesday, 1st May.

Firstly I would wish to point out that under the terms of Sefton Council's own Parish Charter you allow 21 days for the submission of representations by Parish Councils. I was only informed of this application on the 17th April 2012 by email from Planning Department.

The Parish Council will be disappointed that we were not consulted by the applicant on this proposal in accordance with PPG 8 (paragraph 10) which advises pre-application discussions should be carried out between operators and other interested parties. Perhaps if the Parish Council had been brought into discussions earlier a better location could have been identified acceptable to all parties.

Our primary objection is on the potential adverse effect on the visual amenity on this residential area of Formby and from many surrounding residences it will obstruct the skyline view. Although this site situated at the Mersey Rail train station the area is predominantly residential and although the local residents may have understood that they would be in sight of railway equipment this mast is additional and not what they would have expected. I have attached supporting photographs. No. 1 shows the view from the lounge patio window at 4 Golf Road to where the mast will be situated right in line with the central view. No.2 shows a photograph on the other side of the railway line eastwards from the proposed site at ground level which shows a number of residences in view and obviously as the mast is 15 metres in height residences to the rear and to each side will also be affected.

Local residents who have properties in sight of the mast are very concerned of the effect that this proposal will have on local property values with the visual impact and perceived health risks connected to phone masts. Court awards against planning authorities have been made to residents in other areas where masts have been allowed to be erected.

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Although we understand that concerns about health potential health risks cannot be considered in the planning process we would wish to point out that the perceived health risks create anxiety levels in the local community which in themselves are unhealthy and detrimental to their well-being. There is again considerable media attention to the health risks associated with this technology and the Planning Committee should be aware that should subsequently a health risk be identified they may be liable to claims.

Residents are also concerned that from the tone of the supporting documents with the application the approval is a 'done deal'. I have advised them that both officers and elected members of Sefton Council take very seriously their obligations to the local community to protect the welfare and interests of the people of the Borough of Sefton.

We do not wish to be negative about need for these masts and we understand that coverage in some areas is very poor and the Parish Council themselves have expressed concerns in respect of the poor coverage along the coastline especially with the large numbers of visitors and the need to have adequate communications in emergencies. In this case we are concerned that this is the wrong location. Further along the railway line towards Southport only a short distance from Freshfield station the line runs into more open countryside and Network Rail have their own telecommunications facility at the Fisherman's Path crossing. There is in this area adequate line side space to mount the proposed Telecommunications equipment and Mast. A photograph is attached which shows the Network Rail equipment. In this area the mast would be well out of sight of any residential property and local residents would be satisfied to the safety of the equipment.

We would propose that any decision at the Planning Committee next week is deferred until talks have been held with both the applicant and Network Rail to see if a suitable site could be identified further up the railway line towards Southport and should the outcome be successful and a more suitable site located the Parish Council and local residents would be pleased for approval to be given.

I shall be pleased if you will kindly acknowledge receipt of this letter and in due course provide the Parish Council with a copy of your decision.

Yours sincerely,

G.S. GASKIN
Councillor



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