

Report to: PLANNING COMMITTEE **Date of Meeting:** 21st September 2022

Subject: [DC/2022/01546](#)
[The Northern Road Crosby Liverpool L23 2RD](#)

Proposal: Prior notification application for the installation of 1No. 18m monopole, supporting 6No. antennas, 1No. wrap around cabinet at the base of the monopole, 2No. equipment cabinets, 1No. electric meter cabinet and ancillary development thereto including 1No. GPS module.

Applicant: CK Hutchinson Networks (UK) Ltd **Agent:** Mr Ben Gilpin
Gateley Hamer

Ward: Victoria Ward **Type:** Prior notification - masts (56 days)

Reason for Committee Determination: Referred to Committee by Chief Planning Officer

Summary

The proposal is for a 18m monopole with ancillary equipment located near to Great Crosby Primary school, Northern Road Crosby. It is acknowledged that improved telecommunications bring widespread public benefit, and that masts and associated equipment are considered to be acceptable in principle. However, pre-application consultation has been inadequate, and it has not been demonstrated that a robust search has taken place of all practicable alternatives. It is considered that the proposal would result in a dominating and intrusive feature which would significantly detract from the appearance and character of The Northern Road. The proposal is sited on a footway next to a bus stop and outside a very busy school and there are concerns over pedestrian safety. The proposal is unacceptable and is recommended for refusal.

Recommendation: Prior Approval Required and Refused

Case Officer John Kerr

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RFXCNNWJNK00>

Site Location Plan



DC/2022/01546 - The Northern Road, Crosby

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The Site

The application site comprises pavement fronting the north elevation of the garden of 64 The Northern Road, Crosby. Behind this garden space is Great Crosby Primary School. The site is directly opposite 65 The Northern Road, which is located on the corner of The Northern Road and Moorside Road.

History - none of relevance

Consultations

Highways Manager

There are Highway Safety issues in relation to the layout of the equipment.

Environmental Health Manager

No objection.

VICTORIA Ward – Councillors Leslie Byrom and Janet Grace both strongly oppose the location of the mast positioned in front of Great Crosby Catholic Primary School

Neighbour Representations

A 1,044-signature online petition (updated on 12/09/2022) opposing the development has been received by Planning Services on the following grounds:

This proposal would severely impact the safety of pupils, parents and children entering and leaving the school by reducing the pavement area and restricting the view of the road. A previous application to site a monopole outside Forefield Lane School was refused siting health and safety as a heavy factor in the decision. It is not in keeping with a residential area.

Note: The Forefield Lane application was withdrawn by the applicant and was not refused.

A 156-signature hard copy petition opposing the development has also been received by Planning Services on the following grounds:

We object to the proposed structure on the basis of obstructing pedestrian traffic (prams, buggies, children, parents, bikes scooters, wheelchairs, mobility scooters etc.)

There is heavy footfall, twice daily, to and from a busier than average primary school and nursery.

191 individual neighbour/general representations have been received.

190 of these representations oppose the application on the following grounds:

Material Planning Considerations

Siting

- *Close to school*
- *Close to residential properties*
- *Better alternative sites*
- *Will reduce width of pavement causing pedestrian obstruction*
- *Will conflict with bus stop*
- *Risk of people being forced into the road*
- *Will cause safety issues especially at drop off and pick up times near school*
- *Pavement is already busy with street furniture*
- *People already congregate on the grass verges - this will increase*
- *Reduces space for safe access into school*
- *Northern Road is already a dangerous road*
- *Will cause issues for disabled access on the footway and pushchairs*
- *Distraction to road users*
- *Equipment will create a funnel effect*

Appearance

- *Would not fit in with street furniture*
- *Eyesore*
- *Negative visual impact upon surroundings*
- *Not in keeping with quiet residential area*
- *Far taller than any other infrastructure in the area*
- *Spoils distant views*

Lack of notification

- *Consultation period taking place in school summer holidays is unfair and undemocratic*
- *Great Crosby School did not receive the consultation as it was within school holidays*

Other Considerations

Health impacts

- *Long-term impact on health on young children*
- *Impacts on health of local residents*
- *Impact on people's wellbeing and quality of life*
- *Unknown risks, research is ongoing*

- *Lawsuits have proved that mobile towers cause health consequences*
- *Health and safety risks due to location*

Impact of construction works

- *Structural work will cause traffic issues in the area*

Similar proposals refused elsewhere

- *A similar proposal was refused outside Forefield Primary School*

No evidence to support need for equipment

- *Vast majority of internet communication uses landlines*
- *Local area is already well served by other 4G networks*
- *Data in the area is already sufficient*

Impact on house prices

- *It would put people off buying a house within the vicinity of the area*

1 representation supports the application on the following grounds:

- *5G coverage is essential for equal access to facilities and services across the community*
- *No scientific evidence to support the danger to human or other biological life*

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

This application is subject to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment of the Proposal

The proposal

The proposal comprises an 18-metre telecommunications mast with antennas with a cabinet at the base. Three separate cabinets are also proposed to be located adjacent to the mast.

The application site comprises pavement with a residential garden and Great Crosby Primary School to the south of the site, and residential properties to the north, east and west. A small, grassed area separates the pavement from the adopted carriageway to the north, however, the pavement is widened in this location and the verge is hard surfaced directly adjacent to the proposed site of the equipment to allow space for the bus stop. The surrounding area is characterised by two-storey semidetached properties including The Northern Road, Moorside Road, Ascot Park, The Precincts and Rosedale Avenue. There is a tree directly next to the proposed site which is approximately 8m in height. There are also existing street light columns of a similar height, the closest of which are located on the opposite pavement.

In support of their proposal, the applicants state that:

“The proposed new mast has been sited and designed in order to provide 5G coverage and to fill the hole in coverage for this mobile network The current massive shift in user demand from city centres and places of work to residential areas and suburbs requires an improvement in coverage and capacity throughout the whole network. The current proposal therefore provides such additional capacity to the network whilst still promoting the improved 5G technology”.

“The 3G and 4G provision allows internet access, video calling, data down streaming, accessing social media networks and emailing.... Therefore, to maintain high quality indoor 3G and 4G services into this area would promote activity in line with the general population demand as the ownership of smart devices increases. 5G service provision will bring faster, more responsive, and reliable connections than ever before.

“The search area is very small for this new installation. There is currently a hole in the coverage in this area of Sefton therefore a new site is required to provide the latest 3G, 4G and 5G technology”.

The design and proposed height of 18m is justified as follows:

“The operator has carefully considered the design of the new proposed column. The operator is proposing the most sensitive design currently available to provide the necessary coverage and capacity to the surrounding area. Due to all the technologies that will be available at this location 3G, 4G and 5G, 6 antennas need to be installed at the top of the slim-line monopole. These are split into a dual stack formation where 3 antennas will be located at the top and the other 3 will be located underneath. The 3 upper antennas will provide new 5G service provision. The 3 lower

antennas will provide 3G and 4G technology for the operator to the surrounding area. This makes the lower set of antennas 3.35m lower than the top of the pole. Thus, if the column were to be any lower, the antennas would not be able to clear the buildings and urban clutter and as such would not be able to operate effectively”.

Type of application: “Prior Approval” procedure

Certain forms of telecommunication development, for example, mobile telephone masts, are known as ‘permitted development’ (i.e. they do not require planning permission) subject to ‘prior approval’ from the Local Planning Authority (LPA). The prior approval procedure means that the principle of development is not up for debate – this is already accepted. The Local Planning Authority can only consider the siting and appearance of the proposal providing various conditions and limitations are met.

This is clarified within chapter 10 of the National Planning Policy Framework (NPPF) which states at paragraph 115: - ‘Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure’.

The LPA is satisfied that the proposed development complies with the conditions and limitations of the General Permitted Development Order. The NPPF encourages the applicant to submit, with any telecommunications application, the outcome of consultations with statutory bodies, evidence that existing sites containing masts have been considered and that the proposed equipment when operational complies with International Commission guidelines.

Other than these, the only issues the LPA are entitled to consider in assessing this application for prior approval are the siting and appearance of the telecommunications equipment.

Consultation before making the application

In their supporting statement, the applicants (CK Hutchinson Networks) have indicated that before making this application they initiated pre-consultation discussions on 15th July 2022 with the local planning authority (LPA). They say this is “intended to provide an opportunity for the LPA to discuss development proposals and identify site specific issues”. The operator may have sent a notification to say they were intending to submit an application and to ask for the view of the LPA. However, as no fee was paid, no formal pre-application consultation with the LPA was in fact carried out. This is confirmed by a statement on the application form. In response to the question:

“Has assistance or prior advice been sought from the local authority about this application?”, the applicants answered “No”.

The NPPF states at para 117 that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development and that this should include:

“a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college”.

In their Supplementary Information”, the applicants stated that “A letter of consultation was sent [to Great Crosby Catholic Primary School] prior to submission of the application but received no response”. They go on to state that “There has been no response from the school at the time of submission”.

The applicants include in their “Supporting Information” a number of references to the Code of Practice for Wireless Network Development in England (March 2022). Paragraph 18 of this Code sets out the principles and commitments that operators should follow when developing their networks, including:

- consultation with local planning authorities, local communities, and other stakeholders.

Given the closeness of the mast and associated equipment to the school and given the size of this four-form entry school, it is considered that a more proactive approach should have been taken to ensure that the school was aware of the proposal and to obtain their views before making the formal application.

While members for Victoria ward were consulted before the application was submitted and expressed their opposition, no meaningful dialogue was carried out with the Local Planning Authority. It is therefore considered that inadequate pre-application consultation has taken place with the local planning authority, local communities, and other stakeholders.

Notifying those affected by the application

The Council’s Statement of Community Involvement (SCI) requires that for telecommunications developments all schools and colleges within 200 metres of the equipment should be notified. Great Crosby Primary School was consulted by the operator before the application was submitted and by the Planning Department after the application was submitted. The SCI also states that all other properties within 100 metres of equipment should be notified, and all such properties were in fact notified.

There is concern that the application was submitted on 1st August at the start of the school holiday period when the school and many of those who would be affected by the proposal would be unaware of the proposal. The school did ultimately receive the letter notifying them of the proposal, though many parents may not have found out about it as the period for making representations ended on 27th August. It is unfortunate that an application for a

telecommunications mast and equipment outside a busy school was submitted at the start of the school summer holiday. For this type of application there is a fixed time period of 56 days within which to make a decision otherwise the application is granted 'deemed consent'.

Siting and Appearance

The proposed mast at 18m in height would be sited at the back edge of the pavement adjacent to Great Crosby Primary School and would be significantly taller than any natural or built structure within the immediate vicinity. Given the positioning of the apparatus in an open 'gap' within the street scene, it would be a highly prominent and jarring addition which detracts from the appearance of the area. At street level, the three cabinets of up to 1.75m in height would create a sense of clutter, emphasised by what is otherwise a relatively open frontage of the Northern Road.

At 18m high, the mast would be 10m higher than a tree which is right next to the site. The height of the mast in this location would be the equivalent to the height of a two-storey house above the existing tree. Although there are trees in the background, the mast would be very visually intrusive. The whole of the mast would not be immediately visible from a distance when approaching in either direction along The Northern Road, as the view would be filtered by the street trees. However, when approaching from the Moorside Road direction, the mast would be clearly visible from a distance of over 240 metres, that is from as far away as the main entrance gates to Moorside Park.

It is understood the mast needs to be 18m high to be able to receive and send clear signals unobstructed by buildings or trees. However, an 18m mast in this location would be particularly conspicuous and intrusive on the approach from Moorside Road. Therefore, the siting and appearance of the proposal would cause harm to the character and appearance of the area.

Highway Safety

The width of the section of footway at the proposed location of the monopole and the cabinets varies from 1.9m to 2.2m, but at the bus stop, the overall width is 4.7m including the bus boarding area, which is approximately 11.0m long.

The depths of the two largest cabinets are 0.7m when closed and 1.5m when opened. The equipment is proposed to be installed at a maximum gap of 0.3m from the existing boundary wall, thus leaving an overall footway width of 3.6m in front of the cabinets (when closed) and 2.8m (when opened) for pedestrian use. This is less than the 3.0m width recommended by Sefton Council outside schools where pedestrian volumes are likely to be higher than normal and at bus stops without a shelter, where passengers are more likely to congregate waiting for a bus. The installation is proposed at a bus stop and close to a primary school where parents and school children often wait at school drop off and pick up times. Therefore, the Highways Manager would expect the footway to be sufficiently wide to accommodate waiting passengers while still allowing for pedestrian movement along the footway.

The Highways Manager also notes that the width of the footway between the existing tree and the cabinet to the east end of the installation measures 1.4m which is less than the Council's standard minimum footway width of 2.0m and will be unable to accommodate a wheel chair user and non-wheelchair users using person side-by-side who require a width of at least 1.5m. The 1.4m gap is partially a grass verge and not fully paved which it would need to be to ensure safe access for pedestrians.

While it may be possible to make amendments to the footway and the positioning of the proposed equipment to accommodate the proposal, the applicant has provided no evidence to demonstrate that there would not be conflict between parents and children going to and from school, those waiting at the bus stop and other pedestrians walking along the footway in this area. Given that the application was only submitted on 1st August and must be determined by 27th September, there has been insufficient time for the Highways team to assess any likely conflict which may arise since the start of the new school term.

Overall, to site the equipment in the proposed location could become an obstacle for the very many people who use this footway by preventing an unobstructed pedestrian through route along the footway at busy times and it would have the potential to endanger pedestrians. Therefore, in the absence of any evidence as to the impact of the proposed mast and cabinets on those using the footway, it is concluded that this proposal is not acceptable from a highway safety point of view.

Alternative Sites Considered

The applicants claim in the Alternative Sites section (p.6) of the "Supporting Information" that the area surrounding the proposed site has been fully investigated, and they "considered that the application site was the most viable and suitable location for the proposed equipment". They note that "the search area for the proposed site is small due to the operator's requirement to fill the hole in coverage to increase coverage and capacity in this location". The applicants include a number of alternative sites which have been ruled out and give reasons why they are not considered suitable.

Government advice is that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This should include "for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure" (NPPF, para 117 (c))

The applicants have looked at two buildings with this possibility in mind. This includes "Fairfields Residents Home" (i.e., Fairfield Residential Home) which was discounted due to the pitched roof of the property being unsuitable to host the equipment. They also considered Great Crosby Primary School which they discounted due to the low roof not being able to provide the required coverage.

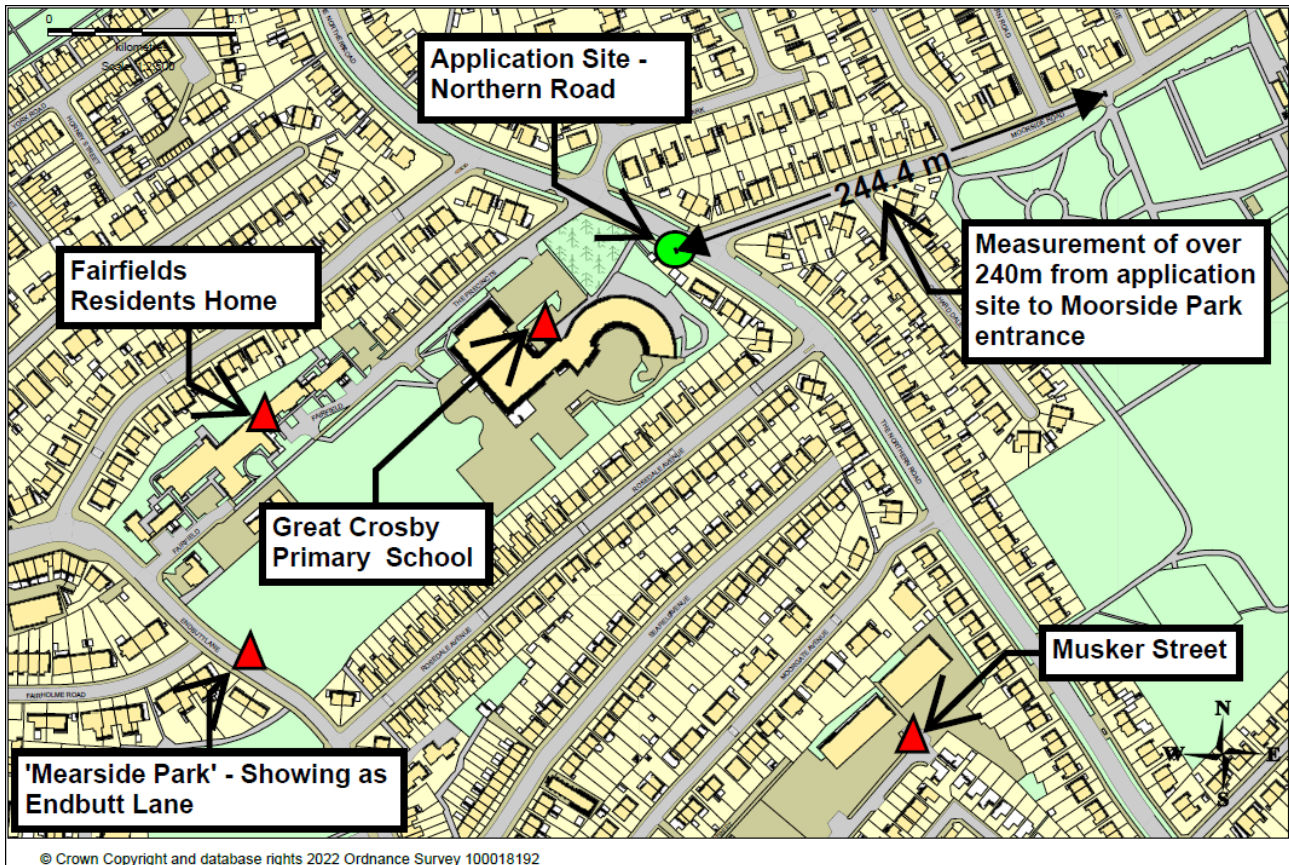
They considered two further locations. One of these was 'Mearside Park' which it is assumed was meant to read 'Moorside Park'. However, from the Grid Reference supplied this location appears to be southwest of Great Crosby Primary School at the end of its playing fields, on Endbutt Lane. This location was discounted as the pavement width was insufficient. The final alternative location was Musker Street, and this was discounted due to its proximity to new residential properties and limited space in a nearby builder's yard.

Site Selection Process: Alternative sites considered and not chosen

Site Type	Site name and address	National Grid Reference	Reason for not choosing site
Rooftop	Fairfields Residents Home	E332385 N399718	The pitched roof of the property is unsuitable to host the equipment
Rooftop	Great Crosby Catholic Primary School	E332503 N399733	The roof is too low to house the equipment. Discounted from a radio perspective as the require coverage could not be achieved due to the lack of elevation
Streetworks	Mearside Park	E332352 N399555	A street works installation was discounted at Mearside Park as the pavement width is insufficient
Streetworks	Musker Street	E332704 N399533	An option was investigated and discounted at Musker Street as the pavement width is insufficient and close to new residential properties. The adjacent builders' yard is also unsuitable given its limited space

These sites are shown on the plan below.

Proposed Location of Telecommunications Mast and Other Alternative Sites



The applicants are not required to provide information in relation to the alternative locations. However, the application does not specify the proposed 'area of search' in terms of the cell area within which the mast is required. This makes it difficult to evaluate the possible alternative and discounted sites.

In the absence of more detail, it is not possible to conclude that a robust assessment of all alternative sites has been carried out and that this is the best site available.

It is considered that more suitable alternative locations have not been adequately ruled out and on balance, the visual impact, siting, and appearance is unacceptable.

Health Impacts

A Certificate has been supplied with the application confirming that the apparatus would be compliant with International Commission guidelines on radiation.

Chapter 10 of the National Planning Policy Framework (NPPF) states at paragraph 118 that: - "Local planning authorities must determine applications on planning grounds only. They should not... set health safeguards different from the International Commission guidelines for public exposure".

As the application has been accompanied by the relevant Certificate, the Local Planning Authority cannot refuse it on health grounds.

Other issues

Impact of construction works

Although construction works may cause traffic issues in the area, these are not considered to be a material planning consideration.

Similar proposals refused elsewhere

It is understood that an application for a similar proposal near Forefield Primary School was submitted and eventually withdrawn. However, every application is assessed on its own merits and different considerations applied in that instance.

Impact on house prices

The impact on house prices is not a material planning consideration.

Policy On Telecommunications

There are objections that question whether there is a need for this type of equipment in the local area. It is understood that there is a need to expand the telecommunications network on a national scale. The Government is clear in its support for the principle of this type of development. The National Planning Policy Framework (NPPF) states that “advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections”.

Conclusion

The installation would provide 5G coverage for the surrounding area, providing a substantial benefit to the area in terms of facilitating the growth of next generation mobile technology and improving existing coverage. This recognised as being essential for economic growth and well-being in paragraph 114 of the NPPF.

Nevertheless, it is considered that the process of arriving at this preferred location for the mast has been flawed. There has been little attempt to properly engage both with the local planning authority and with the large Great Crosby Primary School. The application was submitted near the start of the school summer holiday when the school was least able to consider the proposal. There is confusion about one of the alternative sites which is described incorrectly. No indication has been given of the extent of the search area for a mast so there is insufficient evidence that a robust search of all possible alternative sites has been carried out.

The principle of this proposed development is established by the General Permitted Development Order. Under the prior approval process, the Local Planning Authority can only consider siting and appearance.

It is acknowledged that masts supporting 5G telecommunications are required to be high. However, at 18m high this mast rises the equivalent height of a two-storey house above the 8m tree right next to the site. The mast and associated cabinets will introduce a jarring and discordant note on The Northern Road. In particular the mast would be able to be viewed from a distance of over 240m from the east, from the main gates to Moorside Park on Moorside Road.

The proposed siting on the footway right outside Great Crosby school and by a bus stop could cause harm to pedestrian safety. No evidence has been submitted which has assessed this potential conflict.

The proposed 18m high mast would be a dominant and intrusive feature out of scale and character with its surroundings. The proposed mast would undoubtedly provide public benefits, but it is concluded that these benefits would not outweigh the harm to the character of the area through the siting and appearance of the mast.

For these reasons given above it is considered that prior approval is required and that prior approval should be refused.

It is therefore recommended that prior approval is required and refused.

Recommendation - Prior approval required and refused

Reasons for Refusal:

- 1) The proposed 18-metre-high monopole would result in a dominating and intrusive feature which would significantly detract from the appearance and character of the area and does not comply with Policy EQ2 of the Sefton Local Plan.
- 2) No information has been submitted to identify the area of search and it has not been demonstrated that a robust search has been carried out of all practical alternatives.
- 3) The proposal could cause harm to pedestrian safety contrary to the provisions of Policy EQ3 (f) of the Sefton Local Plan.