

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 26th July 2023

Subject: [DC/2023/00952](#)
[Streetworks At Gorse Lane Gorse Lane Liverpool](#)

Proposal: Installation of a 20m high mast supporting 6 antennas, 2no. 0.3m dishes and ancillary equipment, 2 equipment cabinets and development ancillary thereto.

Applicant: Cornerstone **Agent:** Miss Rowena Maslen
Sinclair Dalby Limited

Ward: Ford Ward **Type:** Full Application

Reason for Committee Determination: Called In by Council Lappin.

Summary

The proposal is for a 20-metre monopole with ancillary equipment located on Gorse Lane near Ford Cemetery. It is acknowledged that there are three masts within the vicinity, however permission exists through the prior approval process for a fourth 20 metre mast which has not been implemented. This application is an alternative location to the unimplemented permission and the applicant has confirmed that they would accept a condition to ensure that the unimplemented mast was not constructed. The proposal is, on balance, acceptable and is recommended for approval.

Recommendation: Approve with Conditions

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Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RVIMGBNWGLE00>

Site Location Plan



The Site

The application site comprises the grass verge on the eastern side of the B5422 Gorse Lane adjacent to Ford Cemetery, in Ford Litherland. Located just north of the junction with Kirkstone Road West and to the west of the site are residences separated from the proposed mast by a wide grass verge and trees a pedestrian footpath and a further grass verge and pedestrian footpath. To the south beyond the pedestrian footpaths and grass verges are the residential properties off Pankhurst Road.

There are three masts within the immediate vicinity.

History

Prior approval was granted in May 2020 for the installation of a 20m high street works column supporting 6no. antennas, 2no. 0.3m dishes and ancillary equipment including the installation of 2no. equipment cabinets and development ancillary thereto (app.ref: DC/2020/00477). This was proposed to be installed at the north side of Pankhurst Road adjacent to Ford Cemetery but is yet to be implemented.

A subsequent application was submitted for a similar installation as above which was subsequently withdrawn (app.ref: DC/2023/00562). For the reasons explained below.

There also 3 further installations close to the application site, which were previous granted permission 29 April 2008, 29 April 2013 and 17 January 2020

Consultations

Environmental Health

No objections

Highways Manager

No objections

Neighbour Representations

A Site Notice has been posted and neighbours notified. It must be noted, however, that the official notification period does not finish until 22nd July 2023. To date, a formal objection has been received from Cllr Lappin and supported by Cllrs Dowd and Moncur.

A further two written objections have been received from properties on Kirkstone Road West,

objecting on the following grounds:

- Object to the installation of further masts in Gorse Lane stating that no more should be allowed.
- Concern about the health issues associated with this type of equipment.

An update on any further representation received by the Council will be provided as part of late representation.

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. Sefton Local Plan policy IN1 (Infrastructure and developer contributions) states that social, community, environmental and physical infrastructure will be protected, enhanced and provided where there is an identified need to support sustainable communities. This reflects the more detailed provisions of the National Planning Policy Framework (NPPF) which under paragraph 114 states ‘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.’

Assessment of the Proposal

1. Background

- 1.1 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.
- 1.2 Prior approval was granted in 2020 for a similar proposal ref: DC/2020/00477 to the current application but to be located on the grass verge adjacent to the footpath on Pankhurst Road. The applicant has advised that they now wish to revise the location rather than implement DC/2020/00477. Initially, the applicant submitted the proposal for the revised location under the prior approval process in April of this year ref: DC/2023/00562. However, officers had concerns that due to the number of masts within the area there was a need to ensure that if the proposal was approved, both prior approval applications would not be implemented. Following discussions with officers, the applicant withdrew the prior approval application and agreed to submit a full application for planning permission so that this aspect could be controlled. This full application, therefore, seeks to provide for a

revised location and the applicant has confirmed that they would accept a planning condition to control and remove the right to implement the mast approved under DC/2020/00477.

- 1.3 The National Planning Policy Framework (NPPF) encourages the applicant to submit with any telecommunication applications 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. The applicant's supporting statement sufficiently addresses these matters and advises that a description of the proposal and drawings was sent to the Ford Ward Councillors and also to Peter Dowd MP on 18th March 2023. The Headteachers and Chair of Governors of Hatton Hill Primary School and Our Lady Queen of Peace RC Primary School were also consulted but no responses received.

2. The Proposal

- 2.1. Full planning permission is sought for the installation of a telecommunications mast of 20m in height including 6 no. mounted antennas, 2 no. 0.3 metre dishes and 2 no. equipment cabinets. The mast and cabinets would be grey (RAL 7035) in colour.
- 2.2. The application site comprises the grass verge on the east side of the B5422 Gorsey Lane adjacent to the railings at Ford Cemetery. The mast would be approximately 30 metres south of the access to the cemetery adjacent to the pedestrian footpath to Pankhurst Road. The residential properties known as 2 and 4 Kirkstone Road West are located on the opposite (west) side of Gorsey Road with the properties on Pankhurst Road located to the south. There are three masts already in the vicinity of this part of Gorsey Road. One to the north of the access to the cemetery and two to the south of the proposed mast.

3. Siting and Appearance

- 3.1. The proposed mast at 20m in height would be sited at the back edge of the pavement on a grassed area adjacent to the railings of Ford Cemetery.
- 3.2. It is acknowledged that there are three other masts in the immediate vicinity, which have been granted permission for between 13.6 metres, 15 metres and up to a height of 20m.
- 3.3. The principal planning consideration in assessing proposals for telecommunication equipment is visual impact. The NPPF recognises that it is not always possible to utilise existing masts, buildings and structures when new sites are required however equipment should be sympathetically designed and camouflaged where appropriate. The principle of a mast at 20 metres in height has already been established in the immediate area therefore, the proposed height and design is acceptable in principle in this location.

- 3.4. Paragraph 115 of the NPPF advises *'The number of radio and electronic communications masts, and the sites for such installations, 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.'*
- 3.5. In the supporting statement the applicant has advised that *'Whilst it is the case that Cornerstone remains a jointly owned company, established by the two mobile network operators, Vodafone Limited and VMO2 (trading as O2), to establish and operate a shared single grid network to provide 2G, 3G and 4G coverage, this can no longer be the case with all sites for the provision of 5G service.'*
- 3.6. Therefore, the proposal is part of VMO2 continued network program to provide enhanced 3G, 4G and new 5G coverage in the area. An existing base station has been identified in the area; however, the applicant has advised that it cannot accommodate both operators' latest requirements. In order to fit into the operator's single grid network, an additional new greenfield style base station is required for this upgrade to VMO2's service in close proximity of the existing installation.
- 3.7. It is acknowledged that there are three existing masts within the vicinity, but permission does exist for a fourth one. This application would ensure that the masts are closer together and when viewed travelling north or south on Gorsey Lane would on balance be less conspicuous as a group than the mast that is subject of the extant permission which, if constructed, would provide for a greater spread of masts in a semi-circle. Given that the need for the technology has previously been established it is considered that the location of the mast is acceptable.

4. Living Conditions

- 4.1. As the application is for full permission consideration has been given to the impact of the proposal on the living conditions of no's 2 and 4 Kirkstone Road West (the nearest residential properties). As these properties are at an angle to the mast and on the opposite side of Gorsey Lane there would not be any direct overlooking from the main habitable windows on the front elevations. Further, there is a large, grassed verge with trees in between the properties on the west side of Gorsey Lane before the main road and then the mast. In terms of the properties known as no 1 and 3 Kirkstone West these properties have Kirkstone Road West, a grassed verge and Gorsey Lane in-between them and the application site. It is therefore considered that there would be no undue harm upon the living conditions of these residents.

5. Highway Safety

- 5.1. Initially, the description included reference to a meter cabinet, but the applicant has confirmed that this was an error. The Highways Manager has advised that there are similar existing installations on this section of the highway verge and the proposed installation

would not obstruct access or adversely impact visibility for pedestrians and motorists. The proposal would therefore not give rise to highway safety concerns.

6. Health Impacts

- 6.1. A Certificate has been supplied with the application confirming that the apparatus would be compliant with International Commission guidelines on radiation.
- 6.2. 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”.
- 6.3. As the application has been accompanied by the relevant Certificate, the Local Planning Authority cannot refuse it on health grounds.

7. Conclusion

- 7.1. 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 is recognised as being essential for economic growth and well-being in paragraph 114 of the NPPF.
- 7.2. The principle of a 20-metre mast and associated infrastructure has been established through the extant prior approval under DC/2020/00477 by the General Permitted Development Order. The revised location would not cause undue harm to the amenities of the surrounding residential properties and on balance would not have a detrimental appearance within the street scene.
- 7.3. Subject to a condition to ensure that the previously approved mast ref: DC/2020/00477 would not be implemented, the proposal is acceptable.

8. Equality Act Consideration

- 8.1. Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil

partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;

- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

8.2. The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2. The development shall be carried out in accordance with the following approved plans and documents:

CTIL30746000_TEF023514_VFNA_GA_REV_A_ Location Plan

CTIL30746000_TEF023514_VFNA_GA_REV_A_ Proposed Site Plan

CTIL30746000_TEF023514_VFNA_GA_REV_A_ Proposed Location Plan

Reason: For the avoidance of doubt.

Ongoing Conditions

- 3) The mast and associated equipment approved under DC/2020/00477 shall not be implemented.

Reason: To ensure that there is not a proliferation of masts in the area.