



**Application Number:** 21/01591/PANOTH

**Description:** Prior notification for the installation of 18.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.

**At:** Baskerfield Grove, Newport Road, Woughton On The Green, Milton Keynes,

**For:** CK Hutchison Networks (UK) Ltd

**Target date:** 21st July 2021

**Objector(s):** 67

#### EXPIRY DATES

28 Days	Neighbour	Advert	Site Notice	Consultee
23.06.2021		24.06.2021	01.07.2021	25.06.2021

## 1.0 RECOMMENDATION

It is recommended that the prior approval which is required is refused.

## 2.0 INTRODUCTION

### 2.1 The Site

The site is small area of mown verge next located on the east side of Newport Road in Woughton On The Green opposite a junction serving Baskerfield Grove. Residential dwellings are located on the west side of Newport Road including the Grade II Listed building of The Old Thatch and those on either side of Baskerfield Grove, Bellis Grove and Goodman Gardens. An open linear park which includes the remains of the medieval village which is a scheduled ancient monument, lie beside the adopted highway verge east of the site extending into the Ouzel Valley. approximately 60m to the south is Woughton On The Green Conservation Area containing a further area of the scheduled medieval village, and beyond this is the Grade II\* Listed Church of Saint Mary's beyond. Other Grade II Listed buildings including Ye Olde Swan public house are located on the south side of The Green within the conservation area.

The following land-based constraints in the vicinity have relevance to the development.

- + The adopted highway
- + The setting of the Scheduled Ancient Monument
- + The setting of the Conservation Area
- + The setting of nearby Listed Buildings

There are no relevant ecological or landscape constraints as the development would not be located within the linear park.



## 2.2 The Proposal

The applicant is seeking prior approval for:

- + An 18m high Phase 8 monopole with 5G antennae and wraparound cabinet at base.
- + Associated cabinets, equipment and ancillary work.

## 3.0 RELEVANT POLICIES

### 3.1 National Policy

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Part 16 of Schedule 2 (Class A - electronic communications code operators)

Specifically this Part was amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.

Planning (Listed Buildings and Conservation Areas) Act (1990)

Section 66 Listed Buildings

Section 72 Conservation Areas

National Planning Policy Framework (2021)

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 9: Promoting Sustainable Transport

Section 10: Supporting high quality communications

Section 12: Achieving Well-designed places

Section 16: Conserving and enhancing the historic environment

### 3.2 Local Policy

Plan:MK (2019)

Policy CT2: Movement and Access

Policy D1: Designing a High Quality Place

Policy D5: Amenity and Street Scene

Policy HE1: Heritage and Development

Other guidance / SPDs

MK Telecommunications Systems Policy SDP (2005)

#### **4.0 RELEVANT PLANNING HISTORY**

None

#### **5.0 CONSULTATIONS AND REPRESENTATIONS**

Ward - Campbell Park And Old Woughton - Cllr Hall

I wish to make the strongest OBJECTION to the proposed installation of 18.0m 5G Mast and associated cabinets and works detailed in the above application. The siting of this proposal could not have been more badly chosen in the context of location and the utter detrimental impact on horizon, skyline, protected designated landscapes , heritage assets, scenic settings and residential properties. Whilst I welcome connectivity the location of this mast is ill conceived and should be relocated to the grid road corridors away from this highly 'sensitive' and protected area within Milton Keynes. It should not be a matter of just moving it a short distance as the detrimental impact would remain. The number and quality of designated and protected landscapes just metres from the proposed mast form strong material evidence to refuse this application. The designations focus on not just landscapes and historic topological markers and buildings, but recognises the unchanged views and horizons making the area exceptional:

- 1) Woughton on the Green is considered one of the best preserved villages (out of 13) taken in by the New Town of Milton Keynes. It contains the greatest number of listed buildings one of which ( The Old Thatch -Grade II Listed) is metres from the proposed site and has been completely disregarded in this application. Woughton on the Green is a hidden 'jewel' at the centre of a modern city and reflects the intrinsic 'masterplan' of the founding planners.
- 2) The historic value of the village of Woughton on the Green has been recognised through the designation of 'Scheduled Ancient Monument' - which runs from the canal through to the Ouzel Valley Parklands [Historic England Listing : 1007938 - Shrunken Medieval Village]
- 3) There is a second Ancient Monument at the west of the village margin - Old Rectory Farm [Historic England Listings : 1125198 and 1007930]

Ward - Campbell Park And Old Woughton - Cllr Hall  
Continued

- 4) The ancient Green is considered to be one of the largest in Buckinghamshire and the ridge and furrow (in the parklands) some of the finest examples, in open land which would



have once formed one of the medieval 'Three Fields'. There is also 'Meadows Lane', again a preserved, ancient lane which would have been the main entrance to the historic village.

5) There are 3 further modern Village Green designations since the 1960's

6) Conservation Area (which is also currently under review and emerging) - again metres from the proposed plan recognises the 'unspoilt' aspect of the rural village, with restrained street furniture, little or no road markings and in the core of the village absence of street lighting. The entrance to the village along the Newport Road forms part of this rural 'street scene'

7) The area is a wonderful key 'green corridor' and 'Wetland corridor' (as defined by MKC) with a rich biodiversity. It is a destination location for the whole of Milton Keynes for recreational pursuits and of a whole city matter therefore.

8) The proposed is overbearing and disproportional to every other horizon feature and would overshadow the skyline and tallest building the tower of St Mary's Church (Grade II\* Listing) the oldest building within the setting.

All of the above reflects the very special quality of the area and the need to preserve the scenic horizons and views from every point around the proposed site and installation - views and landscapes that have been conserved and protected and have nationally been recognised for their value with the designations and treatment awarded to them. I request that any person involved with any decision making on this application should attend and visit the site and view the location from all impacted areas, 360° to the proposed location: Ouzel Valley Parklands; The Green (within the old village); the street scene (N and S); all residential settings.

Requests DCP determination if not refused

#### MK Parks Trust

The proposed 18m telecoms mast will be positioned very close to the boundary of the Woughton section of the Ouzel Valley Linear Park and will have a detrimental impact on the landscape of the linear park. This section of the linear park has a strong countryside landscape character and represents one of the best examples of an open rural landscape encapsulated within the Milton Keynes linear park system. The MK Linear Park system is renowned internationally as representative of how effectively the new town of Milton Keynes was originally planned to be a 'green city'. The detrimental landscape impact of the proposed mast on the linear park would therefore be contrary to Plan:MK policies NE5 Conserving and Enhancing Landscape Character and DS6 Linear Parks.

Furthermore, the adjacent field within the linear park contains the Woughton on the Green Medieval Village Scheduled Ancient Monument. The proposed mast will be clearly visible from within the SAM at all times of the year, where it would stand taller than the deciduous trees and hedgerow along the edge of the linear park and would be particularly visible when the trees are without leaves. As such, the proposed mast would have a detrimental effect on the setting of the SAM, which was so effectively preserved in the original design and layout



of the linear park in this location. The detrimental landscape impact of the proposed mast on the SAM would therefore be contrary to Plan:MK Policy HE1 Heritage and Development.

#### Conservation And Archaeology

Obliquely opposite the site is a grade II listed building (designated heritage asset), Old Thatch. Further along Newport Road is the Church of St Mary, listed grade II\*. There are a series of listed buildings along The Green, including the Swan which is located at the junction with Newport Road. The site is considered to sit within the setting of the listed buildings (see below).

The site sits just outside the Woughton on the Green conservation area (a designated heritage asset), but alongside one of the principal routes into the village, as such it falls within its setting.

Woughton on the Green is perhaps one of the best preserved villages within the new town area. Generous paddock and park areas to the north of the village when approached from Chaffron way successfully retain a low key entrance. C19 cottage terraces feature along Newport Road before reaching the conservation area, whilst new housing is muted and partially screened by vegetation. A scheduled ancient monument lies just a few metres east of the site behind a timber post and rail fence.

Whilst the village core itself retains a genuine, authentic, rural feel through a combination of evident archaeological features, historic buildings, traditional boundary treatments and absence of detracting modern development, its character and appearance is also partly derived from the treatment (and survival) of the approaches, particularly that to the North. To access other new town conservation area cores, often modern, urban estates must be passed through, Woughton on the Green is noticeably different.

The immediate setting of Old Thatch is that of Newport Road, as described above, indeed it looks obliquely over the proposal site. The parish church of St Mary is the principal building within the village, it is close to Newport Road and is a principal feature when travelling along Newport Road or The Green. When approaching the church from the north, one would have to pass the proposed development.

#### Conservation And Archaeology

Continued

The rural setting of the designated heritage assets makes an important contribution to their heritage significance.

The site of proposed mast and equipment cabinet is an open grass verge within a gentle curve of Newport Road, rendering it extremely prominent and exposed whilst approaching or leaving the conservation area by any method, but particularly on foot where it would be next to the footpath. Masts of this type, accompanying cabinets and the concrete bases

required are without exception, modern and urban in character. Due to the location and the nature of the development, the proposed equipment would be a stark departure from the rural, vernacular character of the area. It would appear as an alien feature in the otherwise preserved / sympathetically adapted landscape which could not be mitigated by design changes.

In assessing the against the statutory duties to have special regard to the setting of the listed buildings, the development would cause harm to the setting of the buildings referred to above but particularly in respect of Old Thatch, the Church of St. Mary and The Swan PH, all on Newport Road. Case law confirm that great weight must be given to this consideration.

Similarly, the proposed development would cause harm to the setting of a designated heritage asset, Woughton on the Green conservation area.

Substantial harm must fundamentally undermine the core significance of a designated heritage asset, therefore this harm would fall into the 'less than substantial ham' category as defined by the NPPF.

Paragraph 196 of the NPPF requires the harm caused to the designated heritage assets to be outweighed by public benefits. There are no heritage benefits delivered by the scheme and therefore any other wider public benefits will need to be weighed against the harm caused bearing in mind the 'great weight' to be given to the statutory duties and the conservation of heritage assets required by the NPPF

Refusal recommended

Parish - Old Woughton

Old Woughton Parish Council OBJECTS, in the strongest terms, to the proposed location of the 18.0m mast and associated cabinet boxes at the base. The proposed location is highly inappropriate and harmful to the village setting of Woughton on the Green and if allowed will dominate the skyline of a residential area and sensitive heritage site.

Woughton on the Green has medieval origins and has a range of statutory designations protecting the special character of the area.

The significance of the site and setting is described in the Scheduled Monument List Entry Number: 1007938 for the Medieval Village, Woughton on the Green.

The national significance of the site and special character of the area, as defined in the Conservation Area designation, have been ignored in the selection of this site for a tall, 18m metal mast and associated metal cabinets. The proposed mast is located immediately adjacent the Scheduled Monument and will negatively impact the setting of the monument and the open and rural views across the Ouzel Valley Park. The mast will be the tallest feature in the area challenging and therefore diminishing the nearby St Mary's Church Tower (Grade II\* Listed). The proposed location for the mast is also in close proximity to the Grade II listed building, The Old Thatch on Newport Road, situated just north of the proposed mast



location. The proposed mast is located within the Heritage notification area and Wet Wildlife Corridor,

as designated on the Milton Keynes Council interactive maps.

The impact of the proposed location for the mast is highlighted on the annotated copy of the council maps identifying the sensitive and protected status of the area. The selection process that concluded this proposed site must be questioned and challenged as it appears to prioritise economic and financial factors of installation while ignoring the village and historic landscape context.

Parish - Old Woughton

Continued

The Parish Council accepts the need for infrastructure but the proposed location in this instance is completely wrong and out of character for a residential street. Infrastructure in Milton Keynes should be well planned and coordinated based on a set of agreed principles. The grid roads, landscape verges offer a clear network of suitable locations for city scale masts away from residential areas.

The Parish Council wishes to add its voice to the large number of objections from local residents. Following a detailed review of the proposal, the Parish Council wish to register an Objection and request that the proposal is refused permission. The applicant should be encouraged to withdraw the proposal and consider an alternative location for the mast. If the application is not withdrawn or refused outright the Parish Council requests the application is called into the planning committee for refusal at the highest level.

EH - Historic England

The proposed location is on a road adjacent to the scheduled monument of the shrunken medieval village, Woughton on the Green (HA UID 1007938). The applicant has not considered the impact of the proposals on the scheduled monument. In our opinion the proposed mast could impact on the significance of the scheduled monument, as contributed to by its setting.

This is a prior notification for permitted development, rather than a full planning application, I note that you have asked the applicant to obtain prior approval on matters of location and appearance. Given the heritage sensitivity of the location I advise that the applicant should be asked to take heritage into account when applying for this prior approval.

The location as currently proposed places the 18 m high mast half-way along the section of road which crosses the scheduled monument. I advise that the visual intrusion on visitors to the scheduled monument could be lessened by choosing a location further along the road in either direction, so that it is on the edge of the monument area.

Historic England has concerns regarding the application on heritage grounds.



Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Highways Development Control

No Objection:

No vehicle constraints, no parking restrictions on road. Public footpath approximately 5m behind equipment but doesn't interfere with footway. No junction visibility concerns. Equipment opposite junction and in large area of grass verge. Equipment behind all street lighting so won't distort any light for road. Equipment away from existing footpath

Councils Archaeologists

I object to the above proposal due to its potential harm to the setting of the adjacent Scheduled Monument (SM) of the shrunken medieval village, a nationally significant designated heritage asset, contrary to NPPF and Plan:MK HE1. As noted by Historic England (Ref: P01431435, 7th July 2021) the location of the mast is visually intrusive in relation to the SM, and this intrusion could be reduced by selecting an alternative location further away from the SM boundary. I support this advice.

Ward - Campbell Park And Old Woughton - Cllr Trendall

Please accept this as formal request to obtain an EOT and call in to the DCP/DCC the planning application when it comes in for the above.

All three ward councillors have asked for this and the strength of feeling in the area about the site of the proposed mast is intense, especially as it is in the edge of a conservation area, and other close-by alternative locations are The grounds for the request for an Extension of Time so that this may be heard by the DCP are:

- o colour and materials: no attempt has been made by the applicant to mitigate the visual impact of the mast by offering a more suitable colour scheme other than the standard "battleship grey".
- o whether there are more suitable sites for the proposed works: there are more suitable sites available close by which are less visual intrusive, and which offer better access and equally good connectivity (see attached, blue for proposed site, red for alternative sites).
- o the effect on the skyline or horizon: the mast will dominate the local skyline.
- o the site when observed from any side: the mast will be highly visible from every angle.
- o the site in relation to areas designated for scenic value which include conservation areas: the mast will be on the edge of a conservation area, and so close to it to be a blight.





- o the site in relation to residential properties: the mast is very close to residents properties.
- o Highway issues: Newport Road is a narrow carriageway and vehicles used as part of the maintenance of the mast will result in severe local traffic disruption.

Ward - Campbell Park And Old Woughton - Cllr Baines

I am compelled to object to this application for the erection of an 18 metre pole and ancillary boxes in this location.

My reasons are:

Woughton on the Green is one of the best preserved original villages which includes a Conservation area at its heart. Many of these buildings are some of the oldest within the Borough.

There is an Ancient monument just metres from the planned location which deserves much more protection than this application gives it.

There is an ideal location on the edge of the village adjacent to H7 Chaffron Way where this type of infrastructure should be placed.

I can only hope that Simon Peart who I have copied into this email agrees with me that this village is far too important to be damaged by this ridiculous application.

I am told that time is of the utmost to deal with this application as MKC could be held liable by the applicant for non-determination, but our original villages must be protected and that must take priority.

If you are minded to grant this application I must insist that the application is heard by Panel or Committee, the residents of Woughton on the Green deserve nothing less.

Almost 70 objections were received from surrounding residents and 3rd party representations concerned with the following issues which fall under 'siting and appearance' and have been discussed in the report:

- + Impact on the Character and Appearance of the Area
- + Impact on Residential Amenity
- + Impact on Heritage Assets
- + Highway/parking/maintenance concerns
- + Justification of Location

The impact on biodiversity cannot be considered in this prior notification application beyond concerns over placement of a development in protected ecological areas. The mast is not within an area designated as having ecological protection. The impact of electromagnetic radiation on wildlife/ecology is not a material planning consideration.



There would be no impact on significant trees.

Other issues raised are either not material planning considerations or are matters that cannot be assessed in a prior approval application.

Regarding health impacts on people, the Government states in NPPF (2019) that local planning authorities must determine applications on planning grounds only and they should not set health safeguards different from the International Commission guidelines for public exposure. As a conformity statement has been provided stating that the mast and antennas will be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (including 2020 guidance), the development is considered acceptable in relation to health impacts.

Regarding other comments raised by residents:

+ While the MK Telecommunications Policy SPD (2005) states that the council will not allow any equipment to be sited on land in its ownership within 50m of any school or residential property or medical facility, this policy is superseded by Paragraph 114 of NPPF (2019) clearly states that local planning authorities should not insist on minimum distances between new electronic communications development and existing development.

## **6.0 MAIN ISSUES**

Whether the proposal constitutes permitted under Part 16, Schedule 2 of the development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and if so, whether it requires prior approval and whether prior approval should be granted.

## **7.0 CONSIDERATIONS**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Part 16: Class A - electronic communications code operators

### Permitted development

A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of:

(a) the installation, alteration or replacement of any electronic communications apparatus, **Yes**

(b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or **NA**

(c) development ancillary to radio equipment housing. **Yes,**

Development not permitted: ground-based apparatus **applies**

#### A.1

(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if:

(a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level; **No, the cabinets associated with the mast are small**

(b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater; **NA, the installation is new**

(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of: (i) 25 metres above ground level on unprotected land; **No, the monopole is 18m in height** or (ii) 20 metres above ground level on article 2(3) land or land which is on a highway; **No, the pole is not located on article 2(3) land; it is on a highway but is only 18m** or

(d) in the case of the alteration or replacement of a mast, the mast, excluding any antenna, would when altered or replaced: (i) exceed the greater of the height of the existing mast or a height of: (aa) 25 metres above ground level on unprotected land **NA, the mast is a new installation**; or (bb) 20 metres above ground level on article 2(3) land or land which is on a highway **NA, the mast is a new installation**; or (ii) together with any antenna support structures on the mast, exceed the width of the existing mast and any antenna support structures on it by more than one third, at any given height. **NA, the mast is a new installation**

Development not permitted: building-based apparatus other than small antenna and small cell systems **NA**

(2) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than small antenna and small cell systems) on a building is not permitted by Class A(a) if:

(a) the height of the electronic communications apparatus (taken by itself) would exceed **NA**  
(i) 15 metres, where it is installed on a building which is 30 metres or more in height; or **NA**  
(ii) 10 metres in any other case; **NA**

(b) the highest part of the electronic communications apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than: (i) 10 metres, in the case of a building which is 30 metres or more in height; **NA**

(ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or **NA** (iii) 6 metres in any other case; **NA**

(c) in the case of the installation, alteration or replacement of a mast on a building which is less than 15 metres in height, the mast would be within 20 metres of the highway (unless the siting remains the same and the dimensions of the altered or replaced mast are no greater); **NA**

(d) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height' (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located; **NA** (ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all the dishes on the building would exceed 4.5 metres, when measured in any dimension; **NA** (iii) in the case of antennas other than dish antennas, the development would result in the presence on the building of' (aa) more than 3 antenna systems; or **NA** (bb) any antenna system operated by more than 3 electronic communications code operators; or **NA** (iv) the building is a listed building or a scheduled monument; **NA**

(e) in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level: (i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all the dishes on the building would exceed 10 metres, when measured in any dimension; **NA** (ii) in the case of antennas other than dish antennas, the development would be on a building which is less than 30 metres in height and would result in the presence on the building of:

(aa) more than 5 antenna systems; or **NA** (bb) any antenna system operated by more than 3 electronic communications code operators; or **NA** (iii) the building is a listed building or a scheduled monument; or **NA**

(f) in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land: (i) the size of any dish antenna to be installed would exceed 0.6 metres or the number of dish antenna which have been installed on the building since 21st August 2013 would exceed 3; or **NA** (ii) the height of any antenna other than dish antenna to be installed would exceed 3 metres, or the number of such antennas which have been installed on the building since 21st August 2013 would exceed 3. **NA**

Development not permitted: apparatus on masts **NA, the installation is new**

(3) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words "taken by itself" in that paragraph are omitted. **NA**

Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest **NA, the site is not on either land**

(4) Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a) **NA, the installation is new** (a) on any article 2(3) land unless: (i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; **NA** (ii) the antenna or apparatus comprises or is part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse; **NA** (iii) the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or **NA** (iv) where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), A.1(1)(d)(i)(bb) or A.1(2)(f); **NA**

(b) on any land which is, or is within, a site of special scientific interest unless' (i) the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or **NA** (ii) the development is within the limitations specified in paragraph A.1(5). **NA**

Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse **NA**

(5) Development consisting of the installation, alteration or replacement of any electronic communications apparatus on a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if that apparatus'

(a) is not a small antenna; **NA**

(b) is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located; **NA**

(c) would result in the presence on that dwellinghouse or within the curtilage of the dwellinghouse of more than 1 small antenna; **NA**

(d) is to be located on a roof or chimney so that the highest part of the antenna would exceed in height the highest part of that roof or chimney respectively; or **NA**

(e) is on article 2(3) land and would be located: (i) on a chimney; **NA** (ii) on a building which exceeds 15 metres in height; **NA** (iii) on a wall or roof slope which fronts a highway; or **NA** (iv) in the Broads, on a wall or roof slope which fronts a waterway. **NA**

Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse **NA**

(6) Development consisting of the installation, alteration or replacement of a small antenna on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse is not permitted by Class A(a) if:

(a) that antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located; **NA**

(b) the building is less than 15 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 1 small antenna; or **NA**

(c) the building is 15 metres or more in height, but less than 30 metres in height, and the installation, alteration or replacement would result in the presence on that building of more than 2 small antennas. **NA**

Development not permitted: ground or base area **Applies**

(7) Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than: (a) a mast; **applies, the application is for a mast** (b) an antenna; **NA** (c) a public call box; **NA** (d) any apparatus which does not project above the level of the surface of the ground; or **NA** (e) radio equipment housing **applies, the application is for associated cabinets**

is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres. **NA**

Development not permitted: driver information systems **NA**

(8) Development consisting of the installation, alteration or replacement of system apparatus within the meaning of section 8(6) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (definitions of driver information systems etc.)(a) is not permitted by Class A(a). **NA**

Development not permitted: radio equipment housing **Applies**

(9) Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if:

(a) the development is not ancillary to the use of any other electronic communications apparatus **the proposed cabinets are ancillary to the mast**

(b) the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; **the cumulative volume of the new cabinets would be less than this**

(c) on any article 2(3) land, or on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency. **NA**

Conditions

A.2

(1) Class A(a) and A(c) development is permitted subject to the condition that: **does not apply**

(a) the siting and appearance of any antenna or supporting apparatus, radio equipment housing or development ancillary to radio equipment housing constructed, installed, altered or replaced on a building (excluding a mast) are such that the effect of the development on the external appearance of that building is minimised, so far as practicable; , the proposal is not on a building

(b) the siting and appearance of a mast which has been altered or replaced in a manner which does not require prior approval under paragraph A.2(3), and any electronic communications apparatus installed, altered or replaced on it, are such that the visual impact of the development on the surrounding area is minimised, so far as practicable. **NA, the mast is a new installation**

(2) Class A development is permitted subject to the condition that: **relevant**

(a) any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated' (i) if such development was carried out in an emergency, at the expiry of the relevant period; or **NA**

(ii) in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes **applies**; and (b) such land or building is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer. **applies**

(3) Subject to sub-paragraph (5), Class A development' **relevant**

(a) on article 2(3) land, excluding development specified in sub-paragraph (4); **NA** (b) on land which is, or is within, a site of special scientific interest; or **NA** (c) on unprotected land where that development consists of (i) the installation of a mast; **applies** (ii) the alteration or replacement of a mast which, when completed (aa) is taller than the mast which existed prior to such alteration or replacement; and (bb) exceeds a height of 20 metres above ground level; **NA** (iii) the construction, installation, alteration or replacement of: (aa) a public call box; or **NA** (bb) radio equipment housing, where the volume of any single development exceeds 2.5 cubic metres, **the new cabinets would each be less than this**

is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval). **The above demonstrates that Prior Approval is required for the mast**

(4) Development is specified for the purposes of sub-paragraph (3)(a), if it consists of: **NA**

(a) the installation, alteration or replacement of a small cell system on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse; or **NA** (b) development which is within the limitations specified in paragraph A.1(1)(d)(i)(bb), A.1(2)(f), A.1(5) or A.1(6). **NA**

(5) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line, in connection with the provision of fixed-line broadband **NA**

(6) In this paragraph:

"fixed-line broadband" means a service or connection (commonly referred to as being 'always on'), via a fixed-line network, providing a bandwidth greater than narrowband (and for these purposes, "narrowband" means a service or connection providing data speeds up to 128 k bit/s); and "relevant period" means a period which expires when the need for any electronic communications apparatus, structure or use permitted by Class A ceases or, if sooner, 18 months from the commencement of the construction, installation, alteration or





replacement of apparatus or structures permitted by Class A(a) or Class A(c), or the commencement of the use permitted by Class A(b), as the case may be. **NA**

#### Prior Approval

A.3.

(1) Before making the application required by sub-paragraph (4), the developer must give notice of the proposed development to:

(a) any person (other than the developer) who is an owner of the land to which the development relates, **Yes, the applicant includes a copy of the notice and a developers notice the sent to MK Council (planning department and MK Highways) on the 15/5/2021**

(b) a tenant of an agricultural holding any part of which is comprised in the land to which the application relates. **NA**

(2) Notice must be given by or on behalf of the developer as follows:

(a) by serving a signed and dated notice on every person described in sub-paragraph (1) whose name and address is known to the developer, stating: (i) the name of the developer; (ii) the address or location of the proposed development; (iii) a description of the proposed development (including its siting and appearance which includes the height of any mast); (iv) a statement that the developer will apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development; (v) the name and address of the local planning authority to whom the application will be made; (vi) a statement that the application is available for public inspection at the offices of the local planning authority during usual office hours; (vii) a statement that any person who wishes to make representations about the siting and appearance of the proposed development may do so in writing to the local planning authority; (viii) the date by which any such representations should be received by the local planning authority, being a date not less than 14 days from the date of the notice; and (ix) the address to which such representations should be made; or **The applicant includes a copy of the notice and a developers notice the sent to the applicant includes a copy of the notice and a developers notice the sent to MK Council (planning department and MK Highways) on the 15/5/2021 and complied with the above requirements**

(b) if the developer has been unable to ascertain the names and addresses of every such person after taking reasonable steps, by local advertisement. **NA**

(3) Where the proposed development consists of the installation, alteration or replacement of a mast within 3 kilometres of the perimeter of an aerodrome, the developer must notify the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator,



as appropriate, before making the application required by sub-paragraph (4). **Yes, as detailed in the Site Specific Supplementary Information**

(4) Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.

#### **Prior approval is required in relation to Appearance and Siting**

**The cabinets are not discussed further as these would constitute permitted development without prior approval and as such only the mast is considered.**

**The street scene in this location is not strongly urban but is characterised by widely spaced dwellings on the west side of Newport Road, wide verges and landscaping comprising a large number of bushes, hedges and medium-sized trees. The east side of the road on which the mast would be erected is 'semi-rural' in appearance continuing the general feel of the neighbouring linear park. These characteristics and, in particular, the lack of typical urban or transport corridor character including the limited quantity street furniture would make the proposed 18m tall mast stand out strongly within the surroundings and the position of the site on a bend in Newport Road would increase this affect. It is also noted that there would also be only a very limited opportunity to lesson this strong visual presence by altering the design given the well-known constraints of typical 5G monopoles given height and design limitations of the technology. The siting and general appearance of the mast in this location is therefore considered to be incongruent within the semi-rural local setting and it would harm the character and appearance of the street contrary to Policies D1 and D2 of Plan:MK.**

**As a necessarily tall structure due to the nature of the technology, it would be possible to see the mast from some angles from residential properties and their gardens on the west side of Newport Road. While concerns have been expressed by local residents about the visual impact on their properties, a right to an unobscured view is not a material planning consideration and in any case, the telecommunications development is not a large development. It is noted that the mast would be approximately 30m from the property of 1 Baskerfield Grove. Nevertheless, the mast, on condition that the colour of this was be altered to better suite the backdrop, would not to amount to an overbearing feature for this property given the reasonably large separation distance and that the forward-facing windows of this neighbour would not look directly face structure. While a change in colour could have been sought, in this instance, it is considered this would not have significantly lessened the degree of heritage harm so this was not requested.**

**The MK Highways Officer raised no concerns in relation to highway safety, parking or maintenance issues as a result of the installation and therefore the position of the mast within the adopted highway is considered acceptable, subject to technical highways consent which is not a planning matter.**

It has been stated on page 5 of the Site Specific Supplementary Information (SSS Inf) under Policy Analysis that the site would not be to the visual detriment of the surrounding area as the site is suitably distant from sensitive receptors, yet a number of designated heritage assets lie within the surroundings whose settings would be affected.

The listed dwelling of Old Thatch (No.4 Newport Road) would lie less than 40m from the development and the setting of this cottage as it is viewed from Newport Road in both directions would be strongly affected by the mast which would clearly amount to a strong and jarring modern utilitarian feature. This would strongly detract from the traditional thatched appearance of the cottage. In terms of harm, this would be at the upper end of less than substantial due to the very close proximity of the development and visual impact on the setting from more than one direction.

Considering the wider impacts, it is noted that only a single proposed elevation has been provided to support the application and there no visual impact assessment. Nevertheless, it is clear that the mast would be more than twice the height of the trees forming the eastern backdrop and marking the edge of the linear park and scheduled ancient monument. As this park is largely devoid of trees owing to the presence of the scheduled ancient monument, it is clear that the mast pole and antenna would be visible over the trees for a considerable distance into the River Ouzel Valley and from the pedestrian path network/circuit. As the river valley descends to the east, it is likely that the mast would have a greater visual presence than would be the case were the topography in the linear park flat. From the scheduled ancient monument, visibility of the mast would form a striking modern silhouette against the tree line amounting to an incongruent feature against the relatively mature landscaping on one side of the linear park, impacting a view largely devoid of visible residential dwellings in months when trees are in leaf. The significance of the scheduled monument would therefore be harmed by the intrusion on its setting, altering the way the deserted medieval village is experienced within its semi-rural landscape context. At closest point, a little over 20m away, the effect of the mast on the setting of the monument would be more harmful. The degree of harm is considered to amount to less than substantial as there would be no physical damage to the monument.

The direct effect of the mast on the setting of the conservation area which lies approximately 60m to the south would be less extensive owing to the trees lining Newport Road which would present some degree of visual shielding from the lower portions of the mast and upper portions of the mast when viewed from the northern boundary when trees are in leaf. Nevertheless, due to the 18m height of the structure, from the centre of this designated heritage - a wide open green of rural character - views of the mast would be visible above the tree line when looking north behind 5 Bellis Grove and this visibility would be increased in winter when no trees are in leaf. The vertical element of the mast and its somewhat bulbous antennae head would present a highly modern structure above the tree line which would have the impact on harming the distinctly rural character of the conservation area which is its most important distinguishing feature. The setting of the

conservation area would also be harmed as the site is situated on one of the principal routes into it, stretch of road which retains a low key 'edge of village' character. This approach, which has largely survived modern intrusion and has traditional boundary treatments, partly adds to the conservation area's rural character and appearance and it enhances its significance. The position of the mast on an open grass verge within the wide verged curve of Newport Road would render it highly prominent and noticeable in the surroundings as there would be significant exposure of the structure along the road to the north-east as well as from the footpaths and pavement used to access the core of the conservation area. The highly modern proposed mast would be a stark departure from the semi-rural and largely vernacular character of the approach to the conservation area and as a consequence, the significance of the latter would be diminished by an alien feature intruding on an otherwise preserved and sympathetically adapted landscape. It is considered that this visual impact could not be mitigated successfully by design changes. This harm to the setting of the conservation area through installation of the mast would add to the less than substantial harm previously mentioned.

The setting of the grade II\* Listed Church of St Mary's is of considerable importance within the conservation area and from the road 'The Green' there would be views in which the Church and the mast would be visible together which would cause harm. Similarly, there would also be some harm to views from and therefore settings of other Listed Buildings in the vicinity which face north from The Green including No.1, No.3 and 5/6 The Green. As with the scheduled monument, the degree of harm is considered to amount to less than substantial to the Conservation Area and Listed Buildings.

Turning to justification of the choice of installation and site, it has been stated on page 7 of the SSS Inf that mast sharing is not a viable option as this would require a larger headframe with bulky design which would not be appropriate and that there is no location within the search area where such a mast could be housed. There is no reason to dispute this claim nor the lack of there being any suitable tall buildings on which to house 5G equipment.

The SSS Inf on figure 4 shows a nominal area for the proposed mast as a white symbol surrounded by a yellow circle and it has been stated that equipment has to be located within or very close to the marker to give coverage and not to interfere with adjoining Hutchinson Networks. It is noted that the current site is positioned on the far east side of this marker and so it is assumed that it is the yellow circle that is the constraint and not the white symbol which is presumably its centrepiece. This being the case, much of the residential estate in the vicinity falls under this area. No alternative mast locations have been suggested as 5 options within the yellow circle estate have been discounted. It has been stated that several of the alternative options are 'close to housing with little mitigation' or 'weak from a planning perspective thus discounted', however there has been no elaboration on the technical constraints faced and as such, a satisfactory justification remains elusive to the planning officer. While LPAs should not question the need for an electronic communications system (and in this instance, the need for an EE 5G

mast in a cell search area that does not interfere with other electrical equipment is not questioned), nevertheless it is required that applications are supported by the necessary evidence to justify the proposed development (NPPF para 115). In this instance, the presented justification is considered inadequate given there has been a choice in site that has resulted in an adverse impact on the settings of several designated heritage assets.

In terms of planning balance in relation to the impact of siting and appearance, regard must be had to NPPF (2021) paragraph 114 whereby planning decisions should support the expansion of 5G on the one hand, and the requirements of chapter 16 of NPPF in relation to conserving the historic environment on the other. As previously elaborated, the mast in this location is considered to cause 'less than substantial harm' to the Conservation Area, the Listed Building of Old Thatch and the Scheduled Ancient Monument by virtue of appearing as a highly modern visual intrusion on their settings, changing the way these assets are experienced, and a similar level of harm to St Mary's Church and listed buildings facing north within the conservation area. Following paragraph 202 of NPPF (2021) and Policy HE1 of Plan:MK, where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this instance, while there would be no public heritage benefit, there would be some public benefit through introducing 5G coverage by a service provider. Nevertheless, it is required that any harm to, or loss of, the significance of a designated heritage asset from development within its setting, should require clear and convincing justification and in this instance there has been no definitive justification in relation to the benefits or disbenefits of the impact on heritage assets Vs the impact on residential amenity for discounted areas within the search area made by the applicant. Given that, when taken together, the 'less than substantial harm' to multiple designated heritage assets is considered to amount to a level of cumulative harm which lies at the upper end of 'less than substantial' harm, the benefit of allowing a 5G telecommunications development in this location is considered to come at a high heritage cost. NPPF requires that 'great weight' should be given to the conservation of heritage assets and as such, this level of harm is considered on planning balance to outweigh the public benefit mentioned in para 202 of NPPF and also the advantages of providing 5G communications infrastructure in this specific location both in terms of social well-being and economic growth. This view is supported by the need in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) for local planning authorities to have special regard to the desirability of preserving the settings of listed buildings and pay special attention to the desirability of preserving the character or appearance of the conservation area

(5) The application must be accompanied by:

(a) a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid; **Yes, supplied**

(b) the developer's contact address, and the developer's email address if the developer is content to receive communications electronically; **Yes, supplied**

(c) evidence that the requirements of sub-paragraph (1) have been satisfied where applicable; and **Yes, evidence has been submitted**

(d) where sub-paragraph (3) applies, evidence that the Civil Aviation Authority, the Secretary of State for Defence or the aerodrome operator, as the case may be, has been notified of the proposal **Yes, as detailed in the Site Specific Supplementary Information**

(6) Subject to sub-paragraphs (8)(b)(ii) and (c), upon receipt of the application in accordance with sub-paragraph (5), the local planning authority must:

(a) for development which, in their opinion, falls within a category set out in the Table in Schedule 4 to the Procedure Order (consultations before the grant of permission), consult the authority or person mentioned in relation to that category, except where: (i) the local planning authority are the authority so mentioned; **MK council own the highway** or (ii) the authority or person so mentioned has advised the local planning authority that they do not wish to be consulted, and must give the consultees at least 14 days within which to comment; **NA**

(b) in the case of development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated, or which would affect a right of way to which Part 3 of the Wildlife and Countryside Act 1981 (public rights of way)(a) applies, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order (notice of applications for planning permission)' (i) by site display in at least one place on or near the land to which the application relates, for not less than 21 days, and **NA, the development does not conflict with Plan:MK policies and does not impact a public right of way** (ii) by local advertisement; **NA, the development does not conflict with Plan:MK in land policy terms and does not impact a public right of way**

(c) in the case of development which does not fall within paragraph (b) but which involves development carried out on a site having an area of 1 hectare or more, must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order by local advertisement and either: (i) by site display in at least one place on or near the land to which the application relates, for not less than 21 days, or **NA, the site does not cover more than 1 hectare** (ii) by serving notice on any adjoining owner or occupier; **NA, the site does not cover more than 1 hectare**

(d) in the case of development which does not fall within paragraph (b) or (c), must give notice of the proposed development, in the appropriate form set out in Schedule 2 to the Procedure Order: (i) by site display in at least one place on or near the land to which the

application relates for not less than 21 days, or **Yes, a site notice was displayed on 10.06.2021** (ii) by serving notice on any adjoining owner or occupier. **There are no adjoining neighbours however, all properties were notified within a 100m radius of the mast**

(7) When determining the application made under sub-paragraph (4), the local planning authority must take into account any representations made to them as a result of consultations or notices given under paragraph A.3. **Yes**

(8) The development must not begin before the occurrence of one of the following:

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that prior approval is not required; **NA**

(b) where the local planning authority gives the applicant written notice that prior approval is required: (i) the giving of that approval to the applicant, in writing, within a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5); **prior approval not approved** (ii) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, that such approval is given or refused; or **Applies**

(c) the expiry of a period of 56 days beginning with the date on which the local planning authority received the application in accordance with sub-paragraph (5) without the local planning authority notifying the applicant, in writing, of their determination as to whether such prior approval is required. **would apply, had the approval not been refused**

(9) The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out:

(a) where prior approval has been given as mentioned in sub-paragraph (8)(b)(i), in accordance with the details approved; **would apply, had the approval not been refused.**

(b) in any other case, in accordance with the details submitted with the application. **NA**

(10) The agreement in writing referred to in sub-paragraph (9) requires no special form of writing, and, where that agreement is in place, there is no requirement on the developer to submit a new application for prior approval in the case of minor amendments to the details submitted with the application for prior approval. **applies**

(11) The development must begin:

(a) where prior approval has been given as mentioned in sub-paragraph (8)(b)(i), not later than the expiration of 5 years beginning with the date on which the approval was given; **NA**



(b) in any other case, not later than the expiration of 5 years beginning with the date on which the local planning authority received the application in accordance with subparagraph (5). **NA**

(12) In the case of emergency, development is permitted by Class A subject to the condition that the operator must give written notice of such development as soon as possible after the emergency begins, to:

(a) the local planning authority; and **NA**

(b) in the case of development carried out on land which is, or is within, a site of special scientific interest, to Natural England(a). **NA**

## 8.0 CONCLUSIONS

Prior approval is required for the mast and should be refused.

<b>Case Officer:</b>	Tamlin Barton Planning Officer (DM)
<b>Report Date:</b>	14.07.2021
<b>Reviewed by:</b>	Paul Keen Team Leader - East Team
<b>Date:</b>	21st July 2021