

DEVELOPMENT CONTROL COMMITTEE

17 SEPTEMBER 2020

COUNCILLORS' ADDITIONAL PAPERS

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SPEAKING LIST DEVELOPMENT CONTROL COMMITTEE – 17 SEPTEMBER 2020

ITEM NO.	TITLE	REQUESTS TO SPEAK IN OBJECTION	TIME ALLOCATED	RIGHT OF REPLY OR SPEAKERS IN FAVOUR	TIME ALLOCATED
5a - 20/01718/FULR3	Waterside, Peartree Bridge, Milton Keynes	Dr L-A Perryman Mr S McNay	3 Mins 3 Mins	B Matthews Head of Transport Innovation	6 Mins
5b. - 20/00973/FUL	Land adjacent to 15 Gleneagles Close, Bletchley, Milton Keynes	Cllr P Harvey (West Bletchley Council)	3 Mins	Declined Right of Reply	3 Mins

Application Number: 20/01718/FULR3

Description

At Erection of one 5G communication mast 22.5m in height with associated cabinets

For Mr Brendan Healey

Statutory Target: 11.09.2020

Extension of Time: 18.09.2020

Ward: Woughton and Fishermead

Parish: Woughton

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UPDATE PAPER

1.0 CORRECTIONS

1.1 Paragraph 7.27 should read:

A large number of objections have been received from residents of the Borough to the principle of rolling out a 5G Network whilst the potential public health risks are unknown. Whilst these concerns are noted there is no generally accepted scientific evidence that a 5G network, and the proposed development in particular, poses a threat to public health providing it complies with the emission levels set out by the International Commission on Non-Ionising Radiation Protection (ICNIRP).

2.0 ADDITIONAL COMMENTS

2.1 MKC Ecology – comments received 25/08/2020

“Is this a resubmission of application 20/00876/FULR3? If it is then our advice on the application still stands, and I have no ecological issues to raise.”

2.2 MKC Landscape Architect –comments received 08/09/2020 (Prior to updated LVIA Views)

“The principle is acceptable. However, Policy D8 (Mains and Telecommunications Services) says: Where above ground services are required, landscaping and careful detailing should optimise screening and mitigate visual impacts. The worst views towards the mast will be mainly from close-range to middle distance and it is these views along nearby streets, marina, canal bridge and redway which are missing from the submitted visual assessment. I would prefer to see additional viewpoints from agreed suitable locations included in the visual assessment. In addition, the planning application should demonstrate that visual impact on the built or natural environment is minimised. To limit the visual impact of the mast and its associated apparatus, the submission should demonstrate that they have considered the provision of structured screen landscaping, where appropriate. Tree and shrub planting should be considered to mitigate the worst close-range views and over-time the growth and height of tree planting would go some way towards integrating the mast and associated apparatus into the street scene.”

2.3 MKC Conservation – comments received 16/09/2020 (After to updated LVIA Views)

“Three are number of designated heritage assets close to the site whose setting could be affected by development, principally these are the Old Rectory, the listed buildings at Woughton on the Green and the Woughton on the Green Conservation Area. Peartree Marina has potential to be a non-designated heritage asset, being a particularly well executed scheme from the new town era which is locally significant as a major intervention in the history of the area.

The Old Rectory is surrounded by planting except the western side. In terms of setting, the site has a partly self contained character due to a weak relationship with its immediate surroundings, this in turn is a result of the construction of the canal, Jeeves Close to the south, Waterside to the road to the west and generally the scale of nearby new town highway infrastructure associated. Its historic rural setting has been heavily eroded. It’s setting is principally formed of the site within which it sits which is also a scheduled ancient monument.

The setting of the listed buildings around The Green is principally formed by the peaceful, rural, historic character of the village which is well preserved despite the construction of the new town around it. There is a group value to the listed buildings along and around The Green. There are other listed buildings within the village such as St. Mary Church (grade II*) which also benefit from the rural setting of the village, albeit at greater distance from the application site.

As above, Woughton on the Green Conservation Area benefits from a preserved rural village character despite the construction of the new city around it, this is key part of its character, appearance and significance. Development around it, within its setting, has the potential to harm this significance

The development of the new town of MK is recognised to have heritage value (as set out in the adopted New Town Heritage Register: Statement of Significance). Peartree Bridge is a particularly well executed scheme (1985-8 By British Waterways & Erostin) and could be held to be a non-designated heritage asset as defined in the NPPF. Development and general environs to the north are poor, particularly the former petrol filling station, and the general dominance of road infrastructure around the grid road entrance / exit. The Marina derives its value from the watercourse, the architecture of the scheme and the relationship between the two, very little, if not no, significance is derived from its surroundings.

As above the Old Rectory has little relationship with the land that mast is located on. Given the vegetation on the site it is unlikely that the mast will be visible in such a way that it would be intrusive or cause harm to its setting.

The LVIA, whilst unfortunately only including images of the trees in leaf, shows that any autumn/winter views of the mast from the conservation area, or the listed buildings within it, will be through the canopy of the trees since the mast is lower. If the mast is visible at all it will be heavily filtered by the remaining (leafless) canopies, as such it will not be an intrusive element that threatens or harms the rural setting of the listed buildings or setting of the conservation area.

As above, Peartree Marina derives its significance from the quality of development within its own site. As such, even though the mast would be visible from specific vantage points towards the north of the development (see additional LVIA viewpoints) this does not equate to harm caused to the non-designated heritage asset.

Recommendation: No objection in relation to setting of listed buildings, conservation areas and non-designated heritage assets.”

2.4 Campbell Park Parish Council

Due to the proximity to our Parish, the Committee resolved to comment on this application and echo the concerns raised by Woughton Community Council.

2.5 Public Representations

Further comments have been received by 12 representations that had already objected. Most concerns raised related to issues that have either been mentioned in the report or have been answered above in this paper. Sharing of masts with other 5G networks was not considered appropriate given the nature of this particular 5G network. In answer to comments about the determination deadline, this was extended under an extension of time which is permitted as part of development management procedures.

3.0 ADDITIONAL CONSIDERATIONS

Landscape Visual Impact Assessment (LVIA)

- 3.1 Following concern on the impact on heritage assets raised by the Conservation Officer, an LVIA was submitted showing views of the mast from the surrounding heritage assets. While the ZTV shows wide theoretical visibility, the mast in reality will be hidden from most of the surrounding area by the extensive landscaping of Milton Keynes. Viewports provided show that views of the mast from close to the entrance of the Listed Building of The Old Rectory (VP2), views from the southern boundary of the its grounds (from Pear Tree Lane) looking down the path dividing Jeeves Close (VP1) and three views from in the open areas of the conservation area - The Green (VP3-5).
- 3.2 Views VP3-5 demonstrate that the mast will not have significant visibility from the open parts of the conservation area. VP-2 shows that the mast will be visible down the redway outside the stables associated with The Old Rectory but given the trees on either side visibility will be shielded from the Old Rectory itself (located further east and surrounded by trees). VP1 shows visibility of the mast from the very south end of the grounds of The Old Rectory. It is clear that the mast will be hidden behind trees and the buildings of Jeeves Close and will not adversely impact the setting of this heritage asset.
- 3.3 Concerns were raised by some objectors that the LVIA as presented took the proposed views in summer and not in winter when there is no foliage, a point further raised by the conservation officer. Nevertheless, given the thickness of the trees around heritage assets, visibility of the mast through branches will be limited and will cause no harm to their significance.
- 3.4 Subsequent to the LVIA being provided, the Landscape Architect commented that views around the marina had not been provided. While this was not the intended aim of the LVIA, nevertheless 5 additional views have now been provided and will be shown in the Officer's presentation at DCC. The views confirm that given the location of the mast away from the Marina and Canal, visibility within the skyline is acceptable. Furthermore, they demonstrate that the mast is not out of keeping with the area given the background with hospital chimney. The views confirmed that the mast will not look out of place within the street scene given the streetlighting, road and nearby garage.

4.0 RECOMMENDATION

- 4.1 Officer's recommendation remains to approve the application, in accordance with the committee report.

Written submission to the Development Control Committee regarding Agenda Item 5a, Application Number: 20/01718/FULR3

Firstly, can I apologise if no representative from Woughton Community Council is able to attend – it appears that we are not correctly registered on the CMS system, which is now being addressed, so notice has been limited. However, this committee clashes with the Parishes Forum which, due to MKC being unable / unwilling to use Zoom, we host on behalf of MKC. Whilst we will make every effort to ensure someone attends, we are also presenting to the Parishes Forum at the same time as this committee.

To build upon our previous submissions and in response to the report from MKC for this meeting's agenda, we would ask for the following to be noted:

'The Pre-application consultation with the local planning authority considered a proposed street works style site on the eastern side of the Hospital Campus just to the south of the vehicular access road from Marlborough Street. In this instance, there were no tall buildings without existing telecommunications equipment in place that could provide an alternative to a street works style solution. The LPA's only concern was that this location may cause harm to the existing biodiversity and would be contrary to Policy NE3 Biodiversity and Geological Enhancement. The decision was made to try to find alternative sites, where any impact on the local biodiversity would be limited.'

We find it hard to understand how the ecological impact on the hospital campus, in a site very similar to the one identified on PB, will be so much more significant than that of the current proposed site, next to a marina, in an amber zone for great crested newts and with the canal corridor providing significant biodiversity. Without seeing the reports, it is hard to fully assess and are taking this purely on 'Siting and Location Explanation'(sic).

The previous application (20/00876/FULR3) was withdrawn following a recommendation from the planning officer because of adverse visual impact. How has this changed? By moving the mast 100 metres?

Last documents were submitted on 2nd September (visual impact heritage assets report). Our understanding is that 21 days consultation is usual – this has not been allowed with full access to the application in full.

The strength of feeling amongst local residents is clear by the number of objections received – significantly more than any of the other mast applications associated with this city-wide project. It is worth noting that of the masts planned within this project, this one is both higher and closer to residential properties than others.

Our views with regard to the planning process, the issues with the MKC Planning Portal, the limited consultation and similar have been addressed to a limited extent, as reflected in the feedback from residents (significantly more than with the previous application).

As previously stated, Woughton Community Council are supportive of the provision of 5G across the city and within the parish. However, the siting of this mast, in an area that is considered one of note within the parish and wider city, adjoining the marina and associated leisure pursuits, is not felt appropriate. With the previous application being withdrawn due to the visual impact, the changes made with the

new submission do not, in any real sense, change this – there remains a mast of 22.5 metres within the visual scope of numerous properties and the open space of Peartree Bridge.

We would encourage a further look at the location of this mast and would suggest the hospital site is reconsidered.

Application Number: 20/00973/FUL

Description Construction of a four-bedroom detached house together with associated works (re-submission of previously refused scheme 19/03232/FUL)

At Land adjacent to 15 Gleneagles Close, Bletchley, Milton Keynes, MK3 7RT

For Mr Brendan Healey

Statutory Target: 16 June 2020

Extension of Time: 21 September 2020

Ward: Bletchley Park

Parish: West Bletchley Council

Report Author/Case Officer: Sundas Shaban
Planning Officer

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UPDATE PAPER

1.0 ADDITIONAL COMMENTS RECEIVED

The following additional comments have been received since the report was published, or were not included in the committee report:

1.1 West Bletchley Council – received 28/08/2020

“The footprint of the building on the revised plans places the building closer to the mature hedgerow to the side than is shown on the plans. This should be assessed by the case officer on-site. The applicant has not demonstrated that the proposal will not result in a loss of biodiversity due to the impact on the hedgerow. The tree report produced in 2012 is out of date and cannot be relied upon. Additionally the flat roof over the porch on the front elevation overhangs the relocated ROW. Along with the hedgerow on either side of this path creates an undesirable tunnel effect. The TPO protected tree in the garden dominates the space in the garden.”

1.2 MKC Landscape Services Manager – Trees comments received 03/07/2020

"I request the following conditions;

1. All existing trees, woodlands and hedges to be retained are to be protected according to the provisions of BS 5837: 2012 'Trees in relation to design, demolition and construction - Recommendations'. All protective measures especially the fencing and ground protection must be put in place first, prior to any other work commencing on site (this includes vegetation clearance, ground-works, vehicle movements, machinery / materials delivery etc.) and shall thereafter be maintained in place in good functional condition until the project is entirely complete and until, with the exception of soft landscaping works, all contactors, equipment and materials have left site. The fencing shall be on the RPA margin and of the same specification as that depicted in figure 2, page 20 and ground protection as specified in 6.2.3.1 - 6.2.3.5 pages 21/22 in BS 5837: 2012.

Signs informing of the purpose of the fencing and warning of the penalties against destruction or damage to the trees and their root zones shall be installed at minimum intervals of 10 metres and a minimum of two signs per separate stretch of fencing.

Once erected the local authority tree officer shall be notified so the fencing can be inspected and approved.

The Root Protection Area (RPA) within the protective fencing must be kept free of all construction, construction plant, machinery, personnel, digging and scraping, service runs, water-logging, changes in level, building materials and all other operations, personnel, structures, tools, storage and materials, for the duration of the construction phase.

The developer shall submit details of the proposed layout and general arrangements of the site in relation to the trees to be retained. In particular details of storage areas including what substances will be stored and where, locations of car parking, welfare facilities, cement plant, fuel storage and where discharge, filling and mixing of substances will take place. The details should include site levels to enable risks posed to trees to be quantified. The RPA will be amended as the arboriculture officer feels appropriate after taking account of the details submitted.

No fire shall be lit such that it is closer than 20 metres to any tree or that flames would come within 5 metres of any part of any tree.

Earthworks, level changes, service runs, foundations and all other works involving excavation should not be located within the root protection areas.

2. The submitted tree survey and report is dated 2012 and should be updated and re-submitted including an Arboricultural method statement all in accordance with BS 5837:2012. Following which pertinent amendments should be made to the proposed layout and levels in light of the arboricultural findings, in order that the best existing trees are viably retained within the development for the long term. It should include a scale plan accurately marking the position of all the retained trees and hedges, the extent of the root protection areas, the BS 5837: 2012 tree protection fencing along the root protection area margin, any areas to be covered in BS 5837: 2012 ground protection, construction details for the BS 5837: 2012 fencing and ground protection and sufficient detail of hard & soft landscaping works, service and drainage runs and proposed &

existing spot levels in sufficient numbers and at appropriate spacing's to enable the impact of the development on the tree root zones to be assessed. Also included should be a method statement for the execution of soft landscaping works within the root protection areas. Before any soft landscaping operations within root protection areas are carried out, including fencing, the local authority tree officer shall be notified so a site meeting can be arranged with the landscape contractor to confirm the agreed landscape working methods that will avoid root damage; this involve the use of hand tools only – machines and motorised tools will not be permitted.

3. Where roots are encountered outside the root protection areas excavate carefully, avoid de-barking, breaking, splitting, splintering or shattering the roots. Once uncovered the roots which will have to be removed to accommodate the construction should be cut back to a point 100mm beyond the nearest edge of the construction, they must be pruned back cleanly with sharp, clean pruning saws or bypass loppers making level, smooth right angle cuts with no ragged edges. Shuttering should be used to keep concrete pours 100mm away from the cut root ends. The void should be backfilled with an approved tree planting compost mix finished to the surface. Substances toxic to roots to be kept away from roots, i.e. tars, fuels, oils, bitumen, cement etc.

4. Fence installation within RPA of trees; No posts should be installed closer than 1 metre to tree trunks, post holes should be carefully hand dug within the tree canopy spread so that when roots are encountered no damage is caused to them. If roots larger than 25mm diameter are encountered the hole should be repositioned to avoid having to cut them. When cutting roots less than 25mm diameter in order to make the post holes, prune them back cleanly with sharp, clean pruning saws or bypass loppers/secateurs making level, smooth right angle cuts with no ragged edges, flush with the side of the hole. Line the post holes with a plastic membrane such that when the foundation concrete is poured it cannot come into contact with the soil or the cut root ends before it sets. When working within the tree canopy spread take good care not to cause damage to the soil or any part of the tree above or below ground, particularly avoid; physical damage to branches and trunk with tools, equipment and machinery; compacting the soil by machinery/vehicle movement; and contaminating the soil with substances such as cement, fuels, oils, bitumen, tars, etc.”

1.3 Local Highway Authority – comments received 10/09/2020

“The committee report has included my original comments and then at para 7.25 it states there has been a revision to the red line and parking area. It is correct that I didn't comment on the updated plans but I had previously viewed them so the statement at para 7.25 is OK. I am happy for Sundas or whoever is presenting this to verbally update members that I have no objections to the application.”

1.4 Public Representations

Two further public comments have been received since the publication of the committee report, and are summarised below:

- Concern regarding loss and damage to the hedgerow given it's significance
- Concern that the plans are inaccurate, and that the plot is too narrow to sustain the building and right of way without damaging the hedgerow
- Concern that root protection for the will not be able to be met

2.0 CONSIDERATIONS

2.1 Comments from the Tree Officer, Parish Council and members of the public are noted, and covered more fully in the committee report. It is considered that the conditions recommended by the Tree Officer are necessary for the protection of the existing trees and hedgerow and should be included as part of the grant of permission for this application.

3.0 RECOMMENDATION

3.1 It is recommended that planning permission be approved subject to the conditions in the committee report and the four additional conditions in this update paper.