



## TOWN AND COUNTRY PLANNING ACT 1990

### TOWN AND COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT ORDER

APPLICATION NO: 21/02118/TELPN

To: CK Hutchison Networks (UK) Ltd  
c/o Mr Tom Gallivan - Dot Surveying Ltd  
14 Inverleith Place  
Edinburgh  
EH3 5PZ

Your Ref: Bedford Road street  
works

**Bedford Borough Council HEREBY REFUSES PLANNING PERMISSION** for the development in accordance with the details on this notice, including any reasons and the plans listed below.

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

**LOCATION :** Land Fronting The Red Lion Bedford Road Wilstead Bedfordshire

**PARTICULARS OF DEVELOPMENT :**

Installation of Fifth Generation (5G) equipment, comprising H3G Phase 8 18m high street pole c/w wrap-around cabinet and; and 3 further additional equipment cabinets.

**PLEASE TAKE IN ATTACHED REASONS FOR REFUSAL AS SPECIFIED OVERLEAF**

Signed:

C Austin Director of Environment

Refusal Date: 21 September 2021

Borough Hall,  
Cauldwell Street, Bedford MK42 9AP  
Telephone (01234) 267422 Fax (01234) 718084

01. The siting and appearance of the proposal would result in visually incongruous street furniture close to a footway and highway and in a prominent position within the settlement of Wilstead. The proposal does not respect the context within which it will sit and would be to the visual detriment of the street scene. This is contrary to Policy 28S (ii); Policy 29 (i) and (ii); Policy 30 (i) and (ii) and Policy 96 (v) of the Bedford Borough Local Plan 2030.

**IMPORTANT PLEASE NOTE THE FOLLOWING ADVICE :-**

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. The Council has made available a full pre-application advice service to all applicants, along with copies of its adopted policies, Supplementary Planning Documents (where applicable) and its parking standards, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. We have however been unable to seek solutions to problems arising from the application as the principle of the proposal is clearly contrary to our statutory policies and negotiation would not overcome the reasons for refusal.

***Please note the application has been determined with the following policies taken into consideration and any relevant supplementary planning guidance:***

<b>Policy:</b> LP28S	<b>Description:</b> Place making	<b>Document:</b> Local Plan 2030
<b>Policy:</b> LP29	<b>Description:</b> Design Quality and Principles	<b>Document:</b> Local Plan 2030
<b>Policy:</b> LP30	<b>Description:</b> The impact of development design impact	<b>Document:</b> Local Plan 2030
<b>Policy:</b> LP31	<b>Description:</b> The impact of development access impacts	<b>Document:</b> Local Plan 2030
<b>Policy:</b> LP96	<b>Description:</b> Communications infrastructure	<b>Document:</b> Local Plan 2030

***Please note the following are the refused plan(s) detail(s):  
(To check if any further applications are approved/refused following this decision, please refer [here](#) for our Website and How to Guides)***

<b>Plan type:</b> Block and Location plans	<b>Plan ref:</b> 002 A	<b>V No:</b> V01	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Site Layout as proposed	<b>Plan ref:</b> 215 A	<b>V No:</b> V02	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Site Layout as proposed	<b>Plan ref:</b> 411 A/RF COMPLIANCE PROPOSED PLAN	<b>V No:</b> V03	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Proposed Elevations	<b>Plan ref:</b> 265 A	<b>V No:</b> V04	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Proposed Elevations	<b>Plan ref:</b> 451 A	<b>V No:</b> V05	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Proposed Elevations	<b>Plan ref:</b> 452 A	<b>V No:</b> V06	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Proposed Elevations	<b>Plan ref:</b> 453 A	<b>V No:</b> V07	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Proposed Floor plans	<b>Plan ref:</b> 306 A/INTERNAL CABINET DETAIL	<b>V No:</b> V08	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Antenna Plan	<b>Plan ref:</b> 305 A/PROPOSED LINE CONFIGURATION	<b>V No:</b> V09	<b>Received:</b> 28-Jul-21

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<b>Plan type:</b> Equipment	<b>Plan ref:</b> 307 A	<b>V No:</b> V10	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Vision Splay	<b>Plan ref:</b> 005 A/AND CRANE LOCATION	<b>V No:</b> V11	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Supporting Plans	<b>Plan ref:</b> 006 A/UNDERGROUND SERVICES PLAN	<b>V No:</b> V12	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Antenna Plan	<b>Plan ref:</b> 304 A/PROPOSED CONFIGURATION ANTENNA SCHEDULE	<b>V No:</b> V13	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> site layout existing	<b>Plan ref:</b> 100 A	<b>V No:</b> V14	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Existing Elevations	<b>Plan ref:</b> 150 A	<b>V No:</b> V15	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Drawings list	<b>Plan ref:</b> 001 A	<b>V No:</b> V16	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Supporting Information	<b>Plan ref:</b> P1/SITE DETAIL SHEET	<b>V No:</b> V17	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Supporting Letter	<b>Plan ref:</b> BED17788	<b>V No:</b> V18	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Supporting Information	<b>Plan ref:</b> P2/ICNIRP FORM	<b>V No:</b> V19	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Supplementary Information	<b>Plan ref:</b> P3/5G SITE SPECIFIC SUPPLEMENTARY INFO	<b>V No:</b> V20	<b>Received:</b> 28-Jul-21
<b>Plan type:</b> Supporting Letter	<b>Plan ref:</b> BED17788/PROPOSED 5G TELE INSTALLATION FOR H3G UK	<b>V No:</b> V21	<b>Received:</b> 28-Jul-21

**Date Determined by Officers (Delegated) 21 September 2021**

**Appeals:** To make an appeal online go to <http://www.planningportal.gov.uk/planning/appeals/>. Alternatively to submit by post please contact the Planning Inspectorate Customer Support Team on 0303 444 5000 or email [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk) to obtain paper forms and advice. **The applicant has a right to appeal against the Local Planning Authority's (LPA's) decision in accordance with the following:**

Householder Planning Applications	Other Planning Applications
<b>12 weeks</b> from the date of the decision notice.	<b>6 months</b> from the date of the decision notice, or  <b>6 months</b> from the expiry of the period which the LPA had to determine the application.
However, if an enforcement notice has been served for the same or very similar development the time limit is:  <b>28 days</b> from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.  <b>28 days</b> from the date the enforcement notice was served if served on or after the date the	However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:  <b>28 days</b> from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.  <b>28 days</b> from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

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<p>decision was made (unless this extends the appeal period beyond 12 weeks).</p> <p>NB – if the LPA has failed to determine your householder planning application or you are appealing against the grant of permission subject to conditions to which you object, or your Householder application has an accompanying Listed Building application then please follow the time limits for <b>Other Planning applications</b>.</p>	<p>NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.</p> <p>If the Appellant wishes the Appeal to be an inquiry, the Local Planning Authority and Planning Inspectorate must be notified at least 10 days prior to the appeal submission</p>
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**OFFICER REPORT** The Officer Report is for information and does not form part of the Decision Notice

**SITE DESCRIPTION and PROPOSED DEVELOPMENT**

The application site is west of Bedford Road at a grass verge, close to the edge of the footway fronting the highway and a junction with Cotton End Road; Church Road and Luton Road. To the south east of the site is a bus shelter and beyond this, a British Telecom cabinet. To the west of the site is 'The Red Lion' public house, with car park for patrons at the frontage. To the east, beyond the highway, is 'The Woolpack' public house, with car parking to the north and residential development above. To the north east; north west and south west is residential development. The site is located in a prominent position within the village core of the settlement of Wilstead.

In planning policy terms, the site is within the Settlement Policy Area boundary for Wilstead and is not in a Conservation Area.

It is proposed to install fifth generation (5G) equipment, comprising H3G Phase 8 18m high street pole; wrap-around cabinet and 3 further additional equipment cabinets.

**CONSULTATION RESPONSES**

<b>Wilshamstead Parish Council</b>	Objection.
<b>Highways (Development Control) Officer</b>	Objection.
<b>Env Health &amp; Trading Standards</b>	No objection.

**NEIGHBOUR COMMENTS**

The application was advertised to the general public by way of letter, and a site notice was placed at the site on 19 August 2021; this is in accordance with the general requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

22 no. neighbours were notified and 17 no. representations were received in total. Notwithstanding this, multiple representations were received from the same household. The total number of representations received within the consultation from 1 no. household therefore totals 14.

The objections are summarised as follows:

\* Location – Prominent position within the village; should be off the main road / in a less visible position; out of context; this area is identified as a focal point to the village in the Draft Neighbourhood Plan; impact on landscape;

\* Design – Out of keeping with the character and appearance of the area; at odds with surrounding area; urbanisation;

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- \* Impact property values;
- \* Health impacts;
- \* Impact on biodiversity;
- \* Outlook – view from neighbouring properties;
- \* Impact on the highway / access;
- \* Inaccuracy of red and blue lines shown on plans;
- \* Lack of consultation from the applicant.

A Planning Officer visited the site on 19 August 2021.

**ASSESSMENT OF APPLICATION**

1. CONTEXT and POLICY REQUIREMENTS

This application will be determined in accordance with the scheme of delegation and will be a delegated decision.

The application is for the installation of fifth generation (5G) equipment, comprising H3G Phase 8 18m high street pole; wrap-around cabinet and 3 further additional equipment cabinets.

The application for the proposed works is made under Part 16 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The relevant part of the legislation is as follows:

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,
- (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
- (c) development ancillary to radio equipment housing.

Development not permitted

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;
- (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

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exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;

(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; or

(ii) 20 metres above ground level on article 2(3) land or land which is on a highway; 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; or

(bb) 20 metres above ground level on article 2(3) land or land which is on a highway; 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.

The proposed development meets the above criteria and it is the applicant's requirement to notify the Local Planning Authority so they can consider whether prior approval is required, and if so, to grant or refuse prior approval. The Local Planning Authority can only consider the siting and appearance of the development.

Paragraph 115 of the National Planning Policy Framework (2021) acknowledges that the use of existing buildings and masts for new electronic communications capability (including wireless) should be encouraged.

Paragraph 117 of the same Framework states that applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include the outcome of consultations with organisations with an interest in the proposed development.

The site is circa 200 metres from Wilstead Primary School (as the crow flies). The information submitted by the applicant (see LPA reference V20) states that an email was sent to the School, but no comments were received.

An Environmental Health Officer at Bedford Borough Council has reviewed the proposal and raises no objection.

The application was suitably advertised to the general public and no comments have been received from the School. The Parish Council were consulted on 29 July 2021 and comments received on 24 August 2021. The Parish object to the scheme, and the objection is set out in the body of this report.

Paragraph 118 of the National Planning Policy Framework (2021) confirms that local planning authorities should not seek to prevent competition between different operators, or set health safeguards different from the International Commission guidelines for public exposure.

In support of the application, the applicant has confirmed that the proposal complies with the International Commission guidelines for public exposure (see LPA reference V19).

## 2. MAIN ISSUES ARISING

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Siting and appearance

Policy 96 of the Bedford Borough Local Plan 2030 relates to the consideration of telecommunication equipment. Policy 96 (v) acknowledges that planning permission will be granted for telecommunications masts and aerials, provided that the proposal is designed, landscaped and screened to minimise any adverse impact on the appearance of its surroundings and it meets criteria (i) to (iv) of the same policy.

Policies 28S; 29 and 30 of the same Plan are also relevant in the determination of this application.

Policy 29 acknowledges that development should respect the context within which it will sit and contribute positively to the area's character and identity.

Policy 30 states that proposals should consider the quality of the development in terms of scale, density, massing, height, materials and layout and again, should respect the context within which it is placed.

A number of neighbour objections have been received with regard to the location of the proposed mast equipment and equipment and how it is to be located in a prominent position that is out of keeping with the character and appearance of the village.

An objection has also been received from the Parish Council based on the following grounds:

- The mast would dominate the village centre as it would be twice the height of any building within a 1000 metre radius of the site and the cabinets would be only slightly smaller than the bus shelter;
- The Parish do not object to the improvement of telecommunications, but not in the centre of the village;

The Parish note that there has been no attempt by the applicant to liaise with the Parish with regard to the proposal. This is contrary to the claims made by the applicant. The Parish query a number of the documents submitted to support the application as they contain a number of errors.

The application is therefore misleading.

The Parish Council strongly object to the proposal.

A representation has also been received by Charles Wells Ltd, owner of the Red Lion, Wilstead, object to the proposal as it is contrary to the following Local Plan 2030 policies:

- Policy 28S (Place making);
- Policy 29 (Design quality and principles);
- Policy 31 (The impact of development - access impacts);
- Policy 96 (Communications infrastructure).

Charles Wells Ltd. also query the plans submitted by the application, in particular, LPA reference V03; V05; V06 and V07. A substantive part of these areas overlap land within Charles Wells ownership. The applicant has made no effort to consult with Charles Wells Ltd.

To confirm, whilst it is acknowledged that the applicant states that pre-application consultations have taken place (see LPA reference V20), the applicant has not applied for pre-application advice from the Local Planning Authority. The applicant also confirms that the Council's mast register was not used for suitable sites.

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Queries have been received with regard to the plans submitted. For the avoidance of doubt, the LPA reference V01 and V02 confirm the proposed location of the mast and equipment.

The site consists of a highway verge and existing small paving slabs, adjacent to a public footway and highway, and to the front of The Red Lion public house. To the east, beyond the highway, is The Woolpack public house, with car parking to the north and residential development above. To the north east; north west and south west is residential development. Grade II listed 5 and 7 Bedford Road are located beyond The Red Lion public house, however, they are not visible from the street scene at Bedford Road and are not considered to be impacted by the proposal. Directly to the south east of the site is a bus shelter and beyond this, a British Telecom cabinet.

LPA reference V04 demonstrates the full visual impact of the proposed mast and equipment. The proposed pole is to be 18m high, with an AC transmission cabinet; Ericsson 6130 equipment cabinet; comoscope bowler cabinet and wrap-around cabinet proposed at the base and along the edge of the footway. The plan shows the existing hedgerow to be 1.8 metres in height.

The mast is significantly higher than the existing street lights, telegraph poles, British Telecom cabinet and bus shelter, to the south east of the proposed site. Whilst LPA reference V04 notes the presence of hedgerow, the proposed mast and equipment will be highly visible at the street scene and will dominate the approach to The Red Lion public house. This intensification of equipment would detract from the character and appearance of the area in which the proposal sits, which is in a highly prominent position at the approach to a junction with Cotton End Road; Church Road and Luton Road. Upon visiting the site and reviewing the comments from neighbours and the Parish Council, it is of the opinion of the Local Planning Authority that the mast would be better suited to a location that is less prominent.

A Highways Development Control Officer at Bedford Borough Council has reviewed the proposal has noted that the proposal would partially obstruct the lateral clearance needed for the busy carriageway and footway and would lead to danger and inconvenience to highway users. Concerns have also been raised that the proposal will affect visibility of drivers existing the Red Lion car park. On checking the submitted plans it is the opinion of Officers that the proposal will not obstruct the carriageway and footway or impact on visibility and is acceptable in terms of highway safety.

Whilst the Local Planning Authority acknowledges that there is a small and constrained search area for this cell, the Local Planning Authority cannot accept the visual impact caused by the proposal. Alternative locations have been suggested by the Parish Council and they were not formally explored with the Local Planning Authority and pre-application advice has not been sought. LPA reference V01 and V02 demonstrate the highly prominent position of the site, and LPA reference V04 clearly shows the detrimental impact the mast and equipment would make to the character and appearance of this section of Bedford Road and The Red Lion public house.

### 3. CONCLUSION

The proposed mast and apparatus would be visually prominent and this would be detrimental to the street scene.

The proposal has therefore been found to be contrary to Policy 28S (ii); Policy 29 (i) and (ii); Policy 30 (i) and (ii); and Policy 96 (v) of the Bedford Borough Local Plan 2030.

The prior approval for the siting and appearance of the proposal development is required and this has been found to be unacceptable; the prior approval should therefore be refused.



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