

**Case Officer:** Jeanette Davey

**Recommendation:**

**Applicant:** Signal Infrastructure UK Limited

**Proposal:** Proposed telecommunications installation: Proposed 15.0m Phase 8 Monopole and associated ancillary works

**Expiry Date:** 2 August 2023

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## **1. APPLICATION SITE AND LOCALITY**

1.1. The application relates to a grass verge on Leach Road. The site adjoins the following:

- To the south-west, Kea Field and football pitches, as shown behind the hedge in the photograph below;
- To the north-west, 1-15 Leach Road, at about 42-63 metres from the site to their front elevations, as shown behind the white van in the photograph below;
- To the north-east, the blank wall side elevation of 38, Leach Road, at about 27 metres, with the front elevations of 46-50 Leach Road at about 47 metres, as shown to the right of the bright red car in the photograph below;
- To the east, Bicester School's playing field is at about 133 metres at its closest point and the buildings are at about 340 metres at their closest.
- To the south-east, The Clifton Centre, a community centre, at about 32 metres distance.

1.2. The land is adopted highway land. A minor aquifer has also been identified at the site.



## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The site is described in the agent's covering letter of 06.06.2023 as being necessary to meet its specific technical and operational requirements. The Site Specific Supplementary Information (SSSI), dated 06.06.2023, states that there is a need to provide improved coverage and capacity. The top of the monopole would be at 15m and the nearest mature tree is shown at 12m. Three cabinets are proposed adjoining the pole. These would be approximately 2m in height across an area of approximately 3.5m in length.
- 2.2. It would be positioned on a grass verge as described in Section 1 above.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal:

23/01495/TEL responded 21.07.2023 Submission to CDC prior to receipt of an application for Prior Approval for the siting and appearance. No Objections to make on the proposal to erect a 5G 15m-high phase 8 monopole and associated ancillary works.

22/01194/TEL56 approved 21.04.2022 on Middleton Stoney Road. The applicant's agent advises that this approved scheme will not be built due to unforeseen circumstances.

## **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. Contrary to that stated in the covering letter from the applicant's agent dated 06.06.2023, no formal pre-application discussions have taken place with regard to this proposal.

## **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **5 July 2023** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **5 July 2023**.

- 5.2. The comments raised by third parties comprise two objections and are summarised as follows:

- There is already one coms tower in Leach Road. We don't need another.
- 15 metres in height is too high: the existing mast is 9m. A better location is in a warehousing area or amongst new build, so purchasers can decide whether or not to live near it.

- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

## BICESTER TOWN COUNCIL

6.2. No objections, however, we request that:

CDC explore the rationale for this; make the site more aesthetically pleasing; explore using current sites.

## STATUTORY CONSULTEES

6.3. OCC Highways – No objection

## NON-STATUTORY CONSULTEES

6.4. None

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD15 - The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C39 – Telecommunication masts and structures

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Part 16, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO)

## **8. APPRAISAL**

8.1. The key issues for consideration in this case are:

- *Whether the works are permitted development*
- *Assessment of siting and appearance*

***Whether the works are permitted development:***

- 8.2. Part 16 of the GPDO permits development by or on behalf of an electronic communications code operator subject to a number of provisos, under Class A (a), (b) or (c). Accordingly, the proposed telecommunications development must be assessed as to whether it falls under any of these classes. The proposals constitute Class A(a) and A(c) development. The proposed monopole does not exceed the relevant size limits for a ground-based mast specified in paragraph A.1 (1)(c)(i) of Part 16 – the overall height of the new mast would not exceed 30m.
- 8.3. The associated radio equipment housing A.1. (9) would be ancillary to the electronic communications apparatus (a), and the cumulative volume would not exceed 90 cubic metres (b).
- 8.4. In this instance the proposed development is considered to comply with all the relevant criteria for Class A (a) of Part 16 of the GPDO and accordingly the proposals that form the subject of the notification would be permitted development.
- 8.5. In this case A.2 (3) (conditions) of Part 16 applies, in that 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 (Paragraph A.3).

***Assessment of siting and appearance:***

- 8.6. Government guidance contained within the NPPF requires planning decisions to support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections in the interests of economic growth and social well-being. Where new sites are required (such as for 5G networks), equipment should be sympathetically designed and camouflaged where appropriate. Local planning authorities are required to determine applications on planning grounds only, rather than seeking to prevent competition, questioning the need for an electronic communications system, or set different health safeguards from the International Commission guidelines for public exposure.
- 8.7. Policy ESD15 of the CLP 2015 states that new development should complement and enhance the character of its context through sensitive siting, layout and high-quality design. Furthermore, new development should be designed to improve the quality and appearance of an area.
- 8.8. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Saved Policy C39 of the CLP 1996 states that *“the council will normally grant planning permission for masts and other telecommunications structures where it has been demonstrated that, (inter alia)*
  - (i) It is not possible to share existing facilities;*
  - (ii) In the case of radio masts, it is not possible to erect the antenna on an existing building or other structure.”*
- 8.9. The applicant has submitted Site Specific Supplementary Information with the application that explains the reasoning behind the choice of location, and why other sites have been discounted.
- 8.10. Page 3 of the Site Specific Supplementary Information states that the site selection process has been influenced by the numerous vertical elements of street furniture

around the vicinity of the site, including street lighting columns. It continues by stating that street furniture such as street lamps, fencing, road signs and cabinets share similar vertical columns to the mast, supporting it in visually assimilating into the setting. This assessment cannot be accepted because the width and overall scale of the named elements of street furniture, their vertical or landscape orientation and their low quantity cannot be compared to the proposed mast or be stated to support it in visual assimilation.

- 8.11. Page 8 of the SSSI states that the 5G antennas are some 3 times as heavy as previous antennas, while the associated Remote Radio Units also now need to be placed at the top of the pole, thus many street works designs are no longer structurally capable of hosting all the equipment of 2 operators. It should be noted that the alternative option that could accommodate two operators would be a more traditional 'greenfield' mast, with an open headframe and more bulky design, which would be inappropriate in a street scene location. There is no such location in this cell search area where a greenfield mast could be housed and thus site sharing is not a viable proposition.
- 8.12. Whilst the mast and equipment housing would certainly detract from the visual amenities of the area through development upon this area of open green space, I do accept the justification for this location that has been put forward by the applicant. The development would be about 25 metres from the gable end of the nearest dwelling and approximately 46 metres from the nearest front elevations which would look towards the mast and equipment. I consider this to be sufficient to avoid harm in terms of a significant loss of amenity.
- 8.13. By its very nature, the mast and antennae need to be elevated in order to function, and therefore some visibility must be accepted; and these are features becoming a more common sight within, and adjacent to, settlements. The local planning authority is not to query the need for the development, as set out in the NPPF, and in light of this, I consider the proposed location to be acceptable in terms of siting.
- 8.14. I have considered how the development may be suitably camouflaged although, due to the location, I consider that the proposed colour is the most appropriate given the proximity to existing streetlights and highway signage of similar colouring. The proposal is therefore acceptable in terms of its appearance.
- 8.15. The applicant has submitted with the application a Declaration of Conformity with International Commission on Non-Ionizing Radiation Protection Public Exposure Guidelines.
- 8.16. To conclude, whilst the erection of a mast in this location would result in some visual harm, given the requirement to support the communications network and the rollout of 5G coverage in the area in the interests of economic growth and social wellbeing, I consider that the benefits of the scheme outweigh the harm that has been identified.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The site is visually prominent and, by its nature, the mast and radio equipment housing will lead to some harm to the visual amenities of the streetscene. However, the level of harm is not considered to result in such serious harm to the visual

amenities of the streetscene or the amenity of nearby residential properties that would warrant a reason to refuse the application, and that any harm which would be caused would be outweighed by the benefits of the development.

**10. RECOMMENDATION**

That Prior Approval is required and is granted, subject to the conditions outlined under Part 16, Class A, Paragraph A.2 of the GPDO.

The development shall be carried out strictly in accordance with the following plans and documents: Application form, Site Specific Supplementary Information, 002 Site Location Plan, 210 Proposed Site Plan, 260 Proposed Elevation.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and in the interests of the amenities of the area; and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C39 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Jeanette Davey

DATE: 11.12.2023

Checked By: Paul Ihringer

DATE: 11/12/23

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