



Proposed to remove the existing 14.7m monopole and install a new 15m monopole on a new root foundation. 3 x no proposed cabinets will be installed. As the replacement monopole is not in the same location as the existing monopole

## 5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **15 November 2021**. The overall final date for comments was **15 November 2021**. No comments have been raised by third parties.

## 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.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Caversfield Parish Council – no comments received.

### OTHER CONSULTEES

- 6.3. The Bicester Aerodrome Company – no comments received.  
6.4. OCC Highway Authority – no objection.

## 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 2015)

- 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 street pole does not exceed the relevant size limits for a ground-based mast specified in paragraph A.1 (1)(c) (ii) of Part 16 – the overall height of the new mast would not exceed 25m.

8.3. The associated radio equipment housing would be ancillary to the electronic communications apparatus, and the cumulative volume would not exceed 90 cubic metres.

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 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 LPA 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 Design:*

8.6. 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.

8.7. 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 as well as compatible with the existing dwelling.

8.8. Saved Policy C39 states “*the council will normally grant planning permission for masts and other telecommunications structures where it has been demonstrated that,*

(i) It is not possible to share existing facilities;

(ii) In the case of radio mast it is not possible to erect the antenna on an existing building or other structure; and

(iii) In the area of outstanding natural beauty and the area of high landscape value there is no suitable alternative site available in a less sensitive location.

8.9. The proposal consists of the erection of a new mast with ancillary equipment cabinets, in close proximity to the site of an existing mast that is to be removed as part of the works. The existing ancillary equipment cabinets would be retained, with three new cabinets installed.

- 8.10. The existing site consists of a fenced off area adjacent to a mature hedgerow within an agricultural field. The existing mast and cabinets are well screened from the public domain by the hedgerow, and I consider that this would continue to be the case with the new mast and cabinets. The site is not of any particular landscape sensitivity.
- 8.11. As the site is an existing installation the applicant has not searched for other locations, since the sequential approach seeks the sharing of existing masts and the use of existing building structures.
- 8.12. By its very nature, the mast and antennae need to be elevated to function, and therefore some visibility must be accepted; and is a feature becoming a more common sight within, and adjacent to, settlements.
- 8.13. The erection of a mast in this location would result in some visual harm. However, the proposals look to support improve communications network and the rollout of 5G coverage in the area (in line with the Government's aims for supporting high quality communications across the country; considered essential for economic growth and social well-being (NPPF Section 10)).
- 8.14. It is considered that any visual harm resulting from the addition of telecommunications equipment in this location would not have any such additional adverse impacts on the visual amenities of the area that it would outweigh the potential benefits and be sufficient reason to justify refusal.

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

- 9.1. The site is not considered to be visually sensitive although by its nature the mast is likely to result in some harm to the visual amenities of the streetscene as it exceeds the height of the adjacent hedgerow. 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, 5G Site Specific Supplementary Information and Planning Justification Statement, Drawings: 002 Site Location Plan, 003 Access Plan, 004 Lease Plan, 210 Proposed H3G Site Plan, 260 Proposed H3G 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 Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Gemma Magnuson

DATE: 01 December 2021

Checked By: Paul Ihringer

DATE: 2/12/21

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