

Case Officer: John Cosgrove

Recommendation:

Applicant: CK Hutchison Networks (UK) Ltd

Proposal: Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Expiry Date: 3 December 2021

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located on an area of Highway verge, consisting of open grassland bounded by a dry-stone wall to the south. The site is located immediately south of the junction of Station Road and Bletchington Road within the village of Kirtlington. The site is within the Kirtlington Conservation Area and development on the site would impact on the character, appearance and setting of the Conservation Area, and the setting of a Grade II* listed church tower. There are no other relevant planning constraints.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks prior approval for the installation of a Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

3. RELEVANT PLANNING HISTORY

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

21/03350/TEL – Proposed 5G Telecommunications Installation – Observations: 29/10/2021.

The Local Planning Authority raised objections to the proposed development as the proposed mast would be a dominant and alien feature at this gateway to the Village and would have a significant detrimental impact on the character and appearance of the Kirtlington Conservation Area.

4. PRE-APPLICATION DISCUSSIONS

4.1. No 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 November 2021**, and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. overall final date for comments was **5 November 2021**.

5.2. The comments raised by third parties are summarised as follows:

- Objects – due to proximity to residential properties.

- Objects due to impact on village and impact on views from neighbouring properties.
- Objects – due to impact on adjacent ancient dry-stone wall, impact on highway safety and raises concerns about effects of radiation.
- Objects due to prominence of location.
- Supports - as village needs better phone coverage and investment, objections are by persons resistant to change.
- Supports – as have suffered poor signal for too long.
- Objects – as a more suitable and discrete location should be found.
- Objects – due to small children living in close proximity to mast and lack of public consultation.
- Objects – due to lack of data on energy consumption.
- Objects due to adverse impact on landscape, and misleading plans.
- Supports – due to improved phone signal.
- Objects as more suitable sites available elsewhere in village.
- Objects – as 5G not necessary as broadband available in village.
- Objects as will spook passing horses.
- Objects due to potential noise pollution.
- Objects due to adverse impact on wildlife.
- Objects due to inaccurate plans, tree removed.
- Objects due to potential health impacts.
- Neutral – welcomes improved coverage but the proposal needs to be camouflaged or relocated to a more suitable site.

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.

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Kirtlington Parish Council: Objects – due to the impact of the proposal on the character and appearance of the village, and the Conservation Area, and the adverse impacts of the proposal on neighbouring properties.

OTHER CONSULTEES

- 6.3. CDC Arboriculture: No Response.
- 6.4. CDC Conservation: Object due to impact on the Conservation Area, and setting of the Grade II* listed church tower.
- 6.5. OCC Highways: No Objections.
- 6.6. London Oxford Airport: No Response.

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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- The Electronic Communications Code.

8. APPRAISAL

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

- Whether the proposed works would represent permitted development under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- Whether the siting and appearance of the proposed development would be acceptable.

8.2. Permitted Development

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.

8.2.1 The application is made by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in accordance with the electronic communications code and would consist of the installation of electronic communications apparatus.

8.2.2 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).

8.3. Assessment of Siting and Design

8.3.1 Saved Policy C28 of the Cherwell Local Plan 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 existing dwellings.

8.3.2. 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 masts, 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".

8.3.3 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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. Policy ESD13 states new development will be expected to respect and enhance local landscape character and secure appropriate mitigation where damage to local landscape character cannot be avoided.

8.3.4 The proposal consists of the erection of a 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works, on highway land adjacent to a dry-stone wall within the Kirtlington Conservation Area. The proposed development would be visually prominent when viewed from adjacent properties or from the streetscene within the Conservation Area, the proposal would also impact on views of the Grade II* Church Tower, when approaching the Village from the west.

8.3.5 The applicant has provided details of discounted alternative sites, and officers see no reason to dispute the reasons for discounting the alternative sites identified. As the application is for a new mast it is accepted that would not be possible to share existing facilities at this location, and the Local Planning Authority has no evidence to suggest otherwise; therefore, it is accepted that it would not be possible to share facilities on this occasion. Further, given the context on this occasion it is also accepted that it would not be possible to erect the antenna on an existing building or other structure.

- 8.3.6 The proposed mast would read as a large and visually incongruous addition to the Conservation Area, and while it is noted that the applicant has offered a change in colour to help the proposed mast and equipment integrate into the street scene and that this could be conditioned, it is not considered that this would be sufficient to reduce the harm from the proposal to an acceptable level.
- 8.3.7 While it is recognised that due to the nature of the proposal the potential to limit its visual impact is limited as the proposed antennae need to be elevated to function, and that masts and associated equipment are a relatively common sight within and adjacent to settlements, the application site is a sensitive location and it is considered that the proposal would have an adverse impact on the Kirtlington Conservation Area and the setting of other Heritage Assets within the Conservation Area. However, the proposals look to support improvements to the 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), and it is recognised that the proposal would offer social and economic benefits by way of an improved communications network in the locality.
- 8.3.8 A number of residents have raised concerns about the proximity to human habitations and the unknown health impacts from this relatively new radio bandwidth. The LPAs own Environmental Health Team has not raised any concerns and WHO are in the process of compiling a detailed report on all relevant radio bandwidths (for publication in 2022), though they do not currently raise any particular health concerns with the 5G bandwidth, citing a lack of any published evidence to the contrary.

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 application site is located within the Kirtlington Conservation Area and development on the site would impact on the character, appearance and setting of the Conservation Area, and the setting of a Grade II* listed church tower and adjacent dry-stone wall which are Heritage Assets in their own right, the Council's Conservation Officer has stated that they do not support the proposal and recommend refusal on the basis that the proposal would result in harm to the Conservation Area.
- 9.3. The NPPF requires that any harm identified should be given great weight and that any resulting harm would be outweighed by the benefits of the development. There are a number of public benefits offered in mitigation of the harm identified. The economic and social benefits of having faster and greater bandwidth (covering more connections) to the village and local businesses and residents.
- 9.4. In the planning balance, I would have to attribute only limited weight to the public benefits given the lack of supporting evidence for them and the high number of concerns from local residents. Whilst the thrust of Government policy is in support of the rollout of 5G communications, this should not come at the cost of harm to designated heritage assets – such has been identified here.
- 9.5. Having regard to the above it is recommended that prior approval be refused as the proposal would result in an unacceptable level of harm to the setting of the Kirtlington Conservation Area.

10. RECOMMENDATION

10.1 That prior approval is refused, for the following reason:

1. The proposed 5G radio monopole and associated equipment by reason of its design and siting would result in less than substantial harm to the character and appearance of the Kirtlington Conservation Area. The identified public benefits are not considered to overcome the harm identified. The proposal would therefore fail to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance set out in the National Planning Policy Framework.

Case Officer: John Cosgrove

DATE: 03/12/2021

Checked By: Paul Ihringer

DATE: 3/12/21
