

APPLICATION NO.	P21/S2041/HH
APPLICATION TYPE	HOUSEHOLDER
REGISTERED	26.7.2021
PARISH	CHALGROVE
WARD MEMBER(S)	David Turner
APPLICANT	Mr David Turner
SITE	50 Hardings, Chalgrove, OX44 7TJ
PROPOSAL	Retrospective planning permission for a radio amateur mast, rotator and antenna system.
OFFICER	Nathaniel Bamsey

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to planning committee as the applicant is a district councillor representing the ward of Chalgrove.
- 1.2 The application site is 50 Hardings, a link detached dwelling in the village of Chalgrove. Neighbouring properties are to the north and south. The car park/access road to Chalgrove Recreation Ground is immediately to the east with Chalgrove Community Primary School further beyond. An OS extract showing the site's location is **attached** at Appendix 1.
- 1.3 This application seeks planning permission to retain an amateur radio mast, rotor and antenna system.
- 1.4 Planning permission is required as the structure exceeds the limits for antennae given by Class H of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). A structure has existed in this location for approximately six years, but this was replaced with the current structure in 2019 so the time in which enforcement action can be taken has not expired.
- 1.5 The structure is 2.6m high when retracted, with a 2.5m spread to the antenna ends. When in use, the mast is raised to 10m.
- 1.6 Copies of the plans and photo accompanying the application are **attached** at Appendix 2. Full copies of the plans and supporting information together with consultation responses are available for inspection on the council's website at www.southoxon.gov.uk

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Chalgrove Parish Council - Support**

Env. Protection Team - No objection

Countryside Access - No response at time of writing

Neighbours - No objection, subject to condition (1)'we would like to confirm that we will not object to the order as long as the agreement by David Turner that the ariel is erected during use and lowered when not in use.'

3.0 RELEVANT PLANNING HISTORY

3.1 Nothing relevant.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, so an Environmental Impact Assessment is not required.

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

ENV6 - Historic Environment

ENV9 - Archaeology and Scheduled Monuments

ENV12 - Pollution - Potential Sources of Pollution

INF3 - Telecommunications Technology

TRANS5 - Consideration of Development Proposals

5.2 Chalgrove Neighbourhood Plan

C1 - Location of Development

C2 - Design and Character

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

5.5 Other Relevant Legislation

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 PLANNING CONSIDERATIONS

6.1 The relevant planning considerations are the following:

- **Principle of the development**
- **Design and character**
- **Residential amenity**
- **Access and parking**
- **Other material planning considerations**

6.2 Principle of the development

Policy INF3 mostly relates to large-scale commercial installations but the criteria given are considered relevant to this application. The policy supports new telecommunication development provided the siting and appearance of the apparatus minimises the impact on visual amenity and that the applicant has explored the possibility of erecting the apparatus on existing buildings or structures. As this development is within the curtilage of a dwelling it is not reasonable to require alternative sites to have been considered. The principle of providing antennae specifically within the curtilage of a dwelling is supported by Class H of the GPDO (albeit for smaller installations than the proposed).

Taken together, officers consider that the principle of the development is acceptable provided the apparatus does not harm visual amenity and it accords with the policies of the development plan as a whole.

6.3 Design and character

Policy

Policy DES1 requires new development to be of high-quality design. The policy gives a wide range of measures against which development will be assessed, including efficient use of land, net gains and no net loss of biodiversity, sustainability and respect for local character and context. This respect for local character is echoed by policy DES2 which requires new development to be designed to reflect the positive features that make up the character of the local area and it should both physically and visually enhance and complement the surroundings.

Policy C2 of the Neighbourhood Plan also requires development to reflect and enhance the character of Chalgrove. The policy sets out the criteria against which the design of development will be judged, including the use of traditional materials, on-plot parking and protection of views into and out of the village.

Discussion

The position of the site next to the car park for the recreation ground means the mast is visible to users of the park and the public footpath. When retracted, the structure can be seen over the rear fence, but its low height prevents any harm to visual amenity as its visual impact is limited.

When extended, the height of the antenna is such that it is seen both to the rear and front of the dwelling. The lightweight design of the antenna means that despite its significant height it is not considered to be significantly harmful to visual amenity and local character. The mast being permanently extended would be harmful to visual amenity, so it is recommended that a condition is attached requiring the mast to be retracted when not in use. It is also recommended that a condition is applied requiring the apparatus be removed and the site restored to its former condition should the mast no longer be required.

Subject to the recommended conditions, officers hold that the structure does not harm visual amenity nor local character and as such the development accords with policies DES1, 2 & C2 of the development plan.

6.4 Residential amenity

Policy

Policy DES6 requires development proposals to demonstrate that they will not significantly impact the amenity of neighbouring uses in relation to loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination or the use of / or storage of hazardous substances and external lighting. Policy ENV12 states that development should be designed to ensure that they will not result in significant adverse impacts on human health, the natural environment and/or the amenity of neighbouring uses

Discussion

The lightweight design of the structure and it's siting away from the boundary with the northern neighbour and beside the garage of the neighbour to the south are considered to prevent harm to neighbours through overshadowing, overdominance nor visual intrusion even when fully extended.

The environmental protection officer was consulted on the application and raises no concerns so it is held that the radio waves received/omitted from the mast would not be harmful to the health of local residents.

As neighbours are not harmed officers consider that the application complies with policies DES6 & ENV12.

6.5 Access and parking

Policy

Policy TRANS5 requires development proposals to provide for a safe and convenient access for all users to the highway network, provide cycle parking where relevant, be served by an adequate road network which can accommodate traffic without creating traffic hazards or damage to the environment, be designed to enable charging of plug-in and other lower emission vehicles, provide for loading, unloading, circulation and turning space and provide for the parking of vehicles in accordance with Oxfordshire County Council (OCC) parking standards, unless specific evidence is provided to justify otherwise.

Discussion

The radio mast does not intensify the use of the site nor does it affect the current access and parking arrangements nor cause obstruction/distraction to highway users. Therefore, officers consider that the development accords with policy TRANS5.

6.6 Other material planning considerations

Sustainability

Policy

DES7 requires development proposals to make provision for the effective use and protection of natural resources where applicable. This includes the efficient use of land, minimising waste, maximising passive solar heating, lighting, natural ventilation, energy and water efficiency and the re-use of materials.

Policy DES8 requires all development proposals to demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting taking into account any nationally adopted standards. Development should also be designed to improve resilience to the anticipated effects of climate change and be built to last.

Discussion

The requirements of policies DES7 & 8 are not considered relevant to this application, particularly given its retrospective nature.

6.7 Community Infrastructure Levy (CIL)

The development is not CIL liable.

6.8 Pre-commencement conditions

No pre-commencement conditions are recommended so the agreement of the applicant/agent is not required.

7.0 CONCLUSION

7.1 Officers recommend that planning permission is granted because the principle of the development is acceptable and there is no harm to visual amenity, neighbour amenity nor highway safety. Therefore, it is concluded that the application complies with the relevant policies of the adopted development plan and the NPPF.

8.0 RECOMMENDATION

8.1 **That planning permission is granted subject to the following conditions**

- 1 : Approved plans**
- 2 : Remove and restore when no longer required**
- 3 : Retract when not in use**
- 4 : Chalgrove Neighbourhood Plan Policies**

Author: Nat Bamsey
Contact No: 01235 422600
Email: Planning@southoxon.giv.uk

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