
Site Address: Footway adj Langbrook Farm, Langstone Road, Havant,
PO9 1SA

Proposal: Application for prior approval of proposed 5G telecommunications
installation of 17m high slim-line monopole, supporting 6 No. antennas, 2 No. equipment
cabinets, 1 No. electric meter cabinet and ancillary development thereto including 1 No.
GPS module.

Application Type: Telecommunications Notification

Application No: APP/23/00323 Expiry Date: 19/06/2023

Applicant: CK Hutchinson Networks (UK)
Ltd

Agent: Mr Laskowski Case Officer: Tina Pickup
Clarke Telecom

Ward: St Faiths

Recommendation: **REFUSE PRIOR APPROVAL**

1 Site Description

- 1.1 This is a revised application following the refusal of APP/22/01035 - the mast has been reduced in height from 20m to 17m and re-sited approximately 50m further north.
- 1.2 The precise siting now involves a section of pavement located on the west side of Langstone Road, north of the Langbrook Farm restaurant building, and approximately aligned with the northern section of the pubs car park. It would be at the point just before the pavement narrows with wider landscaping to the north.
- 1.3 The Langstone Road at this point (the A3023) is straight and some 6 carriageways wide, close to the main roundabout with the A27. It is the main road linking Hayling Island to Havant and is well used. There are no significant trees adjacent the two storey Langbrook Farm pub, and at this point the road is generally open with clear long distance views along its vista, in both directions, making it a highly prominent site. Development adjacent the highway is set back and largely two storey in scale, although the Premier Inn to the north is four stories high and a residential property opposite is three stories high.
- 1.4 On the opposite side of the road are residential properties, including a Listed Building at 7 Regents Court.

2 Planning History

APP/22/01035 - Application to determine if Prior Approval is required for installation of 20m high slim-line monopole supporting 6No. antennas, 1No. wraparound equipment cabinet, 2No. equipment cabinets, 1No. electric meter cabinet and ancillary development thereto including 1No. GPS module - Prior Approval Required and Refused 19/12/2022.

3 Proposal

Application for prior approval of proposed 5G telecommunications installation of 17m

high slim-line monopole, supporting 6 No. antennas, 2 No. equipment cabinets, 1 No. electric meter cabinet and ancillary development thereto including 1 No. GPS module.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS1	(Health and Wellbeing)
CS16	(High Quality Design)
CS19	(Effective Provision of Infrastructure)
CS20	(Transport and Access Strategy)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
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Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Conservation Officer

To the east of the Langstone Road junction, there is a housing development. This contains mainly modern housing but one of the buildings has heritage value and is designated as a Grade II listed building – the Langstone Hotel. The proposal would be located on the west side of Langstone Road. The site is separated from this closest listed building by the main Langstone Road, a high boundary wall and tree screening. The Listed Building is not highly visible from the context of the streetscene. Overall, given the distance and intervening development, it is considered that the development would not result in harm to the designated Langstone Hotel and is therefore in accordance with Section 66 of the T&CPA 1990.

Department of Trade and Industry

None received

Southern Water

map provided of existing public foul sewer and surface water sewers crossing the site, exact position must be determined by the applicant in consultation with SW before the development is finalised.

easements required to protect sewers from construction works to allow for future maintenance;

no development or tree planting within 3.5m; no soakaways, swales, ponds, watercourses etc within 5m;

if any other sewer found during construction, must be investigated.

Environment Agency

None received

Hampshire Highways

The latest prior approval application follows the refusal (under planning reference APP/22/01035) for a 5G mast slightly to the south of the latest proposal, in proximity to the Langstone Road/Langstone Technology Park Site Access junction.

The revised proposal situates the mast and associated infrastructure further to the north, outside of the site access visibility splay. Whilst the infrastructure will narrow the available footway width on Langstone Road, it is noted that the path will still be 2m wide and the narrowing is only present for a short section of the path. Given the remaining width of the footway and the relocation of the infrastructure outside of the visibility splay, the applicant has satisfactorily addressed the Highway Authority's previous concerns with the proposal.

The Highway Authority therefore recommends no objection to the proposed infrastructure within the footway. It should be noted that the proposed traffic management within the carriageway is not supported and will need to be agreed separately via Hampshire's permitting scheme when the applicant applies for road space.

Southern Gas Networks - stage 1

Plan provided of any SGN assets in the area - showing pipes owned by SGN; any others may be private

On the mains record you may see the low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

It must be stressed that both direct and consequential damage to gas plant can be dangerous for your employees and the general public and repairs to any such damage will incur a charge to you or the organisation carrying out work on your behalf. Your works should be carried out in such a manner that we are able to gain access to our apparatus throughout the duration of your operations.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 12

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
It will be an eyesore. Why put it on the footway? Would be better to hide it in the Technology Park where nobody cares.	Noted - see section 7

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Background
- (iii) Siting and appearance
- (iv) Impact on Heritage Asset
- (v) Impact on neighbour amenity
- (vi) Impact on highway and pedestrian safety
- (vii) Drainage

(i) Principle of development

7.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [GDPO], at Schedule 2, Part 16, Class A, provides permitted development rights for electronic communications code operators to install, alter and replace electronic communications apparatus, subject to certain criteria, and subject to the Local Planning Authority determining (a) whether Prior Approval is required for the siting and appearance of the proposal and, if so, (b) whether such Prior Approval should be granted or refused.

7.3 In this case, having reviewed the application, the local planning authority has determined that prior approval is required in this instance for the siting and appearance of the proposed development.

(ii) Background

7.4 The importance of mobile technology in the UK and its contribution to the sustainability agenda is recognised by planning legislation and national policy and to facilitate the growth of new and existing telecommunications systems, and operators have obligations to meet customer demands for improved quality of service. Additionally, the National Planning Policy Framework places emphasis on encouraging the continued roll out of high speed digital infrastructure networks, of which the proposal would form a part.

7.5 An Electronic Communications Code consultation was published on 27 January 2021. The consultation outcome – ‘Access to land: consultation on changes to the Electronic Communications Code-government response’, was updated 24 November 2021.

7.6 The Ministerial foreword of Julia Lopez MP of this document, states, inter alia, the government is committed to delivering lightning-fast, reliable broadband to everyone in the United Kingdom and making the country a global leader in digital connectivity.

7.7 It further states that the COVID-19 pandemic has highlighted how important it is to be connected - now more than ever – and having long-lasting gigabit capable connections in place will help to keep society functioning both now and in the future.

- 7.8 The Government is also implementing the recommendations made in its Future Telecoms Infrastructure Review published in 2018.
- 7.9 In addition to the above, the Government also published a consultation on Changes to permitted development rights for electronic communications infrastructure (Published 20 April 2021) at how to implement the proposals consulted on in August 2019 to support the deployment of 5G and extend mobile coverage.
- 7.10 The Ministerial foreword commented that the case for 5G is compelling and that it will provide faster, more responsive and more reliable connections than ever before. Further, that the planning system plays a key role in delivering the infrastructure that is needed as households and businesses become increasingly reliant on mobile connectivity.
- 7.11 On 7th March 2022, the consultation outcome of the changes to permitted development rights for electronic communications infrastructure was published.
- 7.12 The Ministerial foreword of Julia Lopez MP of this document, states, inter alia, that bringing forward these important changes will ensure that the planning system supports the delivery of mobile infrastructure, as part of the government's mission that by 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
- 7.13 The Executive summary of the consultation outcome, comments that in considering the proposed reforms, the government has sought to ensure that it strikes an appropriate balance between providing local control over new development and delivering improved connectivity. In addition, it comments that while it is essential that communities and businesses have access to high-quality wireless connectivity, it recognises that it is important that the visual impacts of new network development are mitigated, and local amenity is protected as much as possible. It also comments that this is especially important in more sensitive locations such as National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and where development may impact designated heritage assets.
- 7.14 On 14th March 2022, secondary legislation was laid in Parliament to support the deployment of 5G and help extend mobile network coverage. Part 16 of the General Permitted Development Order 2015 (as amended) was amended and came into effect on 4th April 2022.
- 7.15 These amendments followed the announcements published in the government response to the 'Changes to permitted development rights for electronic communications infrastructure: technical consultation (Monday 7th March) noted above. This set out that, following consultation responses from 3,000 people and organisations, the Government has decided to take forward most of the proposed reforms including changes to enable: • the deployment of taller and wider masts; • building-based masts located nearer to highways; and • deployment of radio equipment housing required alongside new antennae.
- 7.16 Whilst a number of changes have been introduced within the permitted development Order as a consequence of the consultation outcome, the government has decided that it will not be taking forward the proposal to permit the deployment of monopole masts without the requirement for prior approval on unprotected land at this time.

- 7.17 As noted above, the Code of Practice for Wireless Network Development in England has been published alongside the changes to permitted development outcome. To further ensure that the delivery of high-quality wireless infrastructure is balanced with environmental considerations, among other things, the new Code of Practice will provide updated guidance for all those involved in network deployment, and it has a stronger focus on the siting and design of wireless infrastructure and the process for engaging with local authorities and communities. The government will introduce new planning conditions that require Code Operators to minimise the visual impact of new network development, particularly on Article 2(3) land, and to minimise impacts on the accessibility of footways and access to properties.
- 7.18 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 24 January 2023.
- 7.19 This guidance comments that the Home Office is leading a cross-government programme to deliver the new Emergency Services Network (ESN) critical communications system. This will replace the current Airwave service used by the emergency services in Great Britain (England, Wales and Scotland) and transform how they operate.
- 7.20 It comments that ESN will enable fast, safe and secure voice, video and data across the 4G network and give first responders immediate access to life-saving data, images and information in live situations and emergencies on the front line. It is noted that investment in ESN will mean improvements to the 4G network coverage, allowing 999 calls to be made from any 4G enabled mobile phone in some of the most remote and rural parts of Great Britain.
- 7.21 Another relevant document is the Government's publication at the end of 2020 of its National Infrastructure Strategy. This covers a whole spectrum of infrastructure in the country. In the foreword of this document, among other things, the then Prime Minister comments that in a world likely to be working less from the office, its massive gigabit-capable broadband programme looks more important than ever.

(iii) Siting and appearance

- 7.22 The previous scheme (APP/22/01035) was partly refused on grounds of height and siting that would appear as a visually intrusive and incongruous feature in the street scene. In addition it was considered that it had not been sited or designed in a way that would minimise the impact of the development and, as such, would result in an adverse impact upon the visual amenities of the street scene and appearance of the locality.
- 7.23 It is acknowledged that the current submitted scheme makes some changes to the appearance of the mast, including the use of a different, more slimline mast - a grey Phase 9 Pole is now proposed at a height of 17m, compared to a 20m Valmont Phase 8 pole which had a bulky wrap around cabinet at its base. Three other similar cabinets are still proposed to sit adjacent the pole base, which would be grey. The mast has also been re-sited some 50m further north (largely for highway reasons, see below).
- 7.24 Nevertheless the LPA remain of the view that the side of the main Langstone Road, which is relatively straight and highly trafficked, is such a highly prominent and open location, that any new mast would be visible from a significant distance from the south, and from the approach from the roundabout with the A27 to the north.

- 7.25 The immediate area retains an open character, with Langstone Road forming a total of 6 traffic lanes at this point - the tallest building in the immediate vicinity is the Premier Inn Hotel which is set off the main road by some 18m, but would provide the backdrop to the mast from some long distance views from the south. Conversely, other angled views would be against the backdrop of an open surfaced car park.
- 7.26 There is also a silver birch tree close to the proposed siting which is estimated to have a height of about 7m, and the lamp posts in the vicinity have a height of 10 metres. Therefore the monopole would rise some 10m above the tree and some 7m above the closest lamp post. The three cabinets would range in height from approximately 1.7 metres (which is comparable to a standard fence height) to 1m. The cabinets would be sited on the pavement, closest to the landscaped boundary with the public house car park.
- 7.27 Noting the context of the surrounding open car park, buildings, trees and lamp post heights, the pole would be significantly taller and highly prominent as a structure. Langstone Road is highly used by both traffic and pedestrians when travelling between Havant and Hayling Island, forming the only vehicular access to Hayling Island. Subsequently any development along this road would be the last and first thing to be seen when accessing and leaving Hayling Island and Langstone. The side of the road is so open and exposed, that there would be no significant screening offered from trees or adjacent buildings to successfully mitigate the visual impact of this highly prominent location. It is considered that the mast and its associated equipment would be overly dominant and prominent in such a location, visually harmful to the otherwise open nature of the context of the site.
- 7.28 The LPA note the slimline mast design now proposed, and accept that it would be visually lower and thinner than previously applied for, but are of the opinion that the side of the Langstone Road, adjacent the Langbrook Farm restaurant and Premier Inn hotel, is just a too open and prominent site that forms a key vista of the Borough, to support any telecommunications mast. The LPA are the view that an alternative site, away from the back edge of the Langstone Road needs to be found.
- 7.29 Alternative sites have been explored, both in the supporting documents and with the agent as part of determining this application. A number of the locations investigated by the applicant appear to have been discounted for various reasons, including freestanding poles and roof top mounted locations. The LPA have proactively engaged with the agent to encourage an alternative, less visually prominent siting set off the back edge of the main Langstone Road, and suggested the western edge of the Langbrook Farm and Premier Inn sites, or the nearby industrial areas of Penner Road and Brookside Road. Initial responses are that these are not suitable, and outside of the ideal coverage area. However it is noted that the current site is already outside the ideal coverage area and therefore, it is hoped that one of these alternative sites may be a suitable compromise and explored further.
- 7.30 The conditions of Class A, Part 16, requires the siting and appearance of any mast and supporting apparatus etc to be such that the visual impact of the development on the surrounding area is minimised as far as practicable. The LPA is of the view that whilst the design of the mast has been simplified, its fundamental siting on the edge of such a highly prominent road is such that its overall siting and appearance would appear as an alien and incongruous addition to this part of the street scene and beyond. It would adversely impact upon the visual amenities of the street scene and locality in a busy and prominent location. It is therefore considered that the siting and appearance of the proposed development in this location would be detrimental to the

appearance of the site, the visual amenities of the street scene and the character of the locality. The proposed mast is therefore considered contrary to Policies CS16 and CS19 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Impact on Heritage Asset

- 7.31 The proposed siting of the mast would be directly opposite the Grade II Listed Building, The Langstone Hotel at 7 Langstone Road. Therefore the visual impact on this asset must be considered.
- 7.32 The Listed Building is however set behind a high boundary wall and mature tree screening and is not highly visible from the Langstone Road, and now takes vehicular access from Regents Court. Whilst some views of the mast would be possible from within the building, the separation distance is such that the proposed mast is not considered to harm the setting of the Listed Building, which would continue to be preserved.

(v) Impact on neighbour amenity

- 7.33 The NPPF states, inter alia, that local planning authorities must determine applications on planning grounds only and should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
- 7.34 Therefore, the grounds for a local planning authority to refuse a prior notification application is limited only to the issues relating to the appearance and siting of the proposed mast.
- 7.35 As noted in section (iii) above, the proposed mast and equipment would be sited relatively close to residential properties and would be clearly visible to those neighbouring properties however they would be viewed on the opposite side of a wide road (properties east of Langstone Road) or across the access road to Langstone Technology Park and beyond trees (properties to the south).
- 7.36 Government guidance in the NPPF is clear that local planning authorities should not insist on minimum distances between new electronic communications development and existing development. Furthermore, it is the Governments view that if a proposed development meets ICNIRP guidelines for public exposure to electromagnetic fields, it should not be necessary for an authority, in processing an application, to consider health aspects and concerns further.
- 7.37 However, the prominent visual appearance of a mast within some sensitive locations, such as a predominantly residential area, may erode perceptions of the quality of the local environment and the well being of local residents, and this may form grounds of objection.
- 7.38 Furthermore, the GDPO states, inter alia, that when determining applications made under sub paragraph (4), the local planning authority must take into account any representations made to them as a result of consultations or notices.
- 7.39 The height of the telecommunications pole at 17 metres and its associated cabinets, would lie within close visual proximity to the closest dwellings on the opposite side of Langstone Road. Whilst the mast would clearly be visible, on balance it is not

considered harmful to the visual outlook from these properties and those to the south.

(vi) Impact on highway and pedestrian safety

- 7.40 One of the reasons for refusal on the previous scheme related to highway matters, with the siting of the then proposed mast and cabinets considered to unduly restrict the available pavement width and block motorist visibility of signage, causing a highway safety concern. The current proposal re-sites the mast and equipment some 50m further north, to avoid the directional signs and at a point where there is more room on the pavement.
- 7.41 The proposed mast and cabinets would be sited on the pavement, at the back edge, tucked against the landscaping of the pub car park. Their dimensions are such that they would project a maximum of about 0.7m into the pavement, at a point where the pavement is 3m wide. This would reduce the width of the available pavement, but there would still be over 2m width available. It is also noted that just to the north of the proposed siting the path narrows and the available footpath width would match that. As such the proposed equipment would not impact the flow for pedestrians or cyclists.
- 7.42 Highways have been consulted and raise no objection to the revised siting and plans. They do however note that a separate permit will be required for the traffic management.

(vii) Drainage

- 7.43 Southern Water's records show that there are public foul and surface water sewers within the vicinity of development site. Southern Water have advised that no development should be carried out within certain easements of these sewers without consent from Southern Water.

8 Conclusion

- 8.1 It is acknowledged that the requirement for improvement connectivity with 4G and 5G is clearly compelling particularly having regard to recent and still unfortunate current events of the COVID-19 pandemic. This has seen a complete change in working practices in that home working had to develop in order to allow businesses to function and provide services.
- 8.2 The need for such infrastructure is even more compelling with the changes to how emergency services of all types will communicate in the future new Emergency Services Network (ESN) critical communications system. However, ESN can operate across the 4G network.
- 8.3 As recognised by the Government in its consultation document, there is a recognition that there needs to be a balance of the benefits of improved connectivity with local control and environmental protections. But in this instance it is not considered that the visual impact of the siting and appearance of the proposed mast has adequately minimised its visual impact on the surrounding area.
- 8.4 Whilst the National Planning Policy Framework recognises that planning decisions should support the expansion of electronic communications networks and the applicant has provided the necessary evidence to justify the proposed development in principle, it is considered that by reason of its height and siting in such a prominent location, the development would result in harm to the visual amenities of the street

scene and the character of the locality resulting in a dominant and incongruous appearance which is not outweighed by these other considerations.

- 8.5 As such, the proposed development is contrary to Policies CS11, CS16 and CS19 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework.
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9 RECOMMENDATION:

That Prior Approval is required for the siting and appearance of the development and that the Head of Place be authorised to **REFUSE PRIOR APPROVAL** for application APP/23/00323

(A) for the following reasons

- 1 The proposed development, by reason of its height and siting would appear as a visually intrusive and incongruous feature in this highly prominent location. By virtue of the mast and equipment's siting on the edge of an open, highly trafficked carriageway providing the only route onto and off Hayling Island, the siting is considered visually harmful to the appearance of the area. It has not been adequately demonstrated that the proposed mast and equipment has been sited in a way that would minimise the visual impact of the development on the surrounding area, and consequently would result in an adverse impact upon the visual amenities of the street scene and the appearance of the locality.

As such, the proposed development is contrary to Policies CS16 and CS19 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.