

Listed Building Grade: A Grade II listed building lies to the east of the site.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Brenda Linger - Hayling West

No comments received.

Councillor Clare Satchwell - Hayling West

No comments received.

Councillor Julie Richardson

No comments received.

Conservation Officer

Legislative and Policy Context

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Local Policy

With regards to local planning policy, the following are relevant:

Policy CS11 of the Core Strategy states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CS16 (1a) of the Core Strategy states Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan states that development proposals must conserve and enhance the historic assets of Havant.

Assessment:

The proposal is to erect a 15m high telecoms pole to enable 5G. The development would be located on the opposite side of Manor Road and not within or adjacent to the direct curtilage of the Newtown House Hotel.

When looking northwards on Manor Road, the mast would be viewed in context with the listed building due to its close proximity and visibility of the listed building due to the low front boundary wall.

No heritage statement has been submitted with the prior approval application to establish the impact of the development on the nearby heritage asset. However, given that the heritage asset is set back from the main road and the front façade faces southwards, the mast would have limited impact in a visual context.

Arboriculturist

It looks as though the two poplars referred to in TPO 1419 have been removed and two oak trees were planted to replace them.

That being the case, it's taken approx. 15 years for them to reach that size and I would object to their removal based on their current amenity value and future potential. Their loss in my mind would be unjustified and will have a negative impact on local amenity.

Hampshire Highways

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

The proposed location is on the verge alongside Newtown Lane at the junction of Manor Road. The verge is currently grass with a number of established highway trees. In accordance with Hampshire County Council Technical Guidance TG15 section 3.6, trees should be retained wherever possible, and prime consideration should be given to the well-being of trees. The Highway Authority urge the applicant to find a more suitable location for this proposed 5G mast and associated equipment cabinets. The provision as shown would likely result in the need for removal of these established trees which should be avoided unless absolutely necessary. It is noted that there is alternative grass verges in the vicinity which are not subject to tree planting.

Any loss of these trees in accordance with TG15 would be subject to mitigation payments for replacement planting. The Highway Authority have a holding objection to the location of the proposed 5G mast and associated equipment cabinets for the following reasons:

- Any excavation within the root protection areas will damage the tree roots;
- The oak trees are young in this location and their continued growth will conflict with the proposed apparatus;
- On-going tree pruning to provide clearances for the apparatus will be detrimental to the trees size, form, future benefits and will be a costly maintenance burden;
- Replacement tree planting does not truly compensate for the loss of established trees and therefore, existing trees should not be removed unless wholly necessary; and
- Any loss of trees would be subject to CAVAT payment for the loss of a highway

asset.

Having regard to the above, the Highway Authority recommend that alternative locations are considered and in the absence of alternative locations the applicant should provide an Arboriculture assessment regarding the impacts on the trees and the associated CAVAT assessment for compensation of any tree loss.

Southern Gas Networks

Please find an extract from our mains records for your proposed work area, any SGN assets are described in the map legend. On some occasions blank maps may be sent to you, this is due to your proposed work being in a no gas area but within our operational boundaries.

This mains record only shows the pipes owned by SGN in our role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or pipes owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If we know of any other pipes in the area we will note them on the plans as a shaded area and/or a series of x's.

The information shown on this plan is given without obligation or warranty and the accuracy cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but their presence should be anticipated. Your attention is drawn to the information and disclaimer on these plans. The information included on the plan is only valid for 28 days.

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.

Scottish & Southern Electricity Networks

We have sent you the plans of our network records within the area requested. You will shortly receive responses each of the following; any High Voltage Mains cables and Low Voltage Mains cables.

Attached to this email is the 'Guide to Interpreting' which includes the legends for the plans on pages 7-9.

If a Service Cable is not shown on our maps sent, and you require the Cable to be Traced, please contact the General Enquiries Department on 0800 048 3516 (option 3) or via email, ge@ssen.co.uk

If you need further information on our network in this area or a quotation for any required works, please contact the Connections & Engineering Department on 0800 048 3516 or via email, connections@sse.com

Portsmouth Water

Thank you for your plant location/mapping enquiry.

Please find attached the plan(s) showing the approximate position of water mains at the requested location.

Service connections are not shown but it should be assumed that all premises are supplied from the water distribution network. Other connections not related to properties, such as field supplies, may also exist so we would suggest a visual/CAT scan/Ground Radar survey is undertaken prior to any hand or mechanical excavation.

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. This documentation is available at <http://www.hse.gov.uk/pubns/priced/hsg47.pdf>

Copies of guidance notes: Working near distribution apparatus and Guidance for working near or over a Trunk Water Main are enclosed. Please read carefully as the conditions will apply to any work you undertake in the vicinity of Portsmouth Water assets.

It is important to ensure that a copy of the above guidance is provided to those undertaking any work which may affect our apparatus.

Please note Portsmouth water has no responsibility for any underground drainage or sewerage infrastructure. Enquiries regarding these assets should be directed to the relevant authority/company.

Southern Water

Further to your recent pre-application request for the above site, Southern Water have the following observations to make in respect of the proposed development:

- Southern Water's records show that there are public surface water sewers and surface water rising main assets in the immediate vicinity of the development site.
- The 375 mm and 225 mm diameter surface water sewer requires a clearance of 3 metres on either side of the gravity sewers to protect it from construction works and to allow for future maintenance access.
- The 300 mm diameter rising main requires a minimum clearance of 3 metres on either side of the rising main to protect it from construction works and to allow for future access for maintenance.
- No development or new tree planting should be carried out within 3 metres of the

external edge of the public gravity sewers without consent from Southern Water.

- It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 2

One letter of support making the following comments:

- The island badly needs more mobile bandwidth, both 5G and the additional 4G it will free up
- With more houses being built, more people working from home, and the council trying to increase tourism, then we need new towers

One letter of objection raising the following concerns:

- The pole will be obtrusive, unsightly and will further damage the natural habitat of birds and other small wildlife

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 assets
- (v) Impact upon residential amenity
- (vi) Impact on highway and pedestrian safety

(i) Principle of development _

7.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) established the principle of proposals of this nature provided that certain criteria would be met 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 (a) 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 Code of practice for wireless network development in England was published on 7 March 2022. The aim of the Code of Practice is to support the government’s objective of delivering high quality wireless infrastructure whilst balancing the needs with environmental considerations.
- 7.9 The new Product Security and Telecommunications Infrastructure Act 2022 received royal assent on 6 December 2022. At present (early 2023) only a limited number of provisions have come into force. The remainder of the Act, including key changes, are coming into force in accordance with regulations to be passed by the Secretary of State, which are yet to be made. The introduction of the Act followed lengthy consultations with stakeholders, and was intended to assist operators with the rollout of gigabit capable broadband and 5G networks across the UK to achieve the government’s commitment to improve connectivity.
- 7.10 The Government is also implementing the recommendations made in its Future Telecoms Infrastructure Review (FTIR) published in 2018 (last updated 8 June 2022).
- 7.11 The Statement of Strategic Priorities for Telecommunications, The Management of the Radio Spectrum, and Postal Services published in July 2019 (last updated 31 October 2019) followed the publication of the FTIR and reflected its conclusions.
- 7.12 Another relevant document is the Government’s publication in November 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.

- 7.13 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.
- 7.14 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.
- 7.15 On 7th March 2022, the consultation outcome of the changes to permitted development rights for electronic communications infrastructure was published.
- 7.16 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.
- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 Other material considerations are the Government's Emergency Services Networks:

overview guidance that was updated on 23 January 2023.

- 7.22 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.
- 7.23 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.
- 7.24 In addition, it comments that while the technology that supports Airwave is reliable and fit for purpose, its limited capability means it cannot match the opportunities offered by newer critical communications mobile technology.
- 7.25 ESN's high-speed mobile technology will mean communication between the emergency services will take priority over other network traffic, even at peak times in busy urban locations. It will mean the emergency services and other first responders can share vital data, information and expertise quickly and securely from the frontline when it is needed most.
- 7.26 Users for ESN include the police, fire and rescue and ambulance services as well as other users stretching from local authorities and utility services to first responders like inshore rescue.
- 7.27 It further comments that there are 300,000 frontline emergency service users who will depend on ESN, using handheld devices or operating equipment in 45,000 vehicles, 66 aircraft and more than 100 control rooms.
- 7.28 On 13 December 2022, the Department for Digital, Culture, Media & Sport published a press release regarding research and development on next generation 5G and 6G wireless technology and telecoms security as part of a £110 million government investment. To ensure that the UK can realise the full economic and societal potential of 5G, the government is developing a Wireless Infrastructure Strategy, which will set out a strategic framework for boosting investment in and adoption of 5G. The Strategy will also set out the government's vision for 6G.

(iii) Siting and appearance

- 7.29 The applicant comments that their opinion is that the proposed design presents a better 'fit' within the local community and immediate street scape, offering a reduced visual impact upon an area of adopted highway and would assimilate well into the immediate street scene and not be detrimental.
- 7.30 Furthermore, the applicant states, inter alia, that the proposed site option is considered the best available compromise between extending 5G service across the target 'coverage hole' with the selected street works pole height and associated antenna and ground based units restricted to the minimum height which is capable of providing the required essential coverage.
- 7.31 The applicant also comments that the design of the proposed antenna and ground-based cabinets is considered to be the least visually intrusive option available. The applicant accepts that there will be a localised visual increase through the installation of the additional apparatus but that this will not overly detract from the

character of the existing streetscape.

- 7.32 In addition, the applicant considers that taking into account the site-specific factors and technical constraints, available options and planning constraints, the proposed street pole clearly represents the optimum environmental solution to extend coverage to the target community.
- 7.33 The applicant has also carried out a site search which identified a number of possible locations, but these have been discounted for various reasons, including, proximity to housing.
- 7.34 It is clear that the Government wishes to promote 'more slimline, aesthetically pleasing designs', however, it is considered that the mast, currently under consideration, could not reasonably be considered as falling within such a description.
- 7.35 The proposed 15 metre high street pole and associated cabinets would be located on an area of grass verge with a number of established highway trees close to the junction of Newtown Land and Manor Road. Historically there was a row of poplar trees on the southern side of Newton Lane which were removed, and replacement planting carried out. As noted above, the Council's tree officer advises that the two poplars referred to in TPO 1419, which were sited on the corner, have been removed and it appears two oak trees were planted to replace them. In addition, the tree officer advises that it has taken approximately 15 years for them to reach their current size and would object to their removal based on their current amenity value and future potential. As such, their loss would have a negative impact on local amenity. Whilst the proposal does not state that there would be any loss or adverse impact on the trees, no supporting arboricultural information has accompanied the application.
- 7.36 In addition to the two oak trees that may have replaced the previous TPO poplar trees, there is also replacement tree planting along the southern part of Newton Lane towards the junction, which are also now well established and making and developing good amenity value and a pleasant sylvan setting. As noted above, the highway authority comments that provision of the proposal as shown is likely to result in the need for removal of these established trees and objects to the proposals.
- 7.37 It is considered, contrary to what the applicant maintains, that the siting and appearance of the proposed mast and associated cabinets would appear as an alien and incongruous addition adversely impacting on the current sylvan character and appearance of the site and the wider area. It is also likely, in the absence of any supporting arboricultural assessment to the contrary, that the existing trees would be adversely impacted upon, and the development would limit potential growth of the trees, due to the siting of the proposal, which would further erode the current sylvan character of the site location.

(iv) Impact on heritage assets

- 7.38 Within the locality on the eastern side of Manor Road, opposite to the application site is the entrance to the Newton House Hotel, which is a Grade II listed building. However, the conservation officer has commented that given that the heritage asset is set back from the main road and the front façade faces southwards, the mast would have limited impact in a visual sense.

(v) Impact upon residential amenity

- 7.39 As noted above, the local planning authority can only assess the proposed development solely on the basis of its siting and appearance, but also taking into account any representations received.
- 7.40 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.
- 7.41 The proposed mast and equipment would be sited relatively close to residential properties and would be clearly visible to some neighbouring properties whose outlook would be affected by the development.
- 7.42 However, 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.
- 7.43 It is for the local planning authority, having regard to the Stewart Groups report and Government guidance, to determine what weight to attach to such considerations in any particular case.
- 7.44 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.
- 7.45 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.
- 7.46 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. As noted above, there has been one resident objection raised to the proposals. However, it is considered that the siting of the development, whilst being visible from nearby properties, would not appear oppressive or overbearing sufficient to warrant a refusal on these grounds.

(vi) Impact on highway and pedestrian safety

- 7.47 Whilst the Highway Authority has raised objections to the proposed development because of its potential impact on highway trees, no specific objection has been raised in relation to highway or pedestrian safety.

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 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 However, as recognised by the Government, there is a recognition that there needs to be a balance of the benefits of improved connectivity with local control and environmental protections.
- 8.4 In this instance, 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 size, siting, scale, design and appearance, the development would result in harm to the visual amenities of the street scene and the character of the locality, which is not outweighed by these other considerations.
- 8.5 The NPPF also states, inter alia, that equipment should be sympathetically designed and camouflaged where appropriate, which this application does not achieve.
- 8.6 In conclusion, the siting and appearance of the proposed mast and associated cabinets would appear as an alien and incongruous addition adversely impacting on the current sylvan character and appearance of the site which would fail to respond positively to the character and appearance of the local environment and the wider area. It is also likely, in the absence of any supporting arboricultural assessment to the contrary, that the existing trees would be adversely impacted upon, and the development would limit potential growth of the trees, due to the siting of the proposal, which would further erode the current sylvan character of the site location.
- 8.7 As such, the proposed development is contrary to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) March 2011 and the National Planning Policy Framework 2021.

9 RECOMMENDATION:

That Prior Approval is required for the siting and appearance of the development and that the Head of Planning be authorised to **REFUSE PRIOR APPROVAL** for application APP/23/00072 for the following reasons:

- 1 The siting and appearance of the proposed mast and associated cabinets would appear as an alien and incongruous addition adversely impacting on the current sylvan character and appearance of the site which would fail to respond positively to the character and appearance of the local environment and the wider area. It is also likely, in the absence of any supporting arboricultural assessment to the contrary, that the existing trees would be adversely impacted upon, and the development would limit potential growth of the trees, due to the siting of the proposal, which would further erode the current sylvan character of the site location.

The proposed mast and ancillary equipment have 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 the appearance of the locality.

As such, the proposed development is contrary to Policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) March 2011 and the National Planning Policy Framework 2021.