
Site Address: Verge opp 7 Mengham Lane, Hayling Island, PO11 9JT
Proposal: Application for proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.
Application Type: Telecommunications Notification
Application No: APP/23/00336 Expiry Date: 26/06/2023
Applicant: Mr Gallivan
CK Hutchison Networks (UK)
Ltd
Agent: Mr Gallivan Case Officer: Selina Donophy
Dot Surveying Ltd
Ward: Hayling East

Recommendation:

1 Site Description

This application site is located on the south side of Mengham Lane on a section of verge to the north of the car park and to the west of Mengham high street. On the opposite side of the road are residential properties and to the east of the site is a Grade II listed building. Mengham Farmhouse.

2 Planning History

None relevant

3 Proposal

Application for proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

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)
CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16 (High Quality Design)
CS19 (Effective Provision of Infrastructure)
CS20 (Transport and Access Strategy)
DM10 (Pollution)
DM11 (Planning for More Sustainable Travel)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Arboriculturalist

Reasons for Recommendation

The Council seeks to protect tree coverage in the Borough, sympathetically incorporating existing features into the overall design of the scheme including measures taken to ensure their continued survival.

The application would require the siting of a street pole and additional equipment cabinets on a grass verge that is in close proximity to a row of street trees.

The street trees vary in age, size and species and have a strong impact on the amenity of the area but are not within a conservation area or subject to a Tree Preservation Order.

Whilst considering application for works exemptions exist for a statutory undertaker carrying out works that are necessary in accordance with the telecommunications code set out in the Communications Act, 2003.

In seeking to work collaboratively with the applicant it would appear that a gap exists within the row of trees in question that offers the opportunity to install the cabinet without having a significant detrimental impact on the surrounding trees. However, details of works in relation to the adjacent trees should be secured by condition prior to commencement and any pruning works, if required, should be undertaken in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

It is requested that the applicant consider the impact of the street pole in relation to the future mature canopy spread of the adjacent street trees to avoid reactive pruning works to address concerns of interference caused by the trees to the communications equipment. The agent is asked to provide details of a management plan as part of a Arboricultural Method Statement (to be secured by condition) to identify how pruning works would form part of a plan to retain the trees, and their high amenity value.

The supporting information does consider alternative options to site the development. An additional location, not shown in the list of discounted sites is to the east of the discounted location D3. This site is within an area of landscaping in the centre of the local authority car park, and would appear a preferable location. This alternative location is within the desired area of search, would reduce any immediate or future impact on trees and also reduce the visual impact for neighbouring residents. However, some replacing planting would be required within the car park to accommodate the street pole and equipment cabinets. It is also accepted that the local authority Heritage Team would need to be consulted on the proposed alternative location to determine the potential impact on the Grade II Listed Building of Mengham Farmhouse and I would accept their recommendation.

If the proposed development retain the existing location, subject to the conditions listed below, it would protect the trees on and off site and would be in accordance with Policy CS16 and DM8 of the Havant Core Strategy (2011).

Recommended Conditions:

Approval subject to the following conditions;

Pruning works:

Any required tree works shall be pruned in accordance with the recommendations in British Standard BS3998:2010 (Recommendations for Tree work).

Reason: To ensure the continuity of amenity value afforded by the trees in question and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Tree protection measures:

No development, including site clearance, shall commence on the site until a dimensioned tree protection plan in accordance with Section 5.5 and an impact and method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. The details of the method statement must include an assessment of the long term impact of the adjacent trees that could have a detrimental impact on the development and provide recommendations for pruning works that would be required to retain the high amenity value of the trees.

Reason: To safeguard the continued health and presence of such existing vegetation and protect the amenities of the locality and having due regard to policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

Conservation Officer

The application site is located on the south side of Mengham Avenue, adjacent to a small public car park. The locality comprises a mixture of residential and commercial development. On the south side of Mengham Avenue is a Grade II listed building – Mengham Farmhouse (which has its entrance facing onto Selsmore Road). The listing description for this building is as follows:

House, formerly a farmhouse. Circa late C16 or early C17; altered in C17, C18, C19 and C20. Roughcast timber-frame. Plain tile hipped roof Brick axial and end stacks. PLAN: 3-room plan, service room to the right [east]; with a smoke-bay and possibly an open hall originally. If open, the hall would have been floored in the C17; later in C17 or in the C18 a stack was inserted into the smoke-bay, a lobby entrance entrance formed at the front and a winder staircase installed beside the stack at the back. Later in the C18 or early in the C19 an outshut was built at the back and a large oven built at the right [east] end. Late C20 wing to rear left. EXTERIOR: 1-storey and attic. Asymmetrical 4-window south front. 2 and 3-light casements with glazing bars; 3 gabled attic dormers with 2-light casements with glazing bars; doorway to right of centre with C20 gabled porch. Stack at right [east] end with large oven at base. Roof at rear carried down over outshut; small C20 wing on right.

INTERIOR: Timber-framing exposed. Right hand room has chamfered axial beam with middle section scarfed in, brick fireplace in later outshut on right end with chamfered timber lintel and large brick bread oven. The hall and inner room to left have flamed partition between; chamfered axial beams with hollow-step stops, the inner room with triangular stop, chamfered joists with cyma or hollow-step stops; hall has large brick fireplace with chamfered cambered lintel. In the attic chambers exposed wall-framing with jowled posts, tension-braces and wall-plate; queen-post trusses with clasped purlins and wind-braces. In the roof-space there is smoke-blackening in the smoke-bay, the common-rafters over the hall appear to be clean.

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 CP16 (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. A heritage statement has not been submitted with the prior approval application and therefore the impact of the telecoms pole has not been fully explored. The pole is now proposed to be located slightly further from the heritage asset however, it would still be viewed in context with the listed building due to the height of the pole, when looking west / north west on Selsmore Road. Given that this is one of very few listed building in this part of Hayling Island, it is questioned whether or not there is an option to resite the telecoms equipment elsewhere within the vicinity and not within the wider setting of a hertiage asset?

Overall, the proposal would result in harm to the wider setting of the heritage asset however, this would be at the lower end of the scale, for which it should be determined whether there are any wider public benefits which override such harm.

Councillor Leah Turner - Hayling East

No comment received

Councillor M Wilson - Hayling East

No comment received

Councillor R Raines - Hayling East

No comment received

Department of Trade and Industry

No comment received

Environment Agency

No comment received

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 a grass verge along Mengham Lane. The verge is currently grass with a number of highway trees and a lighting column. From an arboricultural perspective, the works must be undertaken outside of the root protection area for the existing trees, with trees being protected and maintained from excavation and any associated construction works.

It is also requested that the proposed location is moved forward by at least 1.0m to be inline with the existing lighting column to not prejudice against any possible footway widening should this be a desire of the Highway Authority in the future.

Having regard to the above, the Highway Authority object to the proposed location of the 5G mast and associated equipment cabinets. It is requested that the mast is relocated further forward based on the above comments, and that further consideration is given to protect and maintain the existing trees from excavation and any associated construction works.

Property Services Manager

No comment received

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: 19

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

Comment	Officer Comment
It is very disappointing that the council has turned down previous applications. One recent case had islanders reaching for their dictionaries having been tuned down on spurious grounds due to the "Sylveon" nature of the island. The council should seriously consider the governments letter attached to the application. 3G is being turned off this year forcing people with older phones onto 4G. 4G itself may not have the bandwidth to cope with these new users plus all the extra homes and tourists during the summer. With more people working at home the availability of 5G is becoming an absolute necessity. I would like to add that the location of the proposed mast close to the main shopping centre is well chosen.	Comment has been noted.

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 Governments 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) Impact upon the character and appearance of the area

7.29 In the additional information submitted with this application the developer has stated that the proposed siting of the telecommunications equipment would assimilate well within the streetscene. The applicant also states 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 cabinets restricted to the minimum height which is capable of providing the required essential coverage.

7.30 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, lack of suitability of pavement/ verge areas and visibility splay issues.

7.31 The proposed 15 metre high street pole and associated cabinets would be located on an area of grass verge adjacent to the public highway to the north of the car park . There are several trees located on the verge area and the pole would be sited between these trees with the associated equipment located closer to the trees situated on the area of grass verge. Havant's Arboricultural Officer has been consulted in regards to this proposal and has not objected , although notes that other sitings may be more appropriate. Noting the lack of objection, conditions have been proposed which include the requirement for tree protection plans and pruning control. It is noted that these trees are not TPO protected.

7.32 The proposed siting is generally considered to be acceptable . There are residential properties close by , the closest being located on the opposite side of Mengham Lane however these would be separated by the road . The trees would offer some level of screening to a degree and there are other tall utilities such as lamp posts within close proximity to the proposal site. The pole and associated equipment is not considered to result in a significant harm to the character of the area, on balance noting the benefits of enhanced connectivity that would come with the proposed equipment to the local area.

(iv) Impact on heritage assets

- 7.33 To the east of the proposal site is Mengham Farmhouse which is a Grade II Listed Building . The telecommunications pole and equipment would be located approximately 37 metres away from the listed building and would be located towards the rear of the listed building plot of land. Havant's Heritage Officer has been consulted in this regard and has suggested that other sites that are located outside of the wider setting of the heritage asset should be considered as this is considered to have some impact in this siting . However they note that this would be at the lower end of the scale, for which it should be determined whether there are any wider public benefits which override such harm. On balance it is therefore considered that whilst there would be some impact on the setting of the listed building , the benefits of the proposal would outweigh such harm.

(v) Impact upon residential amenity

- 7.34 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.
- 7.35 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.
- 7.36 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.
- 7.37 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.
- 7.38 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.
- 7.39 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.
- 7.40 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.
- 7.41 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. There have been no residential objections received .

(vi) Impact on highway and pedestrian safety

- 7.42 The Highway Authority have been consulted and have objected to this proposal due to the close proximity of the equipment to the pedestrian walkway and the impact this would have on future plans to widen the walkway although detail of these future plans have not been specified in their response. They have requested that the pole is moved closer towards the road and therefore encroaching further within the grass verge . The applicant has been made aware of this suggestion however no response has been received and due to the time pressures of the application, an alternative siting would not be possible under this application . The Highway Authority also highlight potential harm to trees however Havant's Arb Officer suggests this could be mitigated against with the correct tree protection measures provided by the applicant. The objection is outstanding and has not been mitigated against as part of this application and therefore justifies a reason for refusal in this instance.

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 siting the proposed pole and equipment would result in obstruction to any future alterations proposed in relation to the widening of the footpath by the Highways Authority and the objection from the Highways Authority is outstanding.
- 8.5 In conclusion, the siting of the proposed mast and associated cabinets would restrict future plans to widen the footway by the Highways Authority of which would offer a wider benefit to the local area in the future , allowing for increased pedestrian use.
- 8.6 As such, the proposed development is contrary to Policies CS20 and DM11 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 Place be authorised to for application APP/23/00336 for the following reasons

- 1 The proposed development, by reason of its siting would restrict future proposals for the widening of the footpath by the Highways Authority. As such, the proposed development is contrary to Policies DM11 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.