
Site Address: Verge on Selsmore Road and north of, 1 Rose in June Place, Mengham Avenue, Hayling Island, PO11 9JB

Proposal: Application to determine if prior approval is required for a proposed 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and; and 3 further additional equipment cabinets.

Application Type: Telecommunications Notification

Application No: APP/22/00455 Expiry Date: 21/07/2022

Applicant: Mr Gallivan
CK Hutchison Networks (UK)
Ltd

Agent: Mr Gallivan Case Officer: Selina Donophy
Dot Surveying Ltd

Ward: Hayling East

Recommendation: **REFUSE PRIOR APPROVAL**

1 Site Description

- 1.1 This application site comprises of a grass verge on Selsmore Road and north of 1 Rose in June Place, close to the junction with Mengham Avenue, Hayling Island. To the south, east and north of the site are residential properties . Opposite the site is the Mengham District Centre car park, with the Grade II listed Mengham Farmhouse to the north east of the site. Further west of the site is the CO-OP food store. The site lies adjacent to the highway, with a pedestrian walkway between the verge and residential dwellings' curtilage. This section of verge lies just adjacent to Flood Zone 2.

2 Planning History

APP/15/00552 - Application for written approval that the development has been carried out in accordance with approved details relating to Planning Application APP/13/00546., REF,16/07/2015

APP/15/00882 - Discharge of Condition Nos. 2, 3, 5, 6 and 7 of Planning Permission APP/13/00546., PERM,28/09/2015

3 Proposal

- 3.1 Application to determine if prior approval is required for a proposed 5G telecoms installation: H3G Phase 8 high street pole c/w wrap-around cabinet and; and 3 further additional equipment cabinets.
- 3.2 The applicant has submitted a declaration of conformity with ICNIRP Public Exposure Guidelines. It states that the proposed development is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP).

4 Policy Considerations

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

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)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

DM20	(Historic Assets)
AL1	(Presumption in Favour of Sustainable Development)

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

5 Statutory and Non Statutory Consultations

Conservation Officer

The proposal is to erect a 15m high telecoms pole to enable 5G. No heritage statement has been submitted with the prior approval application to establish the impact of the development on the heritage asset. Mengham Farmhouse is set back from Selsmore Road, with the front boundary comprising of an attractive flint and brick mix design. However, the building is clearly visible from Selsmore Road, particularly when viewed eastwards where its entire west elevation can be appreciated.

Whilst the development would be located on the opposite side of Mengham Avenue and not within or adjacent to the direct curtilage of Mengham Farmhouse, when looking eastwards along Selsmore Road, it would be viewed in context with the 5G telecoms pole. This would be harmful to the appreciation of this heritage asset. If there is an option to resite the telecoms equipment elsewhere within the vicinity, not within the wider setting of a heritage asset, then this would be considered less harmful.

Councillor Leah Turner - Hayling East

No comment

Councillor M Wilson - Hayling East

No comment

Councillor R Raines - Hayling East

No comment

Department of Trade and Industry

No comment

Developer Services, Southern Water

The attached plan shows that the proposed pole will lie over an existing public foul sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

- The 300 mm public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access.
- No excavation or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water.
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer.
- All existing infrastructure should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

Furthermore, 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.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

Environment Agency

No comment

Hampshire Highways

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

The Highway Authority are satisfied that the proposed location of the monopole and associated equipment cabinets will not block the visibility of both pedestrians and vehicles.

Having regard to the above, the Highway Authority would not provide an objection to the above planning application subject to the monopole and equipment cabinets being located as shown in drawing HVT21863_HVT060_86293_PO0924_GA_REVA.

Property Services Manager

No comment

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: 32

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 12
(Support - 2 comments; Objection - 10 comments)

Comment	Officer Comment
Out of keeping in a residential and public area	See planning considerations in report
Loss of green space	Comments noted.
Health risks	Paragraph 116 of the NPPF states that 'Local Planning Authorities must determine applications on planning grounds only. They 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.
This will improve broadband capabilities	Comment noted however the appropriate siting and appearance is also a material planning consideration and must be weighed in the context of the benefits of improved telecommunications.
Affect property value	This is not a material planning consideration.

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 a listed building
- (v) Impact on neighbour amenity
- (vi) Impact on highway and pedestrian safety
- (vii) Drainage

(i) Principle of development

7.2 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

7.3 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [GDPO] has established the principle of proposals of this nature provided that certain criteria are 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.

7.4 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

7.5 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.

7.6 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.

7.7 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.

7.8 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.

7.9 The Government is also implementing the recommendations made in its Future Telecoms Infrastructure Review published in 2018.

7.10 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.

7.11 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.

- 7.12 On 7th March 2022, the consultation outcome of the changes to permitted development rights for electronic communications infrastructure was published.
- 7.13 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.
- 7.14 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.
- 7.15 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.
- 7.16 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.
- 7.17 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.
- 7.18 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.
- 7.19 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 14 April 2022.

- 7.20 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.
- 7.21 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.
- 7.22 In addition, it comments that while the technology that supports Airwave is reliable and fit for purpose, its limited capacity means it cannot match the opportunities offered by newer critical communications mobile technology.
- 7.23 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.
- 7.24 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.
- 7.25 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.
- 7.26 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 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

- 7.27 The proposed 15 metre high street pole and associated cabinets would be located on an area of grass verge close to the junction where Mengham Avenue meets Selsmore Road. The equipment would be sited within close proximity of residential properties, with a public footpath running adjacent to the south and the closest property within 6 metres of the proposal site. The height of the tallest cabinet would come level in height with the fence line at approximately 1.8 metres height and the telecommunications pole would rise above the closest dwellinghouse by 7.5 metres and the adjacent lamp post by 5 metres .
- 7.28 In this context the mast would be highly visually prominent, visible from both ends of Selsmore Road and Mengham Avenue. The immediate surrounding area consists of two storey height buildings which are significantly lower in height than the proposed mast and there is minimal screening offered from buildings. Likewise there are no trees which also may have offered some form of screening, with the cabinets also creating a cluttered appearance on a small area of verge adjacent to one of the main roads accessing the south east of the island.

- 7.29 The siting of the mast in close proximity to the residential boundary will be visually overbearing and intrusive to the outlook of the neighbouring properties. This will be out of keeping with the character and appearance of the area and therefore will harm the visual amenities of the area, particularly when viewed from the immediately adjacent properties either side of Mengham Avenue.
- 7.30 It is noted that this is the preferred mast location for the TCC operator after undertaking a search of alternative locations in the local area. A number of the locations investigated by the applicant do not appear to be suitable for a mast site in the first place given the space constraints and nature of the highway land in the street. It is noted many of these sites have been discounted due to unsuitable pavements however many of these proposed sitings also posed similar siting and appearance issues to this proposal site, located close to residential properties or with little screening and prominent siting. The applicant was requested to review the site search with a view to finding a more suitable location. It is noted the siting would not impact the pedestrian walkway to the south.
- 7.31 As noted above, within the Governments consultation document it comments that more slimline, aesthetically pleasing mast designs which can utilise camouflaging design features such as shrouds to protect visual amenity could be deployed. In addition, it comments that these types of mast can be similar in appearance to the telegraph poles used for the deployment of fixed line broadband.
- 7.32 It is unfortunate that the applicant appears not to have taken the opportunity to explore such a design, which it is acknowledged would assimilate better in the streetscape, albeit the scale of the proposed development would tower over the nearby residential properties in a highly prominent street location and would not be considered acceptable.
- 7.33 It is considered that the proposed mast would appear as an alien and incongruous addition to this part of the street scene and beyond. As such, it is not considered to represent a 'more slimline, aesthetically pleasing design' and would adversely impact upon the visual amenities of the street scene and locality. 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 Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

(iv) Impact on a listed building

- 7.34 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.
- 7.35 On the opposite side of the road, to the east of the car park is a Grade II listed building, Mengham Farmhouse. Concerns are raised in regards to the impact on the heritage asset, with the 15m high telecommunications pole causing harm to the appreciation of the listed building when viewed within the context of the site. An objection is also raised by the Council's Heritage Officer. The applicant does not appear to have taken the impact on the listed building into consideration in their Planning Statement, nor have they submitted any form of Heritage Statement with this application.

This proposal , with its dominant presence within the streetscene is therefore considered to be detrimental to the setting of the listed building which has been unaccounted for by the applicant. This would therefore be contrary to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM20 of the Havant Borough Local Plan (Allocations) 2014.

(v) Impact on neighbour amenity

- 7.36 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.
- 7.37 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.
- 7.38 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 whose outlook would be adversely affected by the development.
- 7.39 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.
- 7.40 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. As noted above, there have been a range of objections from local residents, the reasons for which have also been set out above.
- 7.42 It is considered that the nearby residential occupiers would be adversely affected by their awareness of the incongruous appearance of the structure within the street scene. The height of the telecommunications pole at 15 metres and its bulky appearance would be highly visible from nearby residential properties and would lie within close proximity to the closest dwellings, the closest being within 6 metres of the site at 1 Rose in June Place. This proposal is considered harmful to the visual outlook from this property and those surrounding it, and would be contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework as a consequence.

(vi) Impact on highway and pedestrian safety

- 7.43 The mast and cabinets would not result in obstruction to the public walkway nor the highway. The Highway Authority are satisfied that the proposed location of the monopole and associated equipment cabinets will not block the visibility of both pedestrians and vehicles. Therefore impact on highway and pedestrian safety is considered to be acceptable.

(vii) Drainage

- 7.44 Southern Water have been consulted on this proposal as there is a foul sewer running directly through the site and a surface water sewer just north of the proposal site. The proximity of the pole to the foul sewer would not be acceptable with Southern Water although they have noted diversion may be possible (although this would be required to be carried out at the applicant's expense). As it stands the proposed siting would lead to potential disruption of the public apparatus, prejudicial to the efficient operation of essential infrastructure and would be contrary to Policies CS16 and CS19 of the Havant Borough Local Plan (Core Strategy) 2011.

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 However, 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.
- 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 height and siting 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. In addition the proposal is considered to result in harm to the character and setting of the nearby Grade II listed Mengham Farmhouse . Furthermore, it is considered that the amenity of nearby residential occupiers would be adversely affected by their awareness of, and dominance by the incongruous appearance of the structure within the street scene, and the proposal would be sited above a Southern Water sewer line, leading to potential disruption of essential public infrastructure.
- 8.5 As such, the proposed development is contrary to Policies CS11, CS16 and CS19 of the Havant Borough Local Plan (Core Strategy) 2011, Policy DM20 of the Havant Borough Local Plan (Allocations) 2014 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 Planning be authorised to **REFUSE PRIOR APPROVAL** for application APP/22/00455 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 the street scene. It has not been sited or designed in a way that would minimise the impact of the development and consequently would result in an adverse impact upon the visual amenities of the street scene and the appearance of the locality. In addition, the amenities of the occupiers of nearby properties would be adversely affected by their awareness of, and dominance by the incongruous appearance of the development within the street scene. The proposed site also lies over a Southern Water foul sewer and would prejudice the provision and maintenance of essential public infrastructure.

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.

- 2 The proposed monopole and associated equipment, by reason of its size, siting and appearance, would result in harm to the setting of the Grade II listed building, Mengham Farmhouse, and in the absence of any heritage statement there is no evidence that the site selection process has taken this heritage asset into account. The proposals would therefore fail to meet the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM20 of the Havant Borough Local Plan (Allocations) 2014, and the guidance contained within Section 16 of the National Planning Policy Framework.