

01/51335/021 - Erection of 14.5m telecommunication mast including inline mount antennae, associated equipment cabin incorporating surfacing works and ancillary equipment., PERM,26/10/2001

01/51335/017 - Application for a certificate of lawfulness for use of part of Sparkes Boatyard as a Yacht Chandlery., WD,19/04/2001

01/51335/018 - Continued use as chandlery (A1 retail) of unit on premises within boatyard. (retrospective), PERM,19/03/2001

99/51335/014 - Removal of existing 'outboard shed' and erection of detached double garage, 2 modular buildings and conservatory to restaurant., PERM,26/05/1999

99/51335/015 - Installation of 15m monopole supporting x 3 Antennae enclosed in Radio Permeable plastic and x 1 600mm Microwave Dish, REF,26/08/1999

99/51335/016 - Extension to north west elevation of restaurant with terrace above (revised application), PERM,11/10/1999

98/51335/010 - Installation of new visitor pontoons and associated no 4 new dolphin piles to north east of boatyard., PERM,24/03/1998

98/51335/011 - New craning quay and extended pontoons, PERM,11/06/1998

98/51335/012 - Erection of 20m high monopole supporting three dual polar sectored antennae, WD,23/11/1998

98/51335/013 - Erection of 15m high monopole supporting three dual polar sectored antennae (revised application), REF,28/01/1999

96/51335/009 - New pontoons to provide 30 additional visitor berths extending 112m to the north, PERM,05/09/1996

94/51335/008 - Erect first floor balcony, PERM,05/07/1994

91/51335/005 - Proposed construction of a travel lift dock and the installation of a 45 ton hoist, PERM,

93/51335/006 - Single storey swimming pool extension with terrace above., PERM,25/08/1993

03/51335/024 - Alterations to pontoon dolphin piles., PERM,09/05/2003

03/51335/025 - First floor office addition., PERM,16/10/2003

05/51335/026 - Change of use of chandlery (Class A1) to restaurant (Class A3), and restaurant (Class A3) to chandlery (Class A1)., PERM,16/02/2005

05/51335/027 - Repair and upgrading works to existing sea wall on east side of marina., PERM,24/08/2005

07/51335/028 - Renewal of Planning Permission 02/51335/022 for retention of 2No. buildings (known as Cotacabin and Glasdon) for a further period of 5 years., TPP,19/06/2007

APP/11/00049 - Erection of 4No. solar energy panels on existing roof.,
PERM,21/03/2011

APP/16/01242 - Application for prior notification of proposed upgrade of telecommunications installation through replacement of the existing 14m high monopole with a new 15m high monopole supporting 3No. antennas, installation of 2No. additional radio equipment cabinets and development works., PAYA,26/01/2017

APP/18/00167 - Ground and first floor extensions to include terrace to North and North-east elevation; partial cladding to elevations; fenestration alterations.,
PERM,14/05/2018

APP/20/00610 - Replacement sheet piled quay wall with concrete capping beam (approved 26.2.21). Request to discharge condition 12 (14.4.21), PERM,26/02/2021

APP/22/00568 - Construction Environmental Management Plan (CEMP), UNK,

3 Proposal

- 3.1 Removal of 1No existing 15m monopole and 1No equipment cabinet to be replaced with 1No new 15m monopole accommodating new antennas with wrap-around cabinet, installation of 1No new cabinet and 1No new equipment rack with associated ancillary works thereto.
- 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 2021
Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS19	(Effective Provision of Infrastructure)
DM10	(Pollution)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

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

5 Statutory and Non Statutory Consultations

Chichester Harbour Conservancy

Chichester Harbour Conservancy is a unique organisation in that it is the only Harbour Authority with statutory responsibility for an Area of Outstanding Natural Beauty (AONB).

Chichester Harbour Conservancy's Recommendation

NO OBJECTION WITH CONDITIONS

Conditions:

1. Require a white or very light grey finish for the new mast in order to tie-in with the surrounding boat masts.

Conditions are to be read in conjunction with the overall recommendation and should not be separated.

Reasoned Justification:

The existing 15m high monopole is situated in the western corner of the Sparkes Marina car park, visible from the immediate surroundings as well as from the shoreline footpath on the opposite side of the creek to the northwest. It sits within Chichester Harbour AONB, which is acknowledged and addressed within the Planning Design and Access Statement.

The Conservancy commented on the previous upgrade in 2016 (APP/16/01242) and initially had concerns about the increased bulk of the structure, but following additional information and explanation of need, we recommended painting it white to reflect the existing (at that time) flagpole style mast as the most appropriate colour in this landscape setting.

The current proposals would again increase the bulk of this structure in a sensitive landscape setting within the AONB. However, the supporting statement explains that this is the minimum increase in size required to enable 5G coverage and it is acknowledged that there would be no increase in height compared with the existing structure. Also, upgrading an existing mast is very much preferable to installing an additional new structure elsewhere.

There is no objection in principle from an AONB landscape perspective given that this is utilising an existing site, it has been demonstrated that there is a need for this upgrade and in addition, this location would facilitate offshore rescue communications.

As previously commented, in this landscape setting directly adjacent to Sparkes Marina and the accompanying masts of boats, we consider that a white or very light grey finish would be most appropriate, so that the upgraded mast ties in with these surrounding structures, thereby limiting any additional visual intrusion in the wider AONB landscape.

Councillor Leah Turner - Hayling East

No comments received.

Councillor M Wilson - Hayling East

No comments received.

Councillor R Raines - Hayling East

No comments received.

Environmental Health Manager, Community Group

No comments received.

Hampshire Highways

The Highway Authority note that the replacement monopole along with associated equipment cabinets are proposed to be in the same location as the existing. Having regard to the above, the Highway Authority provide no objection to the proposals.

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: 17

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 4

4 letters of objection on the following grounds:

- Visual amenity
- Significantly wider than existing monopole it is replacing
- Proposed replacement pole is about twice the diameter at the top and bulky
- Very much more intrusive
- Design, appearance and lay out
- Out of character with surrounding boatyard
- Not in keeping with current skyline
- Will considerably degrade the visual amenity of the site
- Manufactured grey form will make its ugliness stand out more
- Should be painted white
- Original monopole was accepted on the grounds it resembled a flag pole and had a flag
- Will be blot on the landscape

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) Impact upon the character and appearance of the AONB
- (iv) Impact upon residential amenity
- (v) Flood risk
- (vi) Impact on nature conservation interests

(i) Principle of development

7.2 The application site is on the coastline and its acceptability will depend on its impact on the landscape, residential amenity, flood risk and nature conservation interests.

(ii) Background

7.3 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.

7.4 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.

7.5 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.

7.6 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.

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

7.8 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.

7.9 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.

- 7.10 On 7th March 2022, the consultation outcome of the changes to permitted development rights for electronic communications infrastructure was published.
- 7.11 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.
- 7.12 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.
- 7.13 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.
- 7.14 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.
- 7.15 It should be noted that the current application was submitted prior to the changes to the permitted development rights for electronic communications infrastructure.
- 7.16 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.

- 7.17 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 14 April 2022.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 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.
- 7.23 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.
- 7.24 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) Impact upon the character and appearance of the AONB

- 7.25 Whilst the proposed replacement monopole would be the same height as the existing monopole it would replace, it would be wider to house the new 5G technology.
- 7.26 In terms of impact on the character and appearance of the Chichester Harbour Area of Outstanding Natural Beauty (AONB), Chichester Harbour Conservancy is the only Harbour Authority with statutory responsibility for such an AONB.
- 7.27 As noted above, the Conservancy acknowledges that the current proposals would increase the bulk of the structure in a sensitive landscape setting within the AONB. However, it is also acknowledged that there would be no increase in the height compared to the existing structure and that the supporting statement explains that this is the minimum increase in size required to enable 5G coverage. Furthermore, the Conservancy consider that upgrading an existing mast is very much preferable to installing an additional structure elsewhere.

- 7.28 As such, the Conservancy raise no objection in principle from an AONB landscape perspective given that this is an existing site and that this location would facilitate offshore rescue communications. However, a condition is recommended regarding colour and that a white or very light grey finish would be most appropriate so that the upgraded mast ties in with the surrounding structures thereby limiting the additional visual intrusion in the wider AONB landscape.
- 7.29 In this regard, the accompanying planning, design and access statement states that the tower/mast and equipment housing would be manufactured grey RAL 7035, which is a light grey colour and is the standard manufactured finish. The applicant has provided additional information of another mast elsewhere that is finished in this colour which does appear a relative light grey colour compared to other grey colours. It is considered appropriate to impose a condition requiring the mast and equipment to be finished in this light grey colour RAL 7035 and maintained as such.

(iv) Impact upon residential amenity

- 7.30 The proposed mast would replace an existing mast of the same height and would be sited some distance away from residential properties. In addition, the adjacent boat yard/marina provide a backdrop when viewed from the surroundings. It is considered that the replacement mast and equipment would have limited and acceptable impact on residential amenity, meeting the requirements of policy CS16 of the HBLP (Core Strategy).

(v) Flood risk

- 7.31 As noted above, the site is within flood zones 2 & 3. The proposed mast/equipment would replace an existing mast/equipment and it is considered that there would be no increase in flood risk as a result of the development.

(vi) Impact on nature conservation interests

- 7.32 The proposed mast/equipment would replace an existing mast/equipment and is approximately in the same position and considered unlikely to result in any significant adverse impacts on statutorily protected nature conservation sites, local wildlife, biodiversity or ecological character.

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, particularly in more sensitive locations as in this instance.

- 8.4 The applicant has provided the necessary evidence to justify the proposed development and it is also acknowledged that this is an existing telecommunications site and has been for many years.
- 8.5 The Conservancy also raise no objection in principle from an AONB landscape perspective given that this is an existing site and that this location would facilitate offshore rescue communications.
- 8.6 As such, the application is recommended for approval.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/22/00310 subject to the following conditions:

- 1 The development must be begun not later than three years beginning with the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1107408 HVT022 25500 PO0074 M002 B - SITE LOCATION PLAN

1107408 HVT022 25500 PO0074 M002 B - PROPOSED SITE PLAN

1107408 HVT022 25500 PO0074 M002 B - PROPOSED ELEVATION

PLANNING, DESIGN AND ACCESS STATEMENT

Reason: To ensure provision of a satisfactory development.

- 3 The tower/mast and equipment housing shall be finished in light grey colour RAL 7035 as specified in the application and maintained as such.

Reason: In the interests of the amenities of the area and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 Following the completion and site integration of the development, the existing mast and associated redundant equipment shall be removed within 3 months in accordance with the approved plans.

Reason: To ensure only one mast remains on the site in the interests of the amenities of the area and having regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.