
Site Address: Verge opp 65 St Johns Avenue, Waterloo, PO7 5QZ
Proposal: Application to determine if prior approval is required for a proposed new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
Application Type: Telecommunications Notification
Application No: APP/22/00471 Expiry Date: 01/08/2022
Applicant: Hutchison 3G UK Ltd
Agent: Dalcour Maclaren Case Officer: Graham Speller
 Dalcour Maclaren
Ward: Purbrook

Recommendation: **REFUSE PRIOR APPROVAL**

1 Site Description

- 1.1 The site is located on the grass verge of St Johns Avenue which forms part of a larger well maintained pleasant area of open grassland which has had some relatively recent tree planting. The site is bound by the junction between St Johns Avenue and Sovereign Lane to the north.
- 1.2 The surrounding area is residential in character and whilst comprising a mix of styles and design of housing, including two storey dwelling houses, immediately fronting the green to the north east and south east are a number of single storey bungalows.

2 Planning History

- 2.1 There is no relevant planning history.

3 Proposal

- 3.1 Application to determine if prior approval is required for a proposed new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
- 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)
CS16 (High Quality Design)
CS19 (Effective Provision of Infrastructure)
DM1 (Recreation and Open Space)
DM10 (Pollution)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Gary Hughes

On first sighting, this application would appear to have a significant impact on the visual amenity currently enjoyed by the residents of St John's Avenue. When coupled with concerns regarding noise, it would seem that the social and environmental considerations of 'sustainable' development are compromised. Further, the information provided to date, gives no explanation as to why this specific location has been requested for the installation of this technology. Other locations around the borough are less obtrusive, blend into their surroundings and any potential noise disruption ameliorated. What is the criterion for determining site suitability? What makes this site so unique, compared to other potential equally suitable, but less obtrusive locations that do not impact on residents? These issues need to be explored by the Planning Committee

Councillor Husky Patel

No comments received.

Councillor Ms C Diamond - Purbrook Ward

I wish to object on the grounds that this will not be in keeping with the surrounding area, dominating near by properties, spoiling natural or existing contours. The proposal would be an unacceptable loss of open space. The proposal would set a undesirable precedent.

DM10 of the Havant Core Strategy

CS16 of the Havant Borough local plan

Department of Trade and Industry

No comments received.

Southern Water

Please see the attached extract from Southern Water records showing the approximate position of public surface water sewer in vicinity of the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

- The 225 mm public surface water sewer requires a clearance of 3 metres on either side of the public surface water sewer to protect it from construction works and to allow for future maintenance access.

- No development or tree planting should be carried out within 3 metres of the external edge of the public surface water 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 surface water 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

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.

Hampshire Highways

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

Having regard to the above, the Highway Authority provide no objections to the above planning application subject to the equipment being located as shown in drawing HVT059/06292/PO0920.

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: 36

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received:

122 letters of objection raising the following issues:

- Will be an eyesore for many people
- Outlook would be ruined
- Would not blend in with surrounding area
- Could cause unnecessary distress and may affect mental wellbeing
- Will cause massive disruptions to the road
- Could be attraction for kids to climb/damage
- Site is a completely open space with nothing to mask it at all
- Sheer height of the mast will be completely out of keeping with the area
- Will dominate skyline
- Will set a precedent for the green to be encroached further
- Cabinets will cause noise 24 hours per day

- Would ruin the current look of the area
- Tower will devalue properties **Officer Comment:** Not a material planning consideration
- Will spoil an open space where children play
- Size would dominate landscape
- Would dwarf bungalows on the road
- There will be no screening as there is no surrounding vegetation despite what is stated in application
- Would be very harmful to this green space and should be refused
- Will dominate unblemished view
- Fail to see the need for the antenna mast
- The power flux density could be significantly greater than suggested in the ICNIRP Compliance Certificate
- There are better and less obtrusive sites available to improve 5G connectivity
- Not in keeping with area
- Unsightly
- Harmful radiation and noise pollution to surrounding homes
- Failure to put up notices in all areas
- Amenity space is integral to the lives of the local community
- Siting of mast fails to conserve the low level landscape of this area
- Main attraction of St John's Avenue is its sense of openness
- Health risks have not been conclusively disproved
- Far too close to existing houses
- Danger to vehicles as the green can be a run off area
- Will tower over the bungalows
- It's completely in the wrong place
- Never had an issue with getting mobile service in this area
- Will remove yet another open space from the area
- Morelands Primary School is close by
- There are other more suitable locations for infrastructure of this nature
- Has the need for the mast been researched
- Worried about wildlife around the area
- Would undoubtedly appear to loom over the adjacent low-lying bungalows

- Estate was built without telegraph poles and all telephone cables are underground
- Current proposed development would be at odds with original design of the estate
- Hugely disproportionate to the existing lampposts and will not blend in
- Spoil green environment
- Will be obtrusive
- The green is a unique feature of the area
- Site is a well used designated public open space
- Mast should be erected on a commercial bricked building flat rooftop and not in highly populated residential area
- Proposed mast equipment will appear very industrial for the proposed location and will not be compatible with the area
- Will totally disrupt the local environment
- Serious issue of EMF emissions to consider
- Proposal would result in significant, unacceptable harm to the character and appearance of the surrounding area
- Numerous negative health and environmental concerns

3 letters of support making the following comments:

- Mobile communication is a fact of life and we pretty much all need it
- Planting a couple of trees might help with softening the mast
- May gain a better mobile signal in a completely safe manner
- Many of us require high speed connectivity for domestic or work purposes

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 area
- (iv) Impact upon residential amenity
- (v) 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) [GDPO] 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 Government is also implementing the recommendations made in its Future Telecoms Infrastructure Review published in 2018.
- 7.9 In addition to the above, the Government also published a consultation on Changes to permitted development rights for electronic communications infrastructure (Published 20 April 2021) at how to implement the proposals consulted on in August 2019 to support the deployment of 5G and extend mobile coverage.
- 7.10 The Ministerial foreword commented that the case for 5G is compelling and that it will provide faster, more responsive and more reliable connections than ever before. Further, that the planning system plays a key role in delivering the infrastructure that is needed as households and businesses become increasingly reliant on mobile connectivity.
- 7.11 On 7th March 2022, the consultation outcome of the changes to permitted development rights for electronic communications infrastructure was published.

- 7.12 The Ministerial foreword of Julia Lopez MP of this document, states, inter alia, that bringing forward these important changes will ensure that the planning system supports the delivery of mobile infrastructure, as part of the government's mission that by 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
- 7.13 The Executive summary of the consultation outcome, comments that in considering the proposed reforms, the government has sought to ensure that it strikes an appropriate balance between providing local control over new development and delivering improved connectivity. In addition, it comments that while it is essential that communities and businesses have access to high-quality wireless connectivity, it recognises that it is important that the visual impacts of new network development are mitigated, and local amenity is protected as much as possible. It also comments that this is especially important in more sensitive locations such as National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, and where development may impact designated heritage assets.
- 7.14 On 14th March 2022, secondary legislation was laid in Parliament to support the deployment of 5G and help extend mobile network coverage. Part 16 of the General Permitted Development Order 2015 (as amended) was amended and came into effect on 4th April 2022.
- 7.15 These amendments followed the announcements published in the government response to the 'Changes to permitted development rights for electronic communications infrastructure: technical consultation' (Monday 7th March) noted above. This set out that, following consultation responses from 3,000 people and organisations, the Government has decided to take forward most of the proposed reforms including changes to enable:
- the deployment of taller and wider masts;
 - building-based masts located nearer to highways; and
 - deployment of radio equipment housing required alongside new antennae.
- 7.16 Whilst a number of changes have been introduced within the permitted development Order as a consequence of the consultation outcome, the government has decided that it will not be taking forward the proposal to permit the deployment of monopole masts without the requirement for prior approval on unprotected land at this time.
- 7.17 As noted above, the Code of Practice for Wireless Network Development in England has been published alongside the changes to permitted development outcome. To further ensure that the delivery of high-quality wireless infrastructure is balanced with environmental considerations, among other things, the new Code of Practice will provide updated guidance for all those involved in network deployment, and it has a stronger focus on the siting and design of wireless infrastructure and the process for engaging with local authorities and communities. The government will introduce new planning conditions that require Code Operators to minimise the visual impact of new network development, particularly on Article 2(3) land, and to minimise impacts on the accessibility of footways and access to properties.
- 7.18 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 14 April 2022.

- 7.19 This guidance comments that the Home Office is leading a cross-government programme to deliver the new Emergency Services Network (ESN) critical communications system. This will replace the current Airwave service used by the emergency services in Great Britain (England, Wales and Scotland) and transform how they operate.
- 7.20 It comments that ESN will enable fast, safe and secure voice, video and data across the 4G network and give first responders immediate access to life-saving data, images and information in live situations and emergencies on the front line.
- 7.21 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.
- 7.22 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.
- 7.23 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.
- 7.24 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.
- 7.25 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 area

- 7.26 The applicant states that the site has been chosen as the most viable option to provide coverage and that the proposed development will ensure continued mobile network coverage in the area. In addition, that it would provide improved quality, faster and more reliable 4G and 5G services in the area for local residents and businesses.
- 7.27 The applicant also comments that the proposed mast and associated equipment is located within the setting of existing lampposts and street signage and that in considering the siting, design, scale and proportion of the proposal considers that it will compliment and successfully assimilate into the surrounding area.
- 7.28 The applicant further states that it is considered that the narrow design of the tower and antenna significantly reduces the visual impact, and the less that substantial harm in landscape views is outweighed by the overall public benefit of providing high quality communications to the area.

- 7.29 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.
- 7.30 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.
- 7.31 It is further considered, contrary to what the applicant maintains, that this proposed mast would appear as an alien and incongruous addition to this part of the street scene adversely impacting on the visual amenities of the street scene and the character of the area by reason of its size, siting, scale, design and appearance. The proposed development would be substantially taller than the existing street furniture and, as a result, would be clearly identifiable as an alien element within the street scene. This is compounded by the actual mast design which does not have a 'shroud' design adding to its alien appearance in this residential location, which is also characterised by the pleasant open nature of the green. It is also the case, that the residential properties immediately adjacent to the green to the north east and south east, are single storey bungalows and the mast would tower above the height of these properties and appear visually prominent in the street scene adversely impacting upon the character of the local environment.
- 7.32 The proposed development also includes equipment cabinets, and whilst acknowledging that these are an essential part of the installation, would amount to clutter which would result in an adverse impact on the visual amenities of the street scene and the character of the locality.
- 7.33 As noted above in the background information, among other things, the government 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
- 7.34 It is considered that the generally open character and appearance of the site and the street scene would be materially harmed by the proposed development due to size, siting, scale, design and appearance which would appear incongruous and at odds with the open character of this part of St Johns Avenue.

(iv) Impact upon residential amenity

- 7.35 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.
- 7.36 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.
- 7.37 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.

- 7.38 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.
- 7.39 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.
- 7.40 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.
- 7.41 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.
- 7.42 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 in excess of 100 objections from local residents, the reasons for which have also been set out above.
- 7.43 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.
- 7.44 It would also be sited immediately adjacent to an open green space which is used by families and dog walkers and the proposed development would tower above other street furniture and appear as an oppressive overbearing development for those using the green open space.

(v) Impact on highway and pedestrian safety

- 7.45 Whilst the proposed development would be sited adjacent to the highway, as noted above, the Highway Authority are satisfied that the proposed location of the monopole and associated equipment cabinets will not block the visibility of pedestrians and vehicles. As such, no objection is raised on highway safety grounds.

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 proposed mast and ancillary equipment, by reason of size, siting, scale, design and appearance would appear as a visually intrusive and incongruous feature within the street scene which would fail to respond positively to the character and appearance of the local environment.
- 8.7 As such, the proposed development is contrary to Policies CS1 and CS16 of the Havant Borough Local Plan (Core Strategy) March 2011 and the National Planning Policy Framework 2021.
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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/22/00471 for the following reasons:

- 1 The proposed mast and ancillary equipment, by reason of size, siting, scale, design and appearance would appear as a visually intrusive and incongruous feature which would fail to respond positively to the character and appearance of the local environment.

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, the appearance of the locality and nearby residential occupiers of nearby properties who would be adversely affected by their awareness of the incongruous appearance of the structure within the street scene.

As such, the proposed development is contrary to Policies CS1 & CS16 of the Havant Borough Local Plan (Core Strategy) March 2011 and the National Planning Policy Framework 2021.