

Submission Version Havant Local Plan

IN1 (Effective provision of infrastructure)
E1* (High quality design)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Imogen Payter

No comments received.

Councillor J Branson - St Faiths

No comments received.

Councillor T Pike - St Faith's

No comments received.

Department of Trade and Industry

No comments received.

Hampshire Highways

The Highway Authority are aware that the location of the 5G mast and associated equipment cabinets in the previous application (APP/21/00685) on the opposite side (*sic*) of Bartons Road obstructed pedestrian visibility and the maintenance of the crash barrier already in situ. As such, the 5G mast and associated cabinets have since been repositioned to the location that this planning application relates to.

The Highway Authority are satisfied that the location of the proposed 5G mast and associated equipment cabinets does not block the visibility of pedestrians and vehicles. Therefore, the Highway Authority will provide no objections to the above planning application.

Network Rail, Town Planning Technician

No comments 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: 13

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 1

One letter of objection raising the following issues:

- For reasons of aesthetic purpose
- Pole should not be erected within the immediate sight line and proximity of an existing residential development
- Plenty of possible locations for sighting such an installation without causing such an imposing eyesore intrusion in the immediate vicinity

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) 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 In an Electronic Communications Code consultation (Published 27 January 2021) the Ministerial foreword, states, inter alia, that the Government is committed to making the UK a global leader in digital connectivity and ensuring that reliable, long lasting future proof gigabit capable broadband and 5G networks are made widely available across the UK as soon as possible.

7.6 It further states that the COVID-19 pandemic has highlighted how important it is to have robust networks in place.

7.7 The Government is working with industry to target a minimum of 85% gigabit-capable coverage by 2025 and aiming to ensure that 95% of the UK's geographical landmass has 4G coverage from at least one mobile operator by 2025 and that the majority of

the UK population has 5G coverage by 2027.

- 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 has 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 to this consultation document, states, inter alia, that digital connectivity is now, more than ever, vital to enable people to stay connected and business to grow. The demand for mobile data in the UK is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that everyone has access to reliable, high quality mobile connectivity.
- 7.11 The Ministerial foreword comments 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 This consultation follows the previous consultation on the principles of reforms to permitted development rights to support 5G deployment and extend mobile coverage. The consultation is concerned with the details of the proposed changes and at the heart of these changes the Government states that there is a recognition that there needs to be a balance of the benefits of improved connectivity with local control and environmental protections.
- 7.13 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 18 February 2021.
- 7.14 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.
- 7.15 It comments that ESN will transmit 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 frontline. Further it comments that investment in ESN will also mean improvements to 4G network coverage, which will enable 999 calls to be made securely from mobile phones in some of the most remote and rural parts of Great Britain.
- 7.16 In addition, it comments that the technology that supports Airwave, the network currently used by the emergency services, is reaching the end of its lifetime. While reliable and fit for purpose for the immediate future, its limited capacity means it cannot match the opportunities offered by new mobile critical communications technology.
- 7.17 ESN's high-speed mobile technology will mean communication between the emergency services will take priority over all other network traffic, even at peak times in busy urban locations. It will mean the emergency services and other responders

can share vital data, information and expertise quickly and securely from the frontline when it is needed most.

- 7.18 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.
- 7.19 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.
- 7.20 In total, more than 950 masts are being constructed and about 19,000 sites are being upgraded to facilitate the coverage needed for ESN across Great Britain.
- 7.21 It is also the case that 5G wavelengths have a much shorter range than 4G and an increased susceptibility to obstructions which can reduce the site selection for such development and increased requirement for more masts.
- 7.22 Another material consideration 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.
- 7.23 The National Infrastructure Commission provides the government with impartial, expert advice on major long term infrastructure challenges.
- 7.24 The Commission has commented that there is poor mobile coverage and capacity on rail routes and that the Department for Transport has announced an 'On-Train-Wi-Fi' policy which make it clear the government's commitment to improving mobile connectivity for rail passengers.
- 7.25 Whilst the Government consultations are considered to be material considerations, as they are only at consultation stage, they carry little weight. However, some of the wording within the permitted development changes consultation document is of interest in terms of the direction of travel that the Government wishes to pursue in order to roll out improved connectivity.
- 7.26 In particular, the document comments, inter alia, that the Government considers that allowing monopoles of up to 15 metres high to be deployed without the need for prior approval would incentivise the use of more slimline, aesthetically pleasing mast designs, and support the Governments ambitions for 5G deployment. It further comments that monopoles can support a range of mobile technologies, including 4G and 5G, and can utilise camouflaging design features such as shrouds to protect visual amenity. 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. However, it also acknowledges that conditions may be required to ensure that this permitted development right only permitted monopole style masts rather than other types of mast (if it becomes part of the legislation).
- 7.27 Another interestingly and relevant development is the Government's press release (9 September 2021) regarding a £4m trial to use street furniture to boost 5G roll out. This is a two year trial to make it easier for mobile companies to use roadside infrastructure to host 5G radio equipment. This includes CCTV poles, street lamps,

bus shelters and traffic signals and other street furniture used to boost coverage. The Government recognises that network operators often struggle to identify suitable locations for equipment.

- 7.28 The then Digital Infrastructure Minister Matt Warman, stated, among other things, that “The lampposts lining our streets have huge potential to accelerate the roll out of 5G and reduce the need to build new masts, but right now getting access to this infrastructure can be tricky.”

(iii) Impact upon the character and appearance of the area

- 7.29 The applicant states, inter alia, that this individual site has been chosen in order to minimise the visual impact on the adjacent landscape and provide coverage for railway passengers. Furthermore, that the tree coverage in the area would minimise the visual impact of the mast.
- 7.30 The applicant further states that the height of the proposed apparatus is the minimum capable of providing the technological improvements sought and is set back from the adjacent highway as far as possible in order to limit the visual prominence of the monopole in both the immediate and wider street scene.
- 7.31 Notwithstanding the above, whilst it is acknowledged that the existing trees in the locality would mitigate some views of the proposed development to some extent, it would still appear very prominent within the street scene particularly travelling in a westerly direction along Bartons Road and also from nearby residential properties. In addition, the height of the mast would be significantly higher than other street furniture in the immediate vicinity.
- 7.32 The applicant has carried out a site selection process but has discounted alternative sites for various reasons, albeit it has been suggested that this matter be reviewed.
- 7.33 Whilst the operational reasons for such apparatus within close proximity of the railway lines is acknowledged, and that this would be a more slimline design, due to its height and siting and juxtaposition with nearby residential properties, it is considered that the proposed development in the location proposed would be detrimental to the appearance of the site, the visual amenities of the street scene and the character of the locality.

(iv) Impact upon residential amenity

- 7.34 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.
- 7.35 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 As noted above, the proposed siting of the mast and cabinets would appear in close proximity to residential properties, albeit the applicant states that there would be sufficient distance to ensure that there would not be any detrimental impact on the amenity of these properties. The applicant also comments that the orientation of

these dwellings and the location of these properties would ensure that the proposed mast would not be unacceptably impacting any primary windows or affecting their amenity.

- 7.37 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 However, health issues and public concern can, in principle, be material planning considerations in applications for prior approval.
- 7.39 Notwithstanding the comments of the applicant, whilst it is acknowledged that the proposed mast and cabinets would be sited a fair distance from the residential properties there is no intervening screening at this point and primary windows would look out to the proposed development which would appear very prominent.
- 7.40 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.

(v) Impact on highway and pedestrian safety

- 7.41 As noted above there was a previous application for a mast and cabinets within the vicinity of the site that was withdrawn by the applicant because of an objection raised by the highway authority.
- 7.42 In this instance, the highway authority is satisfied that the location of the proposed 5G mast and associated equipment cabinets does not block the visibility of pedestrians and vehicles and raises no objections to the proposed development.

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 The applicant has provided the necessary evidence to justify the proposed development in principle, however, whilst carrying out the necessary site selection process, the applicant has dismissed them on various grounds.
- 8.5 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. Furthermore, 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.

- 8.6 As such, the proposed development is contrary to Policies CS1 & CS16 of the Havant Borough Local Plan (Core Strategy) March 2011, Policy E1 of the submission version of the Havant Borough Local Plan and the National Planning Policy Framework 2021.

9 RECOMMENDATION:

That Prior Approval is required for the siting and appearance of the development and that the Head of Planning be authorised to **REFUSE PRIOR APPROVAL** for application APP/21/01231 for the following reasons:

- 1 The proposed development, by reason of 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, as such, would result in an adverse impact upon the visual amenities of the street scene and the appearance of the locality. In addition, the occupiers of nearby properties would be adversely affected by their awareness of the incongruous appearance of the development 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, Policy E1 of the submission version of the Havant Borough Local Plan and the National Planning Policy Framework 2021.