
Site Address: Footpath to front of, Co-op, 140 Elm Grove, Hayling Island,
PO11 9EH

Proposal: Application to determine whether prior approval is required for a
proposed 5G telecoms installation: H3G Phase 8, 15m high street pole c/w
wrap-around cabinet and 3 further additional equipment cabinets.

Application No: APP/21/01067 Expiry Date: 07/12/2021

Applicant: CK Hutchisons Networks (UK)
Ltd

Agent: Ms Gibson Case Officer: Graham Speller
Dot Surveying

Ward: Hayling East

Recommendation: **REFUSE PRIOR APPROVAL**

1 Site Description

- 1.1 The site is located on the eastern side of Elm Grove, immediately outside the co-operative supermarket on the footpath.
- 1.2 The surrounding area is mixed in character with residential properties and commercial buildings.
- 1.3 On the other side of the road is the Hayling Island War Memorial.
- 1.4 There are other telecommunication masts in the area, however, these are not so prominent in the street scene.

2 Planning History

00/51329/002 - Externally illuminated fascia signs to front (west) and rear (east) elevations, one internally illuminated fascia sign to side (north) elevation and one externally illuminated, double sided freestanding hoarding sign to car park., PERM, 18/01/2001

00/51329/001 - Provision of fire exit to front, new bin store to car park to rear, and alterations to existing entrances (Front and rear) to provide new auto-doors., PERM, 09/01/2001

03/51329/004 - Installation of ATM machine to west elevation and satellite dish (1000mm in diameter) to position on flat roof., PERM, 01/07/2003

03/51329/003 - Internally illuminated static projecting sign and ATM surround to west elevation., SPL, 11/07/2003

06/51329/005 - Installation of internally illuminated fascia signs fronting Elm Grove and car park., PERM, 16/05/2006

10/51329/007 - Installation of 2 No. condenser units to roof of store., ERM, 20/04/2010

09/51329/006 - Installation of 2 No. condenser units to roof of store., REF, 05/02/2010

APP/21/00784 - Application to determine whether prior approval is required for a proposed 5G telecoms installation: H3G Phase 8, 18m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets., Prior Approval Required and Refused, 02/09/2021

3 Proposal

- 3.1 Application to determine whether prior approval is required for a proposed 5G telecoms installation: H3G Phase 8, 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
- 3.2 This is a revised proposal following a refusal and the proposed mast has been reduced in height.
- 3.3 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

CS1	(Health and Wellbeing)
CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
DM10	(Pollution)

Havant Borough Local Plan (Allocations) July 2014

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 Leah Turner - Hayling East

No comments received.

Councillor M Wilson - Hayling East

No comments received.

Councillor R Raines - Hayling East

No comments received.

Department of Trade and Industry

No comments received.

Hampshire Highways

The Highway Authority note that this is a new application however our previous comments from the previous application (Planning reference: APP/21/00784) haven't been addressed. Therefore, the Highway Authority again recommend refusal for the

proposed 5G mast and associated equipment cabinets outside the Co-op due to the following reasons:

- The applicant has not demonstrated that visibility will not be obstructed for vehicles exiting Tournerbury Lane
- The Highway Authority have concerns with the obstruction to the footway for pedestrians and safety concerns for pedestrians with the utilities creating a 'slalom' affect for pedestrians with the existing lamp column in place
- Proposed cabinets will block access to Sheffield bike stands hindering the encouragement of sustainable transport

Landscape Team, Havant Borough Council

From a landscape perspective raise an objection to this application for the following reasons:

- The introduction of an 15m high street pole in this particular location is deemed to be detrimental to the streetscape and the cramped footway does not afford any room for soft landscaping to mitigate the impact.
- The associated cabinets will obscure the cycle parking facilities for the co-op and is considered to discourage sustainable transportation which is contrary to planning policy CS1 Health and well-being and CS20 transport and access.

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: 38

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 4

Two letters of representation received raising the following issues:

- Inappropriate to the surrounding area
- Nature of installation cannot respect and continue to maintain current appearance of the area
- Will physically dominate the area
- Will be a visible industrial structural eyesore
- It will not preserve, conserve or enhance the character of the area
- Will not create a better place to live and work
- Will reduce the width of the footpath which is used by hundreds of school children every day
- Elderly people on mobility scooters use the coop due to ease of access

- and wide footpath
- Need for such structures does not outweigh the negatives
- The mast will tower above any other building in the vicinity
- The proposed location of this telecom mast so close to the Hayling Island War Memorial is totally inappropriate and will be unacceptable to a large number of Hayling Islanders
- The proximity of a structure of this nature and size merely a road's width from the Memorial is highly disrespectful to those who gave their lives for their country
- Fails to take into account the sensitivity of the location and the part the War Memorial plays in the Island's communal life
- Hutchinson's profits and convenience should not take precedence over the dignity of a War Memorial
- The ambience of the whole junction close to St Mary's Church with a pleasant, grassed area, will be spoilt.
- Will detract from the dignity of the Memorial
- The proposed sites appear to be the product of "desk-top studies"

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 a Government 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 This consultation has been followed by a further consultation (Published 9 June 2021) on Regulations to implement the Telecommunications Infrastructure (Leasehold Property) Act, which has been passed. This is intended to support those living in blocks of flats and apartments to access broadband services.
- 7.8 The Ministerial foreword, states, inter alia, that the pandemic has put into sharp focus the increasingly essential nature of connectivity. It points to the increased online activity during the pandemic and that it has shown that connectivity is sometimes just not suitable, and many have not had the same quality experience as others. The Ministerial foreword continues in that the Government believes that every home and business in the country should have access to fast, reliable connectivity, and that consumers should be able to access the services they need from the providers they want.
- 7.9 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.
- 7.10 The Government is also implementing the recommendations made in its Future Telecoms Infrastructure Review published in 2018.
- 7.11 In addition to the above, the Government 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. The outcome of such consultation has not, to date, been announced.
- 7.12 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.
- 7.13 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.
- 7.14 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.

- 7.15 Other material considerations are the Governments Emergency Services Networks: overview guidance that was updated on 18 February 2021.
- 7.16 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.
- 7.17 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.
- 7.18 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.
- 7.19 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.
- 7.20 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.
- 7.21 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.
- 7.22 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.
- 7.23 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.
- 7.24 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.
- 7.25 Whilst the recent 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 recent 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 proposed siting of the telecommunications equipment would be within the town centre area as opposed to a residential area, albeit residential properties are close by.
- 7.30 The applicant has also carried out a site search which identified a number of possible locations, but these have been discounted due mainly to inadequate width of pavement and one site being near a school.
- 7.31 The previous scheme (APP/21/00784) was partly refused on grounds of size, siting, design and appearance and that it was considered it would appear as a visually intrusive feature in the street scene. In addition, it was considered that it had 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 appearance of the locality.
- 7.32 In the submitted documents to this current application, the applicant makes reference to the refused scheme and that the scheme has now been amended to incorporate a shorter telecommunications pole of 15 metres in height with built in cabinet and 3No. separate cabinets. The applicant further comments, as before, that in their opinion the proposed design presents a better 'fit' within the local community and immediate street scape, offering a reduced visual impact upon an area of adopted highway and not situated within a conservation area or other such restrictive designation.
- 7.33 The applicant also states that the site itself is situated upon a reasonably wide section of footpath and has been very carefully set alongside an existing lamppost, which the applicant considers, will provide a degree of screening. In addition, the applicant comments that, having re-assessed the scheme following the recent planning refusal

the height of the pole has been substantially reduced from 20 [sic] to 15 metres.

- 7.34 As before, the applicant also states that the very nature of installing new 5G mast infrastructure within such an urban setting requires a highly considered balance between the need to extend practical coverage reach with that of increasing risk of visual amenity intrusion. Such a statement is not disputed.
- 7.35 Whilst the broad location of the proposed development within a town centre is a more favourable location than in a wholly residential area, as noted above, there are residential properties within close proximity as well as the war memorial.
- 7.36 In addition, due to the relative straight road, which is also heavily trafficked, the proposed mast would be visible from a significant distance in both directions.
- 7.37 The applicant previously stated that the previous height of the mast (18m) was the minimum required to bring the benefits of 5G to the area. However, the proposed mast is now 15m in height, which it is acknowledged, would have a lesser impact on the visual amenities of the street scene than the previously refused scheme.
- 7.38 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
- 7.39 However, 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. The mast design is identical to that previously applied for in terms of its appearance and only the height has been reduced.
- 7.40 Whilst it is acknowledged that the height of the proposed mast is less than previously applied for, by reason of its design and appearance, it is still 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.
- 7.41 As noted above, the applicant considers that the existing lamppost would provide a degree of screening, however, this is unlikely bearing in mind that the mast itself is substantial larger in comparison to the lamppost and would tower above it by a further 7m so the lamppost would offer very little effective screening. In addition, the proposals also include the associated cabinets which in this case, could not be effectively screened by any soft landscaping to mitigate the impact as commented by the Council's Landscape Architect.
- 7.42 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.

(iv) Impact upon residential amenity

- 7.43 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.

- 7.44 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.
- 7.45 As noted above, whilst the site is within a town centre location, there are residential properties close by.
- 7.46 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.
- 7.47 However, health issues and public concern can, in principle, be material planning considerations in applications for prior approval.
- 7.48 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

- 7.49 The previous application was partly refused on highway safety grounds and also that the proposed cabinets would block access to the existing cycle parking area containing Sheffield type bike stands thereby hindering sustainable transport. The Council's Landscape Architect also made a similar comment.
- 7.50 The current proposal would result in an identical siting of the proposed development to that previously refused and no attempt appears to have been made to address such concerns.
- 7.51 The Highway Authority have again recommended refusal on grounds that the applicant has not demonstrated that visibility will not be obstructed by the development for vehicles exiting Tournerbury Lane. In addition, concerns are also raised that there would be obstruction of the footway for pedestrians due to existing street furniture, namely a lamppost, and that the siting of the proposed development would create a 'slalom' affect for pedestrians. The Highway Authority also comment that the proposed cabinets will block access to Sheffield bike stands hindering the encouragement of sustainable transport. The Council's Landscape Architect also raises similar concerns.

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 recent 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 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. 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 The NPPF also states, inter alia, that equipment should be sympathetically designed and camouflaged where appropriate, which this application does not achieve.
- 8.7 Paragraph 111 of the National Planning Policy Framework (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual; cumulative impacts on the road network would be severe.
- 8.8 In this instance, the applicant has not demonstrated that visibility will not be obstructed for vehicles exiting Tournurbury Lane resulting in unacceptable highway safety concerns.
- 8.9 As such, the proposed development is contrary to Policies CS1, CS20 & 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.
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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/21/01067 for the following reasons:

- 1 The proposed development, by reason of size, siting, scale, design and appearance 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.

Due to the siting of the proposed development, it would result in unacceptable highway safety concerns as the applicant has not demonstrated that visibility will not be obstructed for vehicles exiting Tournerbury Lane. There would also be obstruction of the footway for pedestrians due to existing street furniture. Due to the siting of the proposed development access to existing Sheffield bike stands would be blocked hindering the encouragement of sustainable transport

As such, the proposed development is contrary to Policies CS1, CS20 & 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.