
Site Address: Land adj 37 St Hermans Road, Hayling Island
Proposal: Application for Prior Approval for 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
Application No: APP/21/00988 Expiry Date: 11/11/2021
Applicant: CK Hutchison Networks (UK)
 Ltd
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Agent: Lyne Case Officer: Graham Speller
 WHP Telecoms Limited
Ward: Hayling East

Recommendation: **REFUSE PRIOR APPROVAL**

1 Site Description

- 1.1 The site is located on the footpath at the junction of St Hermans Road and Southwood Road.
- 1.2 The surrounding area is primarily residential in character with Saint Andrews Church on the opposite side of Southwood Road.
- 1.3 The site is within Flood Zones 2 & 3.

2 Planning History

- 2.1 There is no relevant site history.

3 Proposal

- 3.1 Application for Prior Approval for 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
- 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

CS1 (Health and Wellbeing)
CS15 (Flood and Coastal Erosion)
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)
E19	(Managing flood risk in new development)

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.

Environment Agency

No comments received.

Hampshire Highways

Whilst the proposed 5G mast is located on the public highway, the Highway Authority can confirm that the location does not block the visibility of vehicles and pedestrians. Additionally, the remaining footway is considered wide enough in line with requirements laid out within Manual for Streets. Therefore, the Highway Authority will provide no objections to the above planning application.

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: 7

Number of site notices: At least one site notice exists

Statutory advertisement: Not applicable.

Number of representations received: 39

39 letters of representation and a petition received raising the following issues:

- Will dominate and destroy view from property
- Out of character with area predominantly residential
- Concerned as to highway safety
- Will be a distraction to pedestrians and motorists
- Concerned equipment will severely restrict space for pedestrians and in particular mobility scooters, wheelchairs and walking aids
- More appropriate in a commercial area
- Concerned about this strange and out of character mast
- Could reduce value of property
- Structure will be placed directly in front of personal and open space
- Will no longer feel will have a private space
- Government have placed huge emphasis during the pandemic and continuing since that all should have access to and utilise gardens etc for rest and relaxation
- Personal enjoyment will be lost
- Mast will be approximately 9 metres away from windows of property
- Will be clearly visible from property and no screening to avoid it
- Mast will cast shadows to property at different times of the day
- Health risks are still under research
- Worried about effect on health and well being
- Drawings are misleading
- Cabinetry is a greater height than boundary wall
- Scale and structure of the mast and cabinetry will dominate and be obtrusive outside property
- Open space on the pavement will be lost
- Industrial appearance
- Height will dominate this lovely part of Hayling
- Will be a visual intrusion
- The current character and setting both immediately outside my property and beyond cannot be maintained and will not give the impression of a secure and healthy place to be or live
- Will dominate street scene
- Out of keeping with street scene
- Intrusion of views
- Would dominate skyline

- Will erode local amenity
- Case for a mast in this area is weak
- Would look out of place
- Another blot on the landscape
- No security from vandalism
- Cannot blend in with surroundings
- Not suitable for a residential area
- The layout, design, appearance and materials would not be in keeping with the surrounding residential neighbourhood
- Because of its size, it has not been designed nor sited in a way that would minimise the impact this would have and thus fails to respond positively to the character and appearance of the local environment
- Would be very dominating

One letter of representation has been received supporting the application

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
- (vi) Flood risk

(i) Principle of development

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

(ii) Background

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 Government's 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 applicant has also carried out a site search which identified a number of possible locations. However, in terms of the site search, it is difficult to understand why this particular site, which is within very close proximity to residential properties, is more favourable than those that were discounted primarily because of proximity to residential properties. It is also considered to be a fairly limited search. The applicant was requested to review the site search with a view of finding a more suitable location. However, the applicant has advised that there are no other suitable sites in this area.
- 7.30 In the submitted documents, the applicant makes the following comments, amongst other things:
- *This equipment is considered unlikely to have any material impact on the local area*
 - *The monopole would be adjacent to a tall vertical column (streetlamp), with*

further located on the opposite side of the road, along with high reaching mature trees located south and west of the location, allowing the equipment to blend into the street scene

- *The proposal would respect and continue to maintain the character of the area, would be suitably distant from potentially sensitive users*
- *The proposed works are not to the visual detriment of the surrounding area (being suitably distant from sensitive receptors)*
- *The proposed design has been selected to minimise visual impact upon the street scene by integrating with the existing built environment*
- *The design of the proposed equipment is considered to be the least visually intrusive option available*
- *We have considered the detailed siting and design carefully to ensure that the scheme has a limited impact on the locality and general visual amenity*

7.31 The proposed siting of the mast and ancillary cabinets would be visible from a significant distance and appear very prominent within the street scene and some 9 metres taller than the adjacent lamppost.

7.32 As noted above, within the Government's 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.

7.33 It is unfortunate that the applicant appears not to have taken the opportunity to explore such a design, which it is acknowledged, would assimilate better in the streetscape, albeit the scale of the proposed development would tower over the nearby residential properties and would not be considered acceptable.

7.34 It is considered that the proposed mast would appear as an alien and incongruous addition to this part of the street scene and beyond. As such, it is not considered to represent a 'more slimline, aesthetically pleasing design' and would adversely impact upon the visual amenities of the street scene and locality.

7.35 As noted above, the applicant makes a number of statements regarding the suitability of the proposed development, but it is difficult to accept that such a proposal would not appear visually prominent within the street scene.

7.36 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

7.37 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.

7.38 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.

- 7.39 As noted above, the site is within a predominantly residential area and the proposed siting would be within close proximity to residential properties.
- 7.40 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.
- 7.41 However, health issues and public concern can, in principle, be material planning considerations in applications for prior approval.
- 7.42 It is considered that the nearby residential occupiers would be adversely affected by their awareness of the incongruous appearance of the structure within the street scene.

(v) Impact on highway and pedestrian safety

- 7.43 Whilst a number of representations raise concern that the footpath width would be reduced, the mast would be located on the corner where the pavement is at its widest and relatively free of street furniture. The cabinets would be positioned against a boundary wall and it would reduce the width of the pavement. However, even with the narrower width of pavement available it would still allow users to pass one another including those pushing buggies and mobility scooters for example. As such, the proposed development would not present an obstruction to pedestrian movement or adversely affect pedestrian safety. It is further considered that sightlines for motorists would not be adversely impacted upon. It is noted that the Highway Authority have raised no objections on grounds of pedestrian or highway safety.

(vi) Flood risk

- 7.44 The application site lies within Flood Zones 2 & 3 and therefore flood risk is a material planning consideration. The applicant has not submitted a Flood Risk Assessment with the application. However, the site is already made up of hard surfacing forming part of the pavement and therefore is impermeable. Notwithstanding, the base and cabinets could disperse flood water elsewhere in the event of flooding. However, such displacement would be relatively small, and it is not considered that any such displacement of water would result in flooding elsewhere to any significant degree.

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, albeit primarily because of proximity to residential dwellinghouses.
- 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 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/21/00988 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.

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.

