

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 May 2024

(Author: Oscar Patman - Planning Officer)

Purpose: To consider Planning Application H02-0330-24

Application Number: H02-0330-24

Date Received: 11 April 2024

Application Type: TELECOM DETERMIN.

Description: Proposed telecommunications mast and associated works

Location: Pinnacle Close Industrial Units Crowland Peterborough

Applicant: Circet UK Limited

Agent: DOT Surveying

Ward: Crowland and Deeping

Ward Councillors: Cllr B Alcock
Cllr J R Astill
Cllr A Harrison

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0330-24>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The application has been called in by an elected member and South Holland District Council have an interest in land.

2.0 PROPOSAL

- 2.1 The application is submitted under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It seeks determination as to whether the prior approval of the Local Planning Authority is required for the following:
- The installation of a new 25m Valmont Monopole with EE 3No. antenna and H3G 3No. antenna to be fixed at 23.00m on the headframe.
 - The installation of EE/H3G 4No. 600mm dishes, EE 1No. GPS node and H3G 1No. GPS node.
 - The installation of EE/H3G RRU'S, BOB'S and active routers.
 - The installation of EE/H3G 300 wide O/H cable ladder and 4No. drop downs on 4No. 3.0m high 114.3mm gantry support poles.
 - The installation of EE 3No. BOB's and H3G 2No. BOB's.
 - The installation of H3G 1No. unilateral cabinet.
 - The installation of EE 2No. unilateral cabinets and the installation of EE/H3G Mk5b AC cabinet.
 - The installation of 2.4m high mesh panel fence (clearvu 22) with 3m wide double gates.
 - The installation of ancillary equipment for the purposes of telecommunications development
- 2.2 The proposal would replace an existing monopole, located approximately 170 metres, where a Notice to Quit (NTQ) was recently served by the landowner. This existing equipment is approximately 27.5 metres in height, although the width of the pole is comparable. This existing

monopole is located along Crease Drove and was granted permission under H02-0328-05.

3.0 SITE DESCRIPTION

- 3.1 The site is located approximately 275 metres west of the settlement boundary for Crowland, outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). However, due to the expansion of the settlement since the Local Plan has been published, the site is within the functional boundaries of the settlement. The site is located approximately 850 metres south-west of Crowland Conservation Area and approximately 1.2km from Crowland Abbey.
- 3.2 The proposal would be located within the small industrial site of Pinnacle Close, partly owned by the Council, on an area which is currently grassed. This site is characterised by comparably small industrial buildings, constructed in a functional style of green metal. To the south and west is agricultural land. To the north is an agricultural field, with a larger scale industrial area beyond. To the west is a recent residential development. This has resulted in an eclectic character.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

- 4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.3 South East Lincolnshire Local Plan, March 2019

Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 5 - Meeting Physical Infrastructure and Service Needs
Policy 29 - The Historic Environment

4.4 National Guidance

4.5 National Planning Policy Framework (NPPF), December 2023

Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed and beautiful places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H02-0493-19 - Full. Construction of two further phases of industrial buildings for sub-division into small unit. Approved 05/09/19.

6.0 REPRESENTATIONS

- 6.1 Due to the short time frame of prior approval applications, this application was referred to Committee prior to the completion of the consultation period. Therefore, at time of writing, no consultation responses had been received.

7.0 CONSIDERATIONS

7.1 Planning Considerations

- 7.2 Principle of Development - Town and Country Planning (General Permitted Development)

Order, 2015 (as amended)

- 7.3 The development is proposed under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 7.4 Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended) provides that the following development as described below is permitted:
- 'Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of -
- (a) the installation, alteration or replacement of any electronic communications apparatus,
 - (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
 - (c) development ancillary to radio equipment housing..'
- 7.5 Part 16 Class A details that development is not 'permitted' for 'ground-based apparatus', that:
- "(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if -
- (a) in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
 - (b) in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;"
- 7.6 A.1(1)(c) to (e) of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) state:
- "A.1-(1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if -
- (c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of-
 - (i) 30 metres above ground level on unprotected land; or
 - (ii) 25 metres above ground level on article 2(3) land or land which is on a highway;
 - (d) in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of
 - (i) 30 metres above ground level on unprotected land; or
 - (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or
 - (e) in the case of the alteration or replacement of a mast
 - (i) the mast is on any land which is, or is within, a site of special scientific interest; and
 - (ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third".
- 7.7 Para. A.2 sets out conditions in which the aforementioned development must comply with in order for the development to be permitted. In this regard Para A.2(2) provides that:
- "Class A development is permitted subject to the condition that -
- (a) any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated:
 - (i) if such development was carried out in an emergency, at the expiry of the relevant period; or
 - (ii) in any other case, as soon as reasonably practicable after it is no longer required for electronic communications purposes; and
 - (b) such land or building is restored to its condition before the development took place, or to any

other condition as may be agreed in writing between the local planning authority and the developer."

- 7.8 A.2(3) of Part 16, Class A, expresses that development under Class A of Part 16 is permitted subject to the conditions set out in paragraph A.3 (prior approval). This specifically states that "Subject to sub-paragraph (5), Class A development - is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval)".
- 7.9 Paragraph A.3 sets out that before beginning the development, the developer must write to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.
- 7.10 Specifically, A.3(4) states that: "(4) Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development", with A.3(5) detailing the requirements for such submission.
- 7.11 Accordingly, the only matters that may be considered are the siting and appearance of the development, as stated by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 7.12 Assessment
- Officers note that Paragraph 122, of Section 10 of the National Planning Policy Framework (December 2023) (NPPF), relating to 'Supporting high quality communications' states: "Local planning authorities must determine applications on planning grounds only. They 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".
- 7.13 With regard to the aforementioned, the applicant has submitted a declaration of conformity in relation to the International Commission on Non-Ionizing Radiation Protection (ICNIRP) within the application as required.
- 7.14 *Siting and Appearance*
- 7.15 Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.16 Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.
- 7.17 Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

- 7.18 These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.19 Beyond this, Paragraph 118 of the National Planning Policy Framework (December 2023) states that "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections".
- 7.20 Paragraph 119 goes on to detail that "The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate".
- 7.21 As the proposal is a replacement and relocation of an existing structure, the impacts of the scheme must be considered in comparison to the existing impacts.
- 7.22 The proposed siting of the monopole is considered to be an improvement over the existing arrangement. The existing monopole, along Crease Drove, is more centrally located within the housing estate, and is therefore far more visible. The communications equipment significantly impacts views along Fincham Drive, Crease Drove, and Woodroffe Drive, while also being visible from Monks Meadow and Harvester Way amongst others. The proposed location at Pinnacle Close, while closer to the nearest dwelling, is further away from the majority of properties. As such, the proposal would be far less visible, particularly from these more northerly street.
- 7.23 The existing monopole is 27.5 metres tall, exacerbating the aforementioned visibility. The decrease of height proposed here, while relatively small, is still considered to be notable.
- 7.24 Pinnacle Close has an industrial character. This would help to naturalise the proposal, in particular the ancillary equipment and fencing. The proposed fencing and existing industrial units would obscure the majority of the ancillary equipment, reducing the potential character impacts further.
- 7.25 The proposed siting of the monopole is an adequate distance from the historic core of Crowland. As such, the potential impacts upon the historic character of the town centre are minimal.
- 7.26 Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.
- 7.27 Other Matters
- 7.28 As advised above, the only matters that can be considered in the determination of this application are appearance and siting. The Local Planning Authority cannot take health considerations into account when determining such mast proposals.
- 7.29 All proposals for telecommunications development should be submitted with an International Commission on Non-Ionising Radiation Protection (ICNIRP) Certificate. This certificate confirms that the mast meets the guidelines for public exposure. A Declaration of Conformity with ICNIRP Public Exposure Guidelines has been submitted with the application. Beyond this, the health effects in relation to the development or concerns about them, cannot be considered

further by the Local Planning Authority.

- 7.30 While the only matters that can be considered in the determination of this application are appearance and siting, it is of note, as expressed above, that Section 10 of the NPPF does give weight in favour of the development of communication equipment. Paragraph 118 states "Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)".

7.31 **Planning Balance**

- 7.32 As stated by Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the only matters that may be considered as part of an application of this nature are the siting and appearance of the development.

- 7.33 The proposed works are not considered to have an unacceptable impact upon the character or appearance of the area. The works would be less prominent from nearby residences than the existing tower, both due to its siting and reduced scale. The proposed located is commercial in nature, helping to naturalise the ancillary and low-level equipment.

7.34 **Additional Considerations**

7.35 Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.36 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

7.37 **Conclusion**

The proposal has been assessed in respect of its visual impacts upon the area and is considered acceptable and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and advice within the National Planning Policy Framework, December 2023.

- 7.38 The proposal is considered to conform to Part 16, Class A.1 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

8.0 RECOMMENDATIONS

- 8.1 **It is recommended, due to the detailed assessment above, that prior approval is not required.**

9.0 CONDITIONS

1. (a) The development must be carried out within a period of five years from the date this application for determination was received.
(b) The development must be carried out in accordance with the information contained in the application.

Reason: As required by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order or Statutory Instrument revoking and re-enacting that Order).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form

1715175_39657_SHO038_TBC_M002 B - Site Location Plan

1715175_39657_SHO038_TBC_M002 B - Existing Site Plan

1715175_39657_SHO038_TBC_M002 B - Max Configuration Site Plan

1715175_39657_SHO038_TBC_M002 B - Existing Elevation

1715175_39657_SHO038_TBC_M002 B - Max Configuration Elevation

Developer Notice - dated 8th April 2024

Site Specific Supplementary Information and Planning Justification Statement, prepared by Dot Surveying

Declaration of Conformity with ICNIRP Public Exposure Guidelines

Covering Letter - GPDO, prepared by Dot Surveying, dated 10th April 2024

Reason: For the avoidance of doubt and in the interests of proper planning.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

