DECISION DELEGATED TO DEVELOPMENT MANAGER
DECISION DELEGATED TO DEVELOPMENT MANAGER
DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0540-19 **Applicant:** Openreach

Proposal: Proposed replacement telecommunications equipment

Location: 19 West Street Crowland Spalding

Terminal Date: 23rd July 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
05	Meeting Physical Infrastructure and Service Needs
29	The Historic Environment
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

Part 16 of Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (As Amended).

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a telecommunication determination application for the installation of a proposed telecommunications monopole.

The new 15M high Radio monopole is proposed to replace an existing 12M high radio monopole in the telephone exchange yard. The new radio monopole will be sited 2.5 metres from the existing radio monopole. This applicant advises that this is required as the existing service is compromised by obstruction in line of sight. The monopole would be of steel construction and coloured Grey.

An existing 12M high Radio Monopole is situated in the Telephone exchange yard. The applicant states that there will be no Change to radio frequency or power level.

Site Description

The site is a modern telephone exchange compound and buildings within the Crowland Conservation Area, historic buildings are in close proximity but the site is set back off the road and has existing apparatus in situ.

Consultation Responses

SHDC - Environmental Health - no comments.

Crowland Town Council - no objections.

Planning Considerations

A declaration of conformity with INCIRP public exposure guidelines has been NOT submitted with the proposal.

The application form specifically requires:

"Are you submitting a declaration confirming that the apparatus is in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP)? The emissions from all mobile phone network operators' equipment on the site must be taken into account when determining compliance."

The Agent has been contacted by email but has failed to respond.

Paragraph 43 of the NPPF stresses that local planning authorities should support the expansion of electronic communications networks, including telecommunications. Existing masts, buildings and other structures should be used where possible.

The proposal is not considered to have any adverse impact on the character or amenity of the area.

The site is within the Conservation Area but the marginally re-sited and higher monopole would not have a materially different impact upon the visual qualities of the Conservation Area nor add any additional harmful impact upon heritage assets including listed buildings in the locality.

In light of the above considerations the proposal is considered to be in accordance with Part 16 of Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (As Amended).

Conclusion

Prior approval is REFUSED.

Additional Considerations

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.

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.