

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0589-22 **Applicant:** Upp Ltd.

Proposal: Use of site for the erection of fibre exchange telecommunications infrastructure to provide a full fibre (gigabit) to the premises service

Location: Adj. Gedney Victory Hall Chapelgate Gedney

Terminal Date: 5th August 2022

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
03 Design of New Development
05 Meeting Physical Infrastructure and Service Needs
29 The Historic Environment

National Guidance**National Planning Policy Framework 2021**

Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT**PROPOSAL**

This is a full application seeking permission for use of the site for the erection of fibre exchange telecommunications infrastructure to operate a full fibre (gigabit) internet service in the Holbeach area. The infrastructure is to be located on land within the grounds of Gedney Victory Hall. The fibre exchange comprises the construction of a single fibre optic cabin unit measuring 3.04 metres x 2.235 metres and standing at 2.71 metres in height. Access to the compound will be derived from the main access point to the hall, to the north of the cabin.

SITE DESCRIPTION

The site comprises an area of developed land that forms part of a car park serving Gedney Victory Hall. The site lies within an urban setting, and on the southern edge of the settlement boundary. The A17 trunk road lies to the south of the site, while the B1359 lies to the east, and extends to the north of the site, providing access to the car park serving the hall. A Grade II listed building lies to the north-east of the application site. The site is generally well screened from the surroundings by mature trees and landscaping.

RELEVANT PLANNING HISTORY

No relevant planning history.

REPRESENTATIONS

Gedney Parish Council

Supports the scheme.

Conservation Officer

Whilst the proposal is situated on the opposite side of the road to the Grade II listed Granite House, it is minor enough and distanced far enough away that it cannot be said that the proposal would have a detrimental impact upon the character of that protected, designated heritage asset.

Resident

One letter of representation has been received from a local resident advising that the local area must also benefit from the installation of a Full Fibre cabinet and Gedney included in the roll out as the local broadband is in a poor state.

PLANNING CONSIDERATIONS

Principle of development

The proposed development is required in order to operate a full fibre (gigabit) internet service in the Holbeach area. Telecommunication facilities are supported by Section 10 of the NPPF and Policy 5 of the SELLP therefore the development is acceptable in principle.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and its uses. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

The site is partially screened with high level trees along the southern and eastern boundaries therefore

the building would only be visible from the north of the site. Given its minor nature, modest footprint and height the proposed development is not considered to significantly or unacceptably change the overall appearance of the site.

The Council's Conservation Officer has not raised any objections to the proposed scheme and has advised that whilst the proposal is situated on the opposite side of the road to the Grade II listed Granite House, it is minor enough and distanced far enough away that it cannot be said that the proposal would have a detrimental impact upon the character of that protected, designated heritage asset.

As such the development is considered acceptable in terms of its impact on the nearby listed building and the character of the site/area and therefore accords with Policies 2, 3 and 29 of the SELLP and the Sections 12 and 16 of the NPPF.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Given the minor nature of the proposal and distance from the nearest residential dwellings no unacceptable impact is considered to result on neighbouring amenity.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Impact on trees

The proposed building would be located a sufficient distance from the trees on the site therefore no impact is considered to result on the existing trees within the site.

Planning Balance

The proposal will not materially harm the character or appearance of the area, unacceptably impact the nearby listed building, the amenity of nearby residents or the trees on the site. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application accords with Policies 2, 3, 5 and 29 of South East Lincolnshire Local Plan (2019) as well as Sections 10, 12 and 16 of the National Planning Policy Framework (2021).

Accordingly, it is recommended to approve this application via delegated powers.

Additional Considerations

None.

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.

RECOMMENDATION

The application can be approved under delegated powers.