DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-1085-19**	**Applicant:**	**Cornerstone & Telefonica UK Ltd**
Proposal:	Proposed telecommunications equipment		
Location:	Land At Norfolk House Farm, Off B1359 Gedney Marsh Gedney Drove End		
Terminal Date:	1st January 2020		

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
28	The Natural Environment
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a telecommunication determination application for proposed telecommunications equipment on land at Norfolk House Farm, Gedney Marsh.

The proposed development is required to enable the rollout of Smart Meters in this rural area, which rely on the Telefonica Network for them to operate. It will also enable new 2G, 3G and 4G coverage and capacity.

The proposal is for the installation of a radio base station comprising of a 25m lattice tower supporting 3 x antennas, 2 x transmission dishes, 3 x equipment cabinets, 1 x meter cabinet and ancillary development, including a 2m fence to form a compound.

The lattice tower would be located within a newly planted woodland, where the trees rise some 21m above ground level. The 21m height of the tower is required to clear the tree canopies.

Site Description

The site is located on land at the rear of Norfolk House Farm off Main Road in Gedney Marsh. It is located within an area of newly planted woodland. There is an established tree belt to the north and the main farmyard to the south. The wider area is characterised by agricultural fields. There is a small number of residential properties fronting on to Main Road.

History

None relevant.

Consultation Responses

Gedney Parish Council - Support.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

SHDC Environmental Protection - No objection.

Planning Considerations

Class A of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016 states that, before beginning such development, 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.

The lattice tower is to be located within a newly planted woodland, where the trees rise to some 21m above ground level. Although the lattice tower would exceed the height of the trees, reaching 25m in height, this is necessary in order to clear the canopy of the trees and function effectively. Overall, the proposed mast would be well screened.

The base station would be positioned well back from the nearest road (B1359), which is approximately 300m away. It will be set behind a number of agricultural buildings and mature trees and bushes. The ground based equipment cabinets will not be able to be seen from the road due to the screening effect from the existing agricultural buildings, the trees and bushes between the site and the road and the physical distance between the public vantage points.

The proposed equipment cabinets and meter cabinet do not require planning permission as they can be installed under the operators permitted development rights, but have been included for transparency. They are designed to appear like other statutory undertakers equipment cabinets commonly found throughout the UK.

The proposed development would result in the loss of one unprotected Ash tree. An Arboricultural Method Statement has been submitted in support of the application which concludes that the Ash tree is showing signs of significant, immediate and irreversible overall decline and that the impact on the retained trees would be negligible.

The site is situated approximately 250m away from residential properties and SHDC Environmental Protection colleagues have no objection. It is therefore considered acceptable on residential amenity grounds.

In addition to the above, the Order also states that when determining the application, the local planning authority must take into account any representations made to them as a result of consultations or notices given. There have been no objections from SHDC Environmental Protection and LCC as Highways Authority and Lead Local Flood Authority.

A declaration of conformity with INCIRP public exposure guidelines has been submitted with the proposal.

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.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Class A of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016.

Prior approval is not required for the proposed works.