DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0692-23**	**Applicant:**	**UPP Ltd**
Proposal:	Erection and siting of fibre exchange telecommunications infrastructure to provide a full fibre (gigabit) internet service to the premises		
Location:	Lingarden Ltd (Bulb Division) Wardentree Park Pinchbeck		
Terminal Date:	27th September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
28	The Natural Environment

National Guidance

National Planning Policy Framework 2021

Section 6 - Building a strong, competitive economy
Section 10 - Supporting high quality communications
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	1	1

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the erection and siting of fibre exchange telecommunications infrastructure. This would take the form of a 2200mm (width) by 3000mm (depth) concrete, with grey brickwork pattern finish, outbuilding. The outbuilding would have a flat roof with height of 3500mm.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is located to the front of the Lingarden Ltd warehouse, within the Wardentree Park area of Spalding. This area is characterised by large industrial units. The area for development is fairly heavily vegetated, with a number of Wild Cherry trees surrounding the proposed structure.

Relevant History

No relevant planning history

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Lincolnshire Police

No objections

Welland and Deepings Internal Drainage Board

No comments

Highway and Lead Local Flood Authority

No objection: The proposed infrastructure is to be entirely within the curtilage of the established business remises of the Applicant Company and its installation and operation would not therefore have any unacceptable impact upon the safety or capacity of the local highway network. The highway authority does not therefore wish to object to the grant of Consent for this Application.

Environmental Protection Officer

No observations

Historic Environment Officer

No comments

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

It is considered that the development would support Lingarden Ltd's ability to function well and as such, would support the wider settlement of Spalding. As such, the principle for development on this site is sound.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that " 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.

Paragraph 130, 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 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.

Likewise, 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.

The proposal would largely be screened from the public realm due to the numerous trees in the area. As such, the character impact of the development would be minimal. That being said, the proposed design would not be out of keeping with the prevailing industrial development. Comparable structures already exist within the wider area, naturalising the development.

The scale of development is acceptable. The footprint of the building is relatively small, and therefore would not have a significant impact upon the area. While the height of the structure is high, it is still far shorter than the adjacent trees and will still be obscured from the public realm.

Therefore, it is considered that the proposal conforms to Policies 2 and 3 of the SELLP as well as Section 12 of the NPPF in terms of design, scale, and character impact.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF states that development 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal is in an industrial area, with no residential units in the locale. As discussed, the site is largely obscured from views. As such, the potential for overshadowing or overbearing is negligible. The proposal features no windows, and therefore, no overlooking could occur.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Flooding Considerations

Policy 4 of the SELLP, alongside Section 14 of the NPPF, concerns flood risk. Both documents recommend that mitigation strategies are incorporated into all sensitive developments at risk of flooding.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

Within the local Strategic Flood Risk Assessment (SFRA) the site is classed as "danger for most" with flood depths reaching up to 0.5 metres. As such, a flood risk assessment has been submitted as part of this proposal.

The flood risk assessment recommends the finished floor levels are raised by 0.8 metres and that no sensitive equipment is stored below 2 metres in height. As the proposal relates to sensitive equipment, the approach recommended is considered proportionate and acceptable. Raising the floor levels in excess of maximum flood depths would ensure the safety of the equipment and prevent any hazards.

Due to the small scale of the works, the proposal would not increase the risk of flooding elsewhere and would not impact surface water drainage.

The proposal conforms to Policy 4 of the SELLP and Section 14 of the NPPF in terms of flood risk and drainage.

Natural Environment

Policy 28 of the SELLP and Section 15 of the NPPF relate to the natural environment. As the proposal would be located in a vegetated area, surrounded by trees, both policies are relevant. It is worth noting that none of these trees are protected by TPOs and are not considered sensitive species. To accompany this proposal, a tree survey and tree management plan have been submitted.

It is proposed that all trees would be protected via barriers during the construction process. The positioning and small scale of the proposal ensures the actual impact upon any of the nearby trees is limited. While a small levelling of pruning will be required to tree T001, it is not considered that the level of pruning is excessive or would have a detrimental impact upon the tree.

As such, it is considered that the proposal would not have a detrimental impact upon the natural environment and would be constructed in a way that is sensitive to the existing trees. Therefore, the proposal conforms to Policy 28 and Section 15 of the NPPF.

Other Relevant Issues

Policy 5 of the SELLP and Section 10 of the NPPF relate to the development of new communications infrastructure. Policy 5 encourages the development of new infrastructure, subject to the development being sensitive to its surroundings. Section 10 states the expansion of broadband connections should be supported. As such, weight is given in favour of this proposal.

Section 6 of the NPPF relates to economic development. This states that proposal which support businesses should be given weight in their favour. The proposal will support Lingarden Ltd and ensure the good function of the business moving forward. As such, weight should be given in favour of this proposal.

Planning Balance

The proposal represents sustainable development in a suitable location. The scale and design of the development would be in keeping with the industrial character of the area. The proposal would not create any overlooking or overshadowing.

It is proposed that finished floor levels are to be raised by 0.8 metres. It is considered this is proportionate to the site's flood risk and the sensitive nature of the proposal. Despite this increase in height, the proposal would still be screened by the surrounding trees.

A management plan has been submitted to ensure that none of these trees would be damaged during the construction phase. It is considered that the proposed methods are suitable and will ensure the good health of the foliage.

Weight is given in favour of the proposal by Policy 5 of the SELLP as well as Sections 6 and 10 of the NPPF. As such, the proposal should be supported, as long as the other aforementioned key considerations are met.

The proposal conforms to Policies 1, 2, 3, 4, 5, 28 of the SELLP and Sections 6, 10, 12, 14 and 15 of the NPPF. The planning balance is in favour of the proposal.

Conclusion

The recommendation is for delegated approval.

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.