

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1336-21 **Applicant:** Ark ICT Solutions Ltd.

Proposal: Erection of 21m floor standing mast (for wifi 5ghz and 2.4ghz wireless connectivity for internet services) with control box & perimeter security fence

Location: Welland Business Park Clay Lake Spalding

Terminal Date: 16th February 2022

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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
29	The Historic Environment
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Erection of 21m floor standing mast (for wifi 5ghz and 2.4ghz wireless connectivity for internet services) with control box & perimeter security fence.

The primary purpose is to support the existing businesses within the area.

Some trees would be pruned to facilitate the installation, but none are to be removed.

Site Description

The site consists of hard standing to the rear of existing business and industrial units.

The land is adjacent to a significant sub station complex and has national grid pylons nearby. There is also another mast in proximity, that has been in place for some years.

History of adjacent land

H16-0586-16. Siting of mast.

H16-0706-01. FULL. Installation of emergency back-up power generator and extension to fenceline. APPROVED 07-08-01

H16-1028-99. TELECOM DETERMIN. Installation of antennae, equipment cabin and ancillary development. APPROVED 11-11-99

Consultation Responses

The application has been the subject of a site notice and a press notice, as well as adjoining occupiers being consulted.

The standard internal and external bodies have also been consulted.

SHDC Environmental Health

No objection.

LCC Local Highway and Lead Local Flood Authority

The proposal is for the erection of a 21 metre floor standing mast with control box and perimeter security fence and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological input required.

Third Parties

No representations have been received.

Planning Considerations

The main issues in this case are:

Principle of Development
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Landscape Impact
Archaeology

Principle of Development

The principle of the development is considered by the policies set out above, that relate to telecommunication facilities supported by the NPPF 2021 and the SELLP 2019.

Layout and Design

The layout and form are a standard design, that would not be out of place, given the wider infrastructure in the area.

Highway safety and parking

The proposals would be serviced and accessed via the existing access to the wider site.

As can be seen above, LCC as Local Highway and Lead Local Flood Authority raise no objections.

Impact of neighbouring Residents/land users

The site is situated at least 100m away from residential properties and SHDC Environmental Protection colleagues have no objection.

The mast would be viewed in the context of the wider infrastructure installations in the locale.

It is therefore considered acceptable on residential amenity grounds.

Flooding considerations

As can be seen above, LCC as Local Highway and Lead Local Flood Authority raise no objections.

Landscape Impact

The mast would be viewed in the context of the wider infrastructure installations in the locale. Some trees would be pruned to facilitate the installation, but none are to be removed.

It is therefore considered acceptable in terms of impact upon the landscape, and wider views.

Archaeology

The LCC Historic Environment Officer has confirmed that no archaeological input is required.

PLANNING BALANCE

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.

The proposals would not materially harm the character or appearance of the locality, or amenity of nearby resident, and would support local businesses. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 5, 7, 28, 29 and 32 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve.

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.