

Delegated Report

Telecommunication Works Application

Planning Application No: 20230815

Location: Outside Dean Lodge Dean Lane Harvel Gravesend

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to Install 6no. wooden poles (WP2, WP3, WP4, WP5, WP6, WP7).

Applicant: James Sargent, Openreach

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

Letter Notifying of intention to undertake works
Photographs attached to letter
Emails from Agent including Site Plan and Clarification of Proposal.

Relevant Planning History

No Relevant Planning History

Proposed Development

This is a 28day notice application for:

- Installation of a 6no. 9m high wooden poles which would be 7.2m above ground level.

Relevant Definitions:

The communications Act 2003 interprets the following terms as laid out below:

Apparatus

includes any equipment, machinery or device and any wire or cable and the casing or coating for any wire or cable;

Electronic Communication Apparatus

(a) apparatus designed or adapted for use in connection with the provision of an electronic communications network,

(b) apparatus designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network,

(c) lines, and

(d) other structures or things designed or adapted for use in connection with the provision of an electronic communications network

Officer's Analysis

Whether prior approval is required for the works would be assessed under the legislation within The Town and Country Planning (General Permitted Development) (England) Order 2015. Part 16, Schedule 2 of this details the requirements for Communications. Class A specifically addresses electronic communications code operators, which is applicable to this case. The requirements specific to this case are laid out in the table(s) below:

Class A – electronic communications code operators

A.1. Development not permitted: ground-based apparatus

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
1	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if—	(See assessment below)
1(a)	in the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;	Y
1(b)	in the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;	Y
1(c)	in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway;	Y
1(d)	in the case of the alteration or replacement of a mast, the height of the mast, excluding any antenna, would when altered or replaced exceed the greater of the height of the existing mast or a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or	Y
1(e)	in the case of the alteration or replacement of a mast— (i) the mast is on any land which is, or is within, a site of special scientific interest; and (ii) the mast would, when altered or replaced, exceed the original	Y

	width of the mast by more than one third	
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Development not permitted: ground or base area

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
7	Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than— • a mast; • an antenna; • any apparatus which does not project above the level of the surface of the ground; or • radio equipment housing is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres	Y

The proposed development would not trigger the need for a prior approval assessment under paragraph A.2 (conditions). However, the Local Planning Authority must determine whether the siting and appearance of the development is acceptable under A.2 (1) (a) and whether they wish to determine whether the prior approval of these matters is required.

It is considered that that the erection of the wooden poles with the scale and in this particular location, would have a minimal effect on the external appearance of the building as the wooden poles would be set out sparsely and would blend in somewhat with the surrounding trees. It is noted that there are instances of other wooden poles on Dean Lane which have a minimal interruption to the appearance of the rural lane as noted in the image below taken from Google Earth (dated 2021).



Conclusion & Recommendation

The proposed development is considered to comply with the parameters set out in Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as

amended).

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	8th August 2023	Dated:	8th August 2023