



Delegated Report

Telecommunication Works Application

Application No:	20230507
Location:	Communication Station Vodafone Ltd, Clarence Row, Gravesend DA12 1HL
Description:	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to upgrade the relocation of 3no. antennas. installation of 3no. antennas and associated ancillary equipment and development thereto.
Applicant:	Vicky Ryder, Sinclair Dalby Ltd
Site Visit:	30 May 2023

Site Description

The communications station at Clarence Row is situated on roof of the flat block, which is located at the eastern end of Clarence Row.



Submitted Documents/Plans

Covering letter
Cornerstone Consultation Plan
Drawing no. 100 rev A (site location plans)
Drawing no. 200 rev A (existing site plan)
Drawing no. 201 rev A (proposed site plan 1)

Drawing no. 202 rev A (proposed site plan 2)
Drawing no. 300 rev A (existing site elevation)
Drawing no. 301 rev A (proposed site elevation 1)
Drawing no. 302 rev A (proposed site elevation 2)

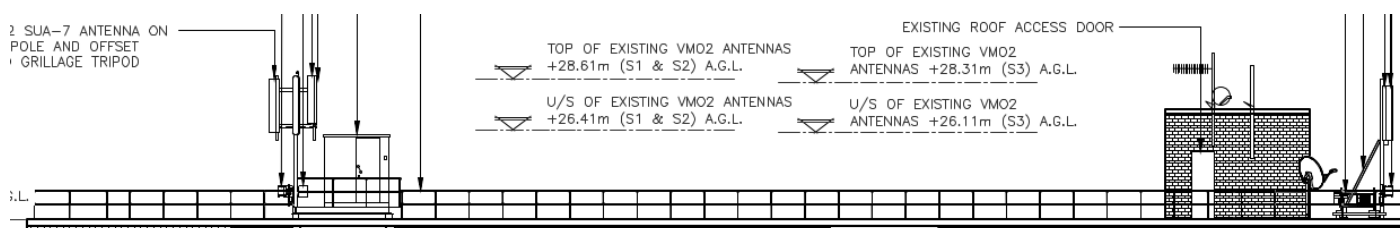
Relevant Planning History

19980484	Application for prior approval for the removal of the small cabinet and 2 no. omni antennae and erection of replacement equipment cabin and 3 no. cross-polar antennae.	Permitted	04.09.1998
19980483	Notice under Section 7 of the Telecommunications Act 1984 for the removal of small cabinet and 2 no. omni antennae and erection of replacement equipment cabin and 3 no. cross-polar antennae.	Prior approval not required	04.09.1998

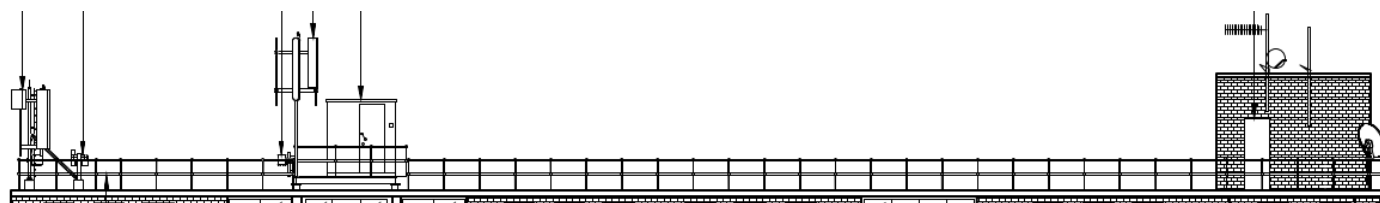
Proposed Development

This is a one calendar months' notice, in writing, to the planning authority of the intention to upgrade equipment to include the relocation of 3no. antennas, installation of 3no. antennas and associated ancillary equipment and development thereto.

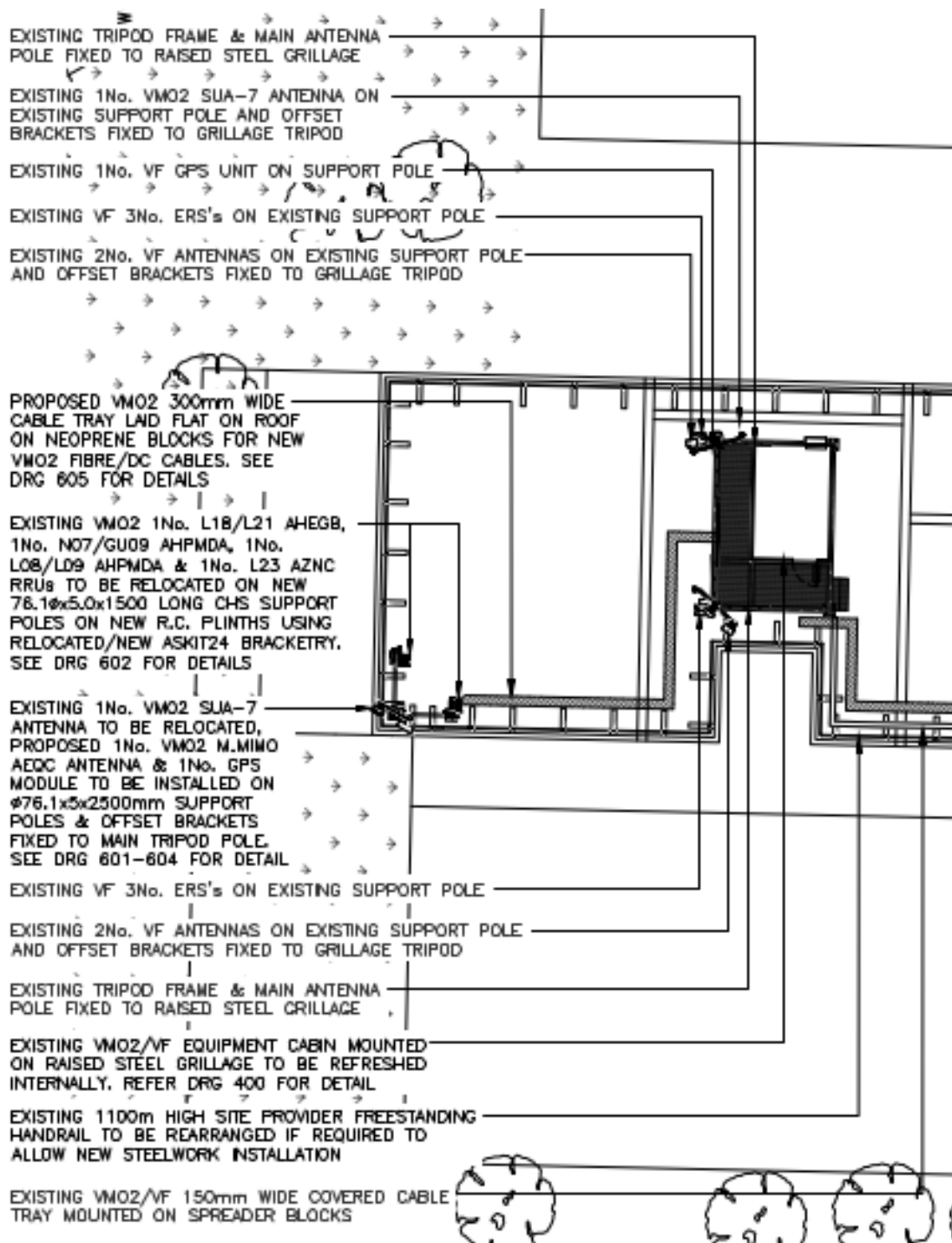
Existing:

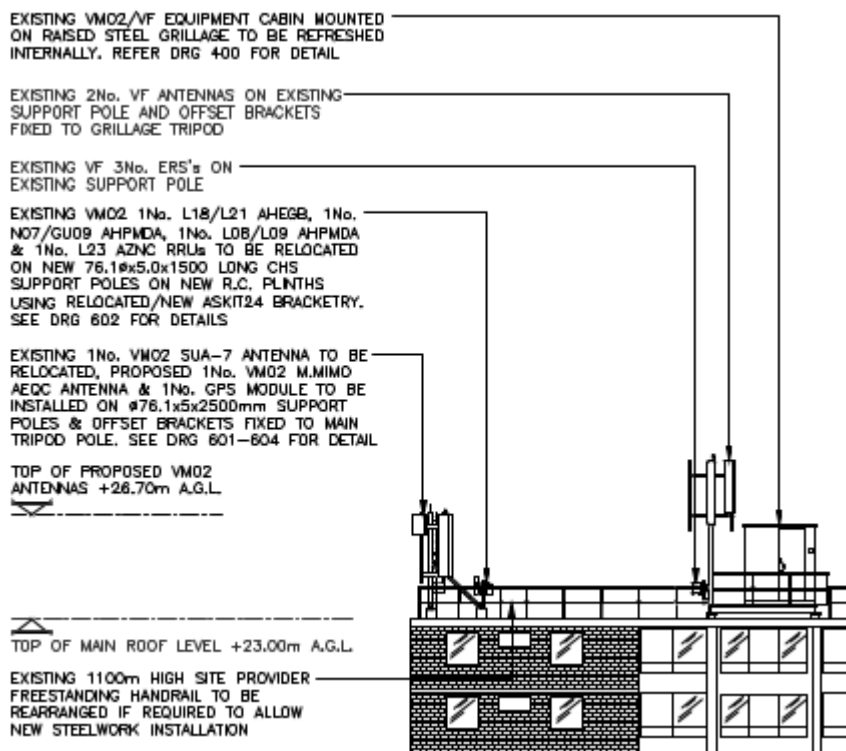


Proposed:



Details of the proposal are shown on the plans:





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 communication code operates

Permitted development

A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,**
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or**
- (c) development ancillary to radio equipment housing.**

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

N/A as the apparatus is on top of a building

A.1. (2) Development not permitted: building-based apparatus other than small antenna and small cell systems

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
2	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than small antenna and small cell systems) on a building is not permitted by Class A(a) if—	(see assessment below)
(a)	the height of the electronic communications apparatus (taken by itself) would exceed— (i) 15 metres, where it is installed on a building which is 30 metres or more in height; or (ii) 10 metres in any other case;	Y
(b)	the highest part of the electronic communications apparatus when installed, altered or replaced would exceed the height of the highest part of the building by more than— (i) 10 metres, in the case of a building which is 30 metres or more in height; (ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or (iii) 6 metres in any other case;	Y
(c)	in the case of the installation, alteration or replacement of a mast on a building which is— (i) on article 2(3) land or land which is, or is within, a	Y

	site of special scientific interest; and (ii) less than 15 metres in height, the mast would be within 20 metres of the highway (unless the siting remains the same and the dimensions of the altered or replaced mast are no greater);	
(d)	in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is less than 15 metres in height; on a mast located on such a building; or, where the antenna is to be located below a height of 15 metres above ground level, on a building (other than a mast) which is 15 metres or more in height— (i) the antenna is to be located on a wall or roof slope facing a highway which is within 20 metres of the building on which the antenna is to be located; (ii) in the case of dish antennas, the size of any dish would exceed 0.9 metres or the aggregate size of all the dishes on the building would exceed 4.5 metres, when measured in any dimension; (iii) in the case of antennas other than dish antennas, the development would result in the presence on the building of— (aa) more than 3 antenna systems; or (bb) any antenna system operated by more than 3 electronic communications code operators; or (iv) the building is a listed building or a scheduled monument;	N/A – the building is 23m high
(e)	in the case of the installation, alteration or replacement of an antenna on a building (other than a mast) which is 15 metres or more in height, or on a mast located on such a building, where the antenna is located at a height of 15 metres or above, measured from ground level— (i) in the case of dish antennas, the size of any dish would exceed 1.3 metres or the aggregate size of all the dishes on the building would exceed 10 metres, when measured in any dimension; (ii) in the case of antennas other than dish antennas, the development would be on a building which is less than 30 metres in height and would result in the presence on the building of— (aa) more than 5 antenna systems; or (bb) any antenna system operated by more than 3 electronic communications code operators; or (iii) the building is a listed building or a scheduled monument; or	The building is over 15m Y requirement is met as these are not dish antennas Y requirement is met as the building is less than 30m. There will be more than 5 antennas but only two antenna systems Y requirement is met

(f)	in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land— (i) the size of any dish antenna to be installed would exceed 0.6 metres or the number of dish antenna which have been installed on the building since 21st August 2013 would exceed 3; or (ii) the height of any antenna other than dish antenna to be installed would exceed 3 metres, or the number of such antennas which have been installed on the building since 21st August 2013 would exceed 3.	N/A

A.1. (3) Development not permitted: apparatus on masts

N/A – development is not on a mast

A.1. (4) Development not permitted: antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

N/A – development is not on article 2(3) land

A.1. (5) Development not permitted: electronic communications apparatus installed, replaced or altered on a dwellinghouse

N/A – development is not on a dwellinghouse

A.1 (6) Development not permitted: small antennas installed, replaced or altered on a building which is not a dwellinghouse

N/A as the antenna are not 'small'. Small antenna are defined as:

- (a) is for use in connection with a telephone system operating on a point to fixed multi-point basis;
- (b) does not exceed 0.5 metres in any linear measurement; and
- (c) does not, in two-dimensional profile, have an area exceeding 1,591 square centimetres, and any calculation for the purposes of paragraph (b) or (c) excludes any feed element, reinforcing rim mountings and brackets;

A.1. (7-10) are also not applicable

Conclusion and Recommendation

The plans show the relocation of three antenna and the installation of three new antenna and associated equipment. It would appear from the plans that the proposal accords with the requirements of Class A (a) of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Prior approval is only required in the case of:

- Development in an article 2(3) area
- A mast
- An antenna which exceeds the height of the building or structure (on which it is installed) by 6m or more
- A public call box
- Radio equipment housing bigger than 2.5 cubic metres

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 replacement of 3no. antenna and the relocation of 3no. antenna and ancillary works would have a minimal effect on the external appearance of the building and surrounding enclosure as it would appear similar to the existing situation externally.

The proposed development is considered to comply with the parameters set out in Schedule 2, Part 16, Class A (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:	Mrs A Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	30th May 2023	Dated:	31st May 2023