



Delegated Report

Telecommunications Works Application

Planning Application No: 20231040

Location: Communication Station Echo Square Gravesend Kent

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention for the removal and replacement of 3no. existing antennas within existing shroud with 3no.new antennas alongside ancillary works to support the upgrade.

Applicant: Callum McKenna

Submitted Documents/Plans

Regulation 5 Consultation Letter
ICNIRP Declaration Letter
General Background Information for Telecommunication Development
Email containing Consultation
100 A – Site Location Maps
200 A – Existing Site Plan
201 A – Proposed Site Plan
300 A – Existing Site Elevation
301 A – Proposed Site Elevation

Relevant Planning History

Reference	Description	Decision	Decision Date
20160156	Application for determination pursuant to Part 16 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 as to whether prior approval is required for the siting and appearance of replacement of the existing 15m mast with a replacement 17.5m mast capable of housing the required 6 multi-band antennas, an associated radio equipment cabinet and development works ancillary thereto.	Prior Approval Not Required	18.04.2016
20130489	Application for prior notification for the replacement of existing 15m replica pole to be replaced with 15 metre high monopole mast with two radio cabinets.	Prior Approval Not Required	30.07.2013
20100584	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 as to whether prior approval is required for the siting and design for the replacement of existing 12.5 metre high O2 installation with a 15 metre high dual user mobile phone monopole, one equipment cabinet and ancillary development.	Prior Approval Not Required	06.08.2010

20050472	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 as to whether prior approval is required erection of a 12 metre high mobile telephone column simulating a telegraph pole in substitution of the 10 metre high mobile telephone column to simulate a telegraph pole previously granted prior approval under reference number GR/2005/068.	Prior Approval Not Required	29.07.2005
20050068	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 as to whether prior approval is required for the erection of a 10 metre high mobile telephone column to simulate telegraph pole, equipment cabinet and ancillary works.	Prior Approval Not Required	18.03.2005

Proposed Development

This is a 28day notice application for:

- The removal and replacement of 3no. existing antennas within existing shroud with 3no.new antennas alongside ancillary works to support the upgrade.

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

Class A provided legislation which covers the following types of development within the electronic communication type:

A.1 (1) Ground Based apparatus

A.1 (2) Building-based apparatus other than small antenna and small cell systems

A.1 (3) Apparatus on Masts

A.1 (4) Antennas and supporting structures installed, replaced or altered on article 2(3) land or land

which is a site of special scientific interest

A.1 (5) Electronic communications apparatus installed, replaced or altered on a dwellinghouse

A.1 (6) Small antennas installed, replaced or altered on a building which is not a dwellinghouse

A.1 (7) Ground or Base Area

A.1 (8) Driver Information Systems

A.1 (9) Radio Equipment Housing

A.1 (10) Public Call Box

This application does not form part of an area covered by article 2(3) land or an area of special scientific interest. The section of legislation which would most appropriately cover this proposal would be A.1 (3) Apparatus on Masts. No other sections would be relevant to the proposal.

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
3	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words "taken by itself" in that paragraph are omitted.	Y The works relate only to the replacement antenna and there would be no other works or visible external changes to the pole/mast and so there would be no requirement to comply with the height requirement.

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 works proposed which would replace 3 antennas with another 3 antennas, resulting in no increase in number of antennas, which would also be obscured by the shrouding on the pole would have no significant effect on the external appearance of the surrounding area. It is therefore determined that the siting and appearance of the development would be acceptable and planning permission would not be required for the development.

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:	R Hart
Dated:	24th October 2023	Dated:	24 th October 2023