



# Delegated Report

## Telecommunications Works Application

**Planning Application No:** 20230877

**Location:** Communication Station Gravesend Road Higham Rochester

**Description:** The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to remove the existing 17.5m monopole to be replaced with a new 20m monopole supporting 4no. antennas, 2no. 300mm dishes, 1no. cabinet, internal cabinet works and ancillary equipment/works thereto.

**Applicant:** Harry O Connor, Waldon Telecom

**Site Visit Date:** Desktop Assessment

### Submitted Documents/Plans

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  
ICNIRP Declaration  
Regulation 5 Letter  
General Information for Telecommunications Development  
Email received 02.09.2023 confirming amended monopole colour to Olive Grey

### Relevant Planning History

| Reference | Description                                                                                                                                                                                                                                                                                              | Decision                    | Decision Date |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|
| 20160571  | The replacement of 1no. redundant 15.0m monopole with 1no. new 17.5m monopole with 2no. antennas and the replacement of 2no. H3G equipment cabinets with 2no. new equipment cabinets and ancillary development thereto on highways maintained grass verge.                                               | Permitted                   | 17/08/2016    |
| 20040713  | 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 of a 15 metre high slimline mobile phone telecommunication monopole with ancillary development. | Prior Approval Not Required | 08/09/2004    |

### Proposed Development

This is a 28day notice application for:

- Removal of the existing 17.5m monopole

- Erection of a replacement 20m monopole supporting 4no. antennas, 2no. 300mm dishes, 1no. cabinet, internal cabinet works and ancillary equipment/works.

### **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**

| <b>Section of Legislation</b> | <b>Requirement</b>                                                                                                                                                                                                                                                                                                         | <b>Has the requirement been met? (Y/N)</b> |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>1</b>                      | 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)                     |
| <b>1(a)</b>                   | 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                                          |
| <b>1(b)</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                                          |
| <b>1(c)</b>                   | in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—<br>(i) 30 metres above ground level on unprotected land; or                                                                                                                                                          | Y                                          |

|             |                                                                                                                                                                                                                                                                                                                                                                     |         |
|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
|             | (ii) 25 metres above ground level on article 2(3) land or land which is on a highway;                                                                                                                                                                                                                                                                               |         |
| <b>1(d)</b> | 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—<br>(i) 30 metres above ground level on unprotected land; or<br>(ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or | Y (20m) |
| <b>1(e)</b> | in the case of the alteration or replacement of a mast—<br>(i) the mast is on any land which is, or is within, a site of special scientific interest; and<br>(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third                                                                                            | Y       |

**Development not permitted: apparatus on masts**

| <b>Section of Legislation</b> | <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Has the requirement been met? (Y/N)</b> |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>3</b>                      | 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                                          |

**Development not permitted: ground or base area**

| <b>Section of Legislation</b> | <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                         | <b>Has the requirement been met? (Y/N)</b> |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>7</b>                      | Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—<br><br><ul style="list-style-type: none"> <li>• a mast;</li> <li>• an antenna;</li> <li>• any apparatus which does not project above the level of the surface of the ground; or</li> <li>• radio equipment housing</li> </ul> is not permitted by Class A(a) if the ground or | Y                                          |

|  |                                                           |  |
|--|-----------------------------------------------------------|--|
|  | base area of the structure would exceed 1.5 square metres |  |
|--|-----------------------------------------------------------|--|

**Development not permitted: radio equipment housing**

| Section of Legislation | Requirement                                                                                                                                                                                 | Has the requirement been met? (Y/N) |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <b>9</b>               | Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—                                                         | (See assessment below)              |
| <b>9(a)</b>            | the development is not ancillary to the use of any other electronic communications apparatus;                                                                                               | Y                                   |
| <b>9(b)</b>            | the cumulative volume of such development would exceed 90 cubic metres or, if located on the roof of a building, the cumulative volume of such development would exceed 30 cubic metres; or | Y                                   |
| <b>9(c)</b>            | on any land which is, or is within, a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.     | 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 pole, cabinet and antennas with the scale and in this particular location, would have a minimal effect on the external appearance of the building as there is an existing character of telecommunication apparatus and poles in this urban area. However, the existing pole which it replaces use a light grey colour which does not reflect the backdrop of greenery behind. Following discussions with the applicant, the colour of the pole was amended to an Olive Grey Colour identified as RAL7002 which would be more neutral given the backdrop. 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)

|                      |                                                                                     |                     |                                                                                      |
|----------------------|-------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Ms Lisa Williams                                                                    | <b>Team Leader:</b> | Richard Hart                                                                         |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 4 <sup>th</sup> September 2023                                                      | <b>Dated:</b>       | 4 <sup>th</sup> September 2023                                                       |

