



# Delegated Report

## Telecommunications Works Application

**Planning Application No:** 20231202

**Location:** Apex House Burch Road Northfleet Gravesend

**Description:** The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention for the replacement and relocation of 6no antennas (height to top 17.8m) on proposed tripods, addition of proposed 2no 300mm dishes, relocation of existing 2no antennas (height to top 17.8m) and ancillary development thereto to include the relocation of existing 6no ERS units and existing 1no GPS module, and the addition of replacement 15no. remote radio heads and proposed 1no GPS module.

**Applicant:** Cornerstone

**Site Visit Date:** Desktop assessment

### Submitted Documents/Plans

Covering letter dated 24 November 2023  
Drawing no. 100 Rev. A (Site location maps)  
Drawing no. 300 Rev. A (Existing site elevation)  
Drawing no. 301 Rev. A (Proposed site elevation)  
Drawing no. 200 Rev. A (Existing site plan)  
Drawing no. 201 Rev. A (Proposed site plan)  
General Background Information for Telecommunications Development

### Relevant Planning History

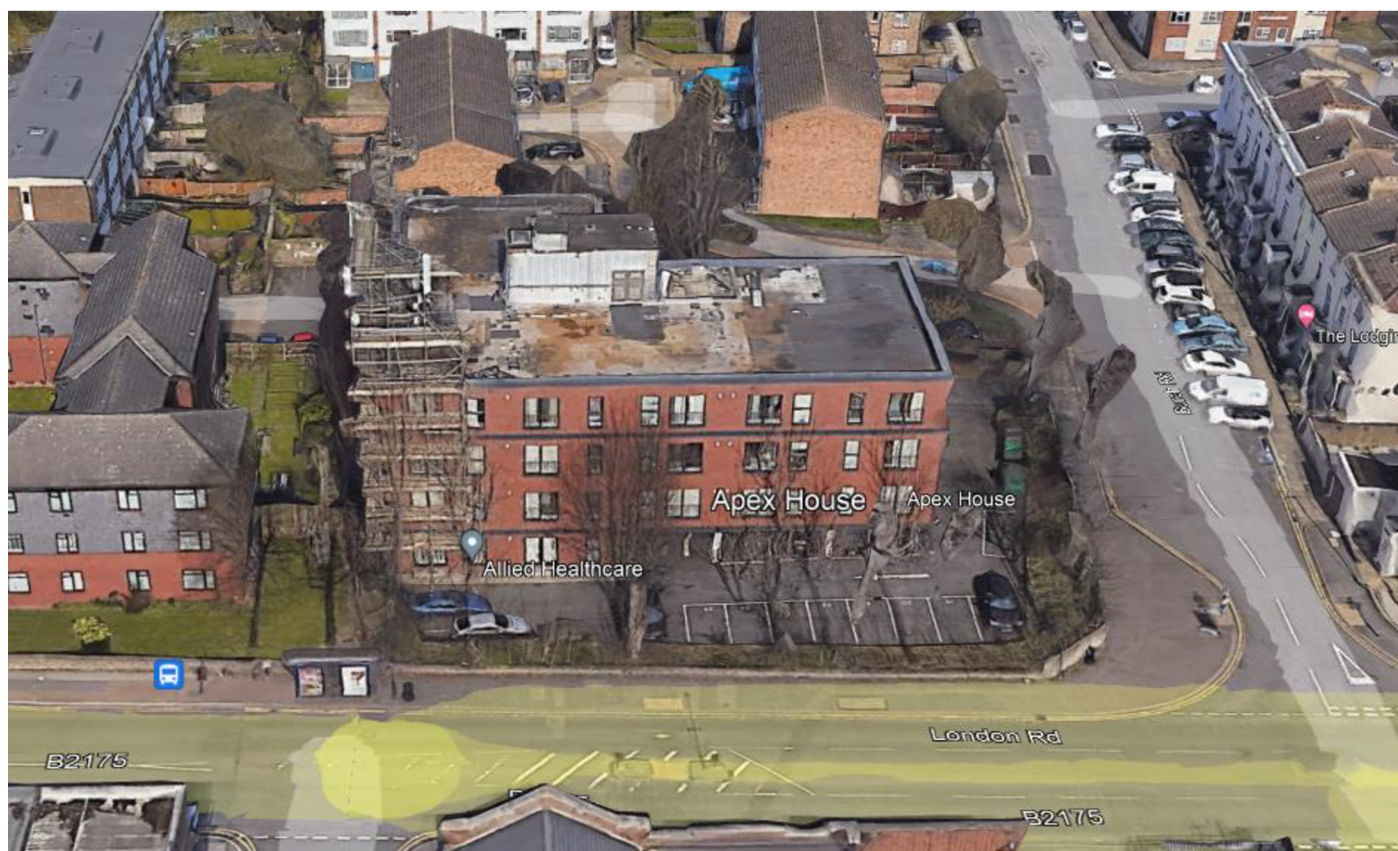
| Reference | Description                                                                                                                                                                                                                                                                                                     | Decision                    | Decision Date |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------|
| 20200278  | Determination as to whether prior approval is required for the removal of 4no. existing antennas from adjacent scaffolding and installation of 6no. antennas (top height of masts of (19.20m) together with installation of ground based equipment cabinets within a fenced compound and ancillary development. | Prior approval not required | 05.05.2020    |
| 20100994  | Installation of 3 antennas, one equipment cabinet within existing cabin and ancillary development on the roof of the building.                                                                                                                                                                                  | Permitted                   | 07.01.2011    |
| 20080771  | 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 three antennae, equipment cabin and ancillary development on the roof.                              | Permitted                   | 13.10.2008    |

|          |                                                                                                                                                                                                                                                                                                       |                             |            |
|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------|
| 20080333 | 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 an equipment cabin, three antennae and ancillary development on the roof of the building. | Prior approval not required | 03.06.2008 |
| 19980191 | Notice under Section 7 of the Telecommunications Act 1984 for the removal of existing tank room and erection of an equipment cabin with 2 no. pole mounted antennae and construction of 1.1 metre high handrail and cellnet hoist to cat ladder on east elevation.                                    | No objection                | 16.04.1998 |
| 19980190 | Determination as to whether prior approval is required for the removal of existing tank room and erection of an equipment cabin with 2 no. pole mounted antennae and construction of 1.1 metre high hand rail and cellnet hoist to cat ladder on east elevation                                       | No objection                | 16.04.1998 |

## Officer's Analysis

### Site Description

The site comprises a 4 storey block of flats on the corner Burch Road and London Road, within the urban boundary.

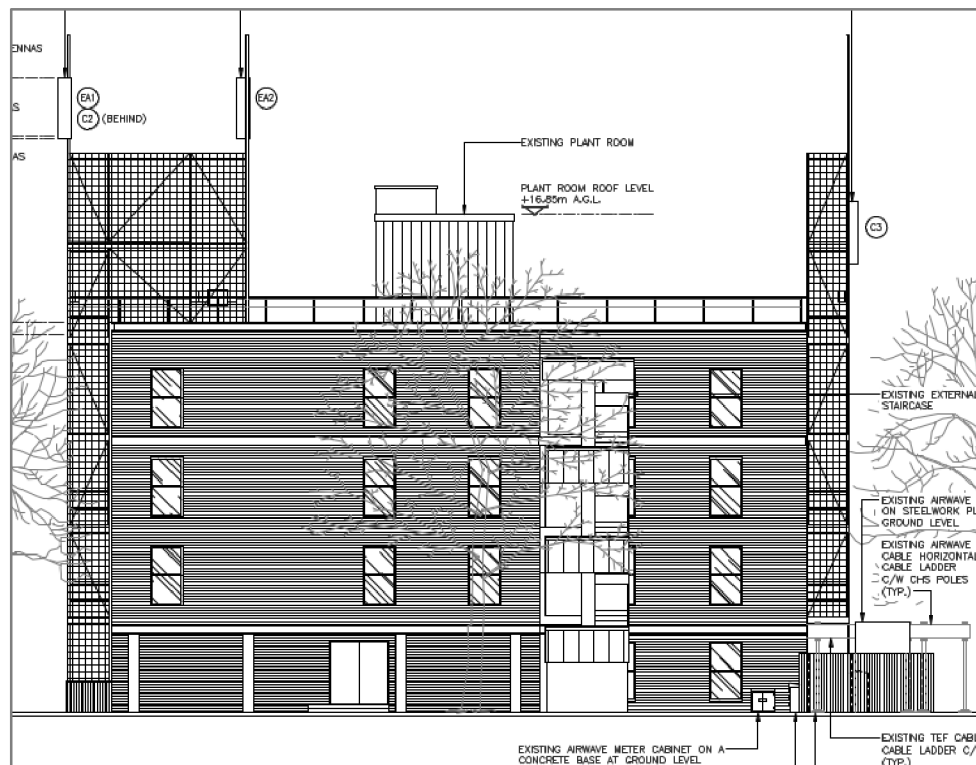


### Proposal

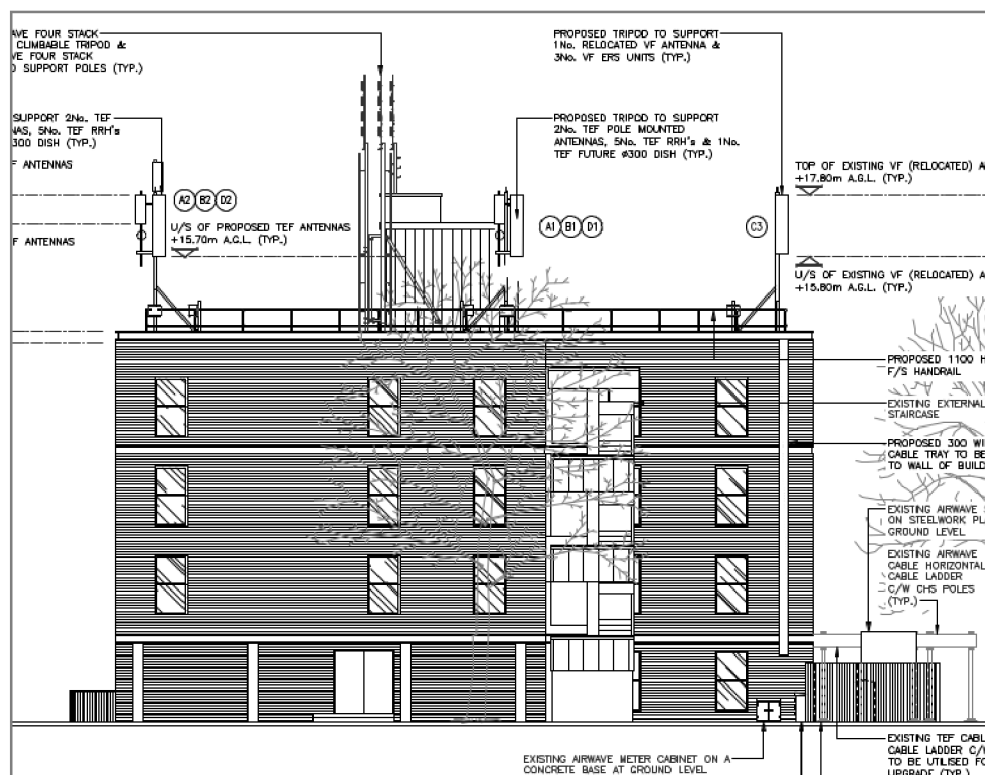
This is a formal notification of 28 days notice in advance, in accordance with the Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice

of Intention, for the replacement and relocation of 6no antennas (height to top 17.8m) on proposed tripods, addition of proposed 2no 300mm dishes, relocation of existing 2no antennas (height to top 17.8m) and ancillary development thereto to include the relocation of existing 6no ERS units and existing 1no GPS module, and the addition of replacement 15no. remote radio heads and proposed 1no GPS module.

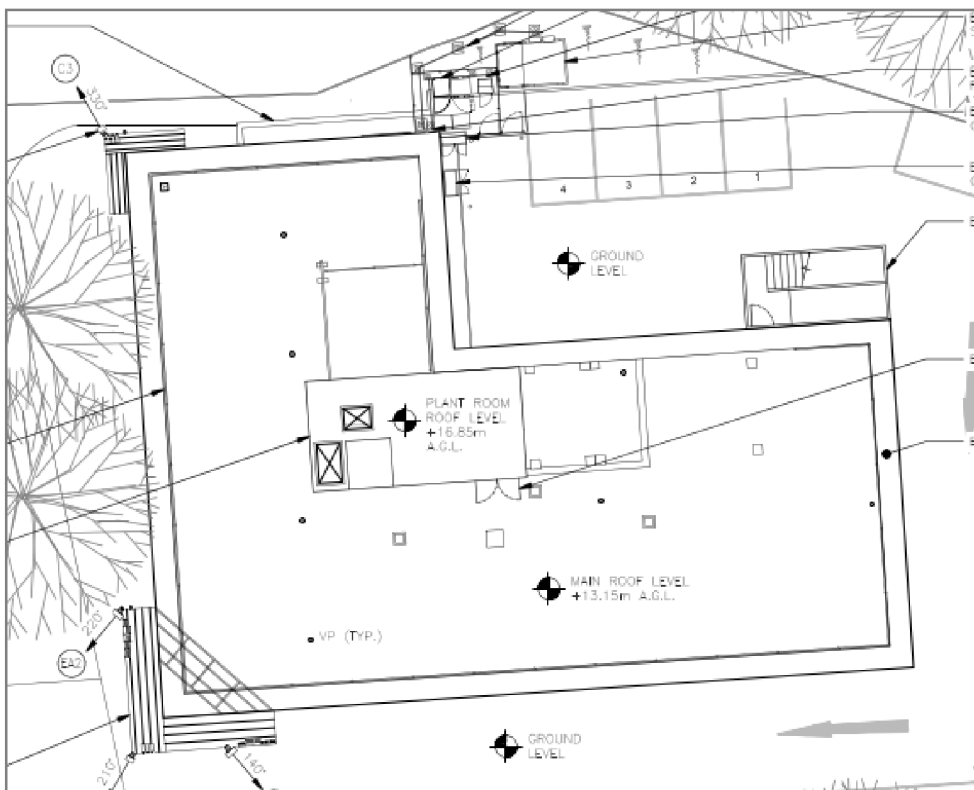
### Existing site elevation:



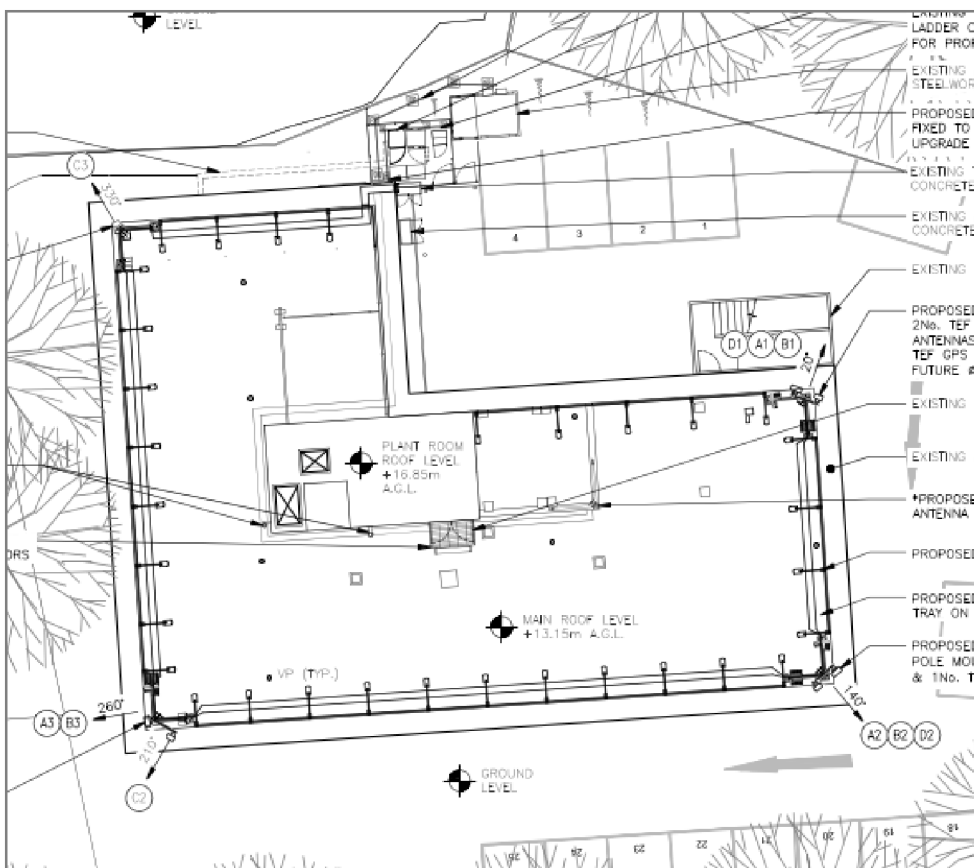
### Proposed site elevation:



Existing site plan:



Proposed site plan:



## 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

Permitted Development

To determine whether planning permission is required for the works, the proposals should be assessed under the legislation within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Part 16 within 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 below:

**Class A - electronic communication code operators**

**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—                                                                                                                           |                                     |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                              |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     | <p>(i) 15 metres, where it is installed on a building which is 30 metres or more in height; or</p> <p>(ii) 10 metres in any other case;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>N/a – The building is 13.56m high to the top of the parapet.<br/>N – The highest antennas are 8.9m.</p>                                                                                                   |
| (b) | <p>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—</p> <p>(i) 10 metres, in the case of a building which is 30 metres or more in height;</p> <p>(ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height;<br/>or</p> <p>(iii) 6 metres in any other case;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <p>N/a</p> <p>N/a</p> <p>Y - The highest antennas are 8.9m.</p>                                                                                                                                              |
| (c) | <p>in the case of the installation, alteration or replacement of a mast on a building which is—</p> <p>(i) on article 2(3) land or land which is, or is within, a site of special scientific interest; and</p> <p>(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);</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>N/a (no mast proposed)</p> <p>N/a</p>                                                                                                                                                                     |
| (d) | <p>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—</p> <p>(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;</p> <p>(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;</p> <p>(iii) in the case of antennas other than dish antennas, the development would result in the presence on the building of—</p> <p>(aa) more than 3 antenna systems; or</p> <p>(bb) any antenna system operated by more than 3 electronic communications code operators; or</p> | <p>N – the antenna are to be located on the roof top.</p> <p>N – the proposed 2 dishes are 300mm.</p> <p>Y – total of 8 antennas (6 replacement and 2 relocated)</p> <p>N – one apparent operator (VMO2)</p> |

|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                             |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
|     | (iv) the building is a listed building or a scheduled monument;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | N – not listed or scheduled monument.       |
| (e) | <p>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—</p> <p>(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;</p> <p>(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—<br/> (aa) more than 5 antenna systems; or<br/> (bb) any antenna system operated by more than 3 electronic communications code operators; or</p> <p>(iii) the building is a listed building or a scheduled monument; or</p> | N/a – building is 13.56m in height.         |
| (f) | <p>in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land—</p> <p>(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</p> <p>(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.</p>                                                                                                                                                                                                                                                                                                                                                                     | N/a – building is not on article 2(3) land. |

**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 antennas are not 'small'. Small antennas 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) Development not permitted: ground or base area**

N/a – development is on the roof.

**A.1. (8) Development not permitted: driver information systems**

N/a – development does not relate to driver information systems.

**A.1. (9) Development not permitted: radio equipment housing**

N/a – development is to install electronic communications apparatus/development ancillary to radio equipment housing, and does not consist of radio equipment housing itself.

**A.1. (10) Development not permitted: public call box**

N/a – not relevant to proposal.

**Conclusion and Recommendation**

The proposal would not be permitted development, as it would fail to meet the requirements set out in Part 16 of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Paragraphs A.1. (2) (b) (iii) and (d) (iii) (aa), relating to the apparatus height and number of antennas respectively. Therefore, planning permission is required.

(For reason for refusal and informatives, see draft Decision.)

|                      |                                                                                     |                     |                                                                                       |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Katherine Parkin                                                                | <b>Team Leader:</b> | <b>Richard Hart</b>                                                                   |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 12th December 2023                                                                  | <b>Dated:</b>       | <b>15<sup>th</sup> December 2023</b>                                                  |