

# Delegated Report

## *Telecommunication Works Application*

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**Planning Application No:** 20240326

**Location:** Telecommunications Pole 207 Old Road East Gravesend Kent

**Description:** The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to install fixed line broadband electronic communications apparatus outside 207 Old Road East Gravesend, Kent, Gravesend, DA12 1PQ

**Applicant:** Openreach

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### Submitted Documents/Plans

Consultation Letter  
Email from BT

### Relevant Planning History

No relevant planning history.

### Development Plan

### Proposed Development

This is a 28day notice application to:

- Erect a 9m high wooden pole.

### 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

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 provides 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 is not covered by article 2(3) land. The section of legislation which would most appropriately cover this proposal would be A.1 (1) Ground Based apparatus. No other sections would be relevant to the proposal.

### **A.1 (1) 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>                   | (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;                                                                                                                                   | N/A<br>Mast proposed (See 1(c))               |
| <b>1(b)</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; | N/A<br>No alteration or replacement proposed. |
| <b>1(c)</b>                   | (c)in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—<br>(i) 30metres 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;                                                                  | Y<br>The pole would be 9m high.               |
| <b>1(d)</b>                   | (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                                                                                                                                                            | N/A<br>No alteration or replacement proposed. |

|             |                                                                                                                                                                                                                                                                            |                                               |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
|             | 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                                                                          |                                               |
| <b>1(e)</b> | (e)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. | N/A<br>No alteration or replacement proposed. |

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 erect a 9m high wooden pole, would have no significant effect on the external appearance of the surrounding area. The area has another similar pole nearby and the proposed pole would be located besides an existing streetlight. There are concerns the placement and position of this single additional pole next to an existing street light could result in a cluttered appearance. Additional spacing may be more appropriate. Overall it is not considered that there is a significant number of poles which cumulatively could result in deterioration of the character of the 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**

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). The recommended response is No Objection.

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

|                      |                                                                                     |                     |                                                                                       |
|----------------------|-------------------------------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------|
| <b>Case Officer:</b> | Mrs Lisa Fisher                                                                     | <b>Team Leader:</b> | Miss Faye Hobbs                                                                       |
| <b>Signed:</b>       |  | <b>Signed:</b>      |  |
| <b>Dated:</b>        | 27th June 2024                                                                      | <b>Dated:</b>       | 28 June 2024                                                                          |