

Delegated Report

Telecommunication Works

Planning Application No: 20250005

Location: Near 56A Codrington Crescent Gravesend Kent DA12 5DD

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2017 (as amended) - Regulation 5 Notice of intention to install new pole required.

Applicant: Openreach

Submitted Documents/Plans

Regulation 5 Consultation Letter
Email with letter and site map attached
Email confirmation from Openreach re height of light pole

Relevant Planning History

No relevant planning history.

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.*

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 sections of legislation which would most appropriately cover this proposal would be A.1 (1) Ground Based apparatus.

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. Development not permitted: ground-based apparatus

Section of Legislation	Requirement	(Y/N)
A.1 (1)	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)
(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;	Y 9m as confirmed by email
(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
(c)	in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—	N/A

	(i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway;	
(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 height of the existing mast or a height of— (i) 30 metres above ground level on unprotected land; or (ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or	N/A
(e)	in the case of the alteration or replacement of a mast— (i) the mast is on any land which is, or is within, a site of special scientific interest; and (ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.	N/A

Assessment

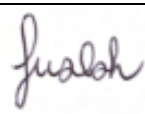
The proposed development would not trigger the need for a prior approval assessment under paragraph A.2 (conditions). However, the Local Planning Authority must determine whether the siting and appearance of the development is acceptable under A.2 (1) (a) and whether they wish to determine whether the prior approval of these matters is required.

It is considered that that the new pole in this particular location, would have a minimal effect on the external appearance of the area as there is an existing pole in the area and it is relatively set back from the road, albeit a pole of such height would still be visible from further afield, it is somewhat reduced in visibility than if it were placed directly on the street. Prior approval 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). The recommendation is No Objection.

(For detailed conditions and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	22 nd January 2025	Dated:	22 January 2025