



# Delegated Report

## Telecommunication Works Application

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| <b>Application No:</b> | 20231243                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Location:</b>       | Communication Station Site, DNS Rochester Road, Gravesend, Kent, DA12 4TN                                                                                                                                                                                                                                                                                                       |
| <b>Description:</b>    | The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of proposed installation of (1) removal and replacement of 1no. cabinets, (2) removal and replacement of 3no. antenna, (3) removal and replacement of 1no. GPS Node, (4) removal and replacement of 9no. ER's and (5) development ancillary works thereto. |
| <b>Applicant:</b>      | Owen Church, Beacon Communication Service Ltd                                                                                                                                                                                                                                                                                                                                   |

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### Site Description

The application site is located on the North of Rochester Road, located within the wider urban area of Gravesend.



### Relevant Planning History

| Reference | Description                                                                                                                                                                                                                      | Decision              | Decision Date |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------|
| 20191076  | Replacement of an existing 11.70m monopole with a 20.0m high monopole supporting 12 no antenna apertures, together with the installation of ground-based equipment cabinets and ancillary development thereto.                   | PERMITTED             | 06.01.2020    |
| 20050380  | 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 erection of a 11.7 metre high slimline mobile | APPROVAL OF TELECOMMS | 20.06.2005    |

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|  | phone monopole, with three antennae, radio equipment housing and ancillary development. |  |  |
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### **Submitted Documents/Plans**

- Covering Letter from Beaconcomms – dated 4 December 2023;
- Un-numbered Plan Drawing – Elevations, Antenna Swap Plan and Keys;
- Un-numbered Plan Drawing – Site Photographs, Cabinet Plan, Keys and Tables.

### **Proposed Development**

This is a 28day notice application for ancillary work and the replacement of:

- 1 cabinet;
- 3 antennas;
- 1 GPS node; and
- 9 ER's.

### **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 communication code operates**

##### **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;                                                                                                                                                                                               | N                      |
| (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                      |
| (c)                    | in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of—<br><br>(i) 30 metres above ground level on unprotected land; or<br><br>(ii) <del>25 metres above ground level on article 2(3) land or land which is on a highway;</del>                                                                                                          | N/A                    |
| (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—<br><br>(i) 30 metres above ground level on unprotected land; or<br><br>(ii) <del>25 metres above ground level on article 2(3) land or land which is on a highway;</del> or | N/A                    |
| (e)                    | in the case of the alteration or replacement of a mast—<br><br>(i) <del>the mast is on any land which is, or is within, a site</del>                                                                                                                                                                                                                                                   | N/A                    |

|  |                                                                                                                                                                |  |
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|  | <p>of special scientific interest; and</p> <p>(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.</p> |  |
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**Development not permitted: apparatus on masts**

| Section of Legislation | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | (Y/N) |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| A.1 (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. | N     |

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

| Section of Legislation                                                                                     | Requirement                                                                                                                  | (Y/N)                  |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------|
| A.1 (7)                                                                                                    | Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than— | (see assessment below) |
| (a)                                                                                                        | a mast;                                                                                                                      | N/A                    |
| (b)                                                                                                        | an antenna;                                                                                                                  | N                      |
| (d)                                                                                                        | any apparatus which does not project above the level of the surface of the ground;                                           | N                      |
| (e)                                                                                                        | radio equipment housing;                                                                                                     | N                      |
| is not permitted by Class A(a) if the ground or base area of the structure would exceed 1.5 square metres. |                                                                                                                              |                        |

**Development not permitted: radio equipment housing**

| Section of Legislation | Requirement                                                                                                                         | (Y/N)                  |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| A.1 (9)                | Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if— | (see assessment below) |

|     |                                                                                                                                                                                             |                        |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| (a) | the development is not ancillary to the use of any other electronic communications apparatus;                                                                                               | N                      |
| (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 | N                      |
| (c) | 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.     | N/A<br>not on SSI land |

### **Assessment**

The proposed development is for the replacement of antenna and a cabinet on the site, along with other small electronic replacements, which would be of standard design. Moreover, 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.

The proposed works to the existing site are considered acceptable, the development will not significantly alter the siting existing features and there will be no detrimental impact on the character or appearance of the street scene.

### **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).

|                      |                                                                                     |                     |                                      |
|----------------------|-------------------------------------------------------------------------------------|---------------------|--------------------------------------|
| <b>Case Officer:</b> | Mr Ethan Bonthron                                                                   | <b>Team Leader:</b> | <b>Richard Hart</b>                  |
| <b>Signed:</b>       |  | <b>Signed:</b>      | <i>R Hart</i>                        |
| <b>Dated:</b>        | 22 <sup>nd</sup> December 2023                                                      | <b>Dated:</b>       | <b>22<sup>nd</sup> December 2023</b> |