

Delegated Report

Telecommunication Works Application

Planning Application No:	20240647
Location:	Telecommunication Mast At Land At The Corner Of Car Park Lower Higham Road
Description:	The Electronic Communications Code (Conditions and restrictions) Regulations 2017 Regulation 5 Notice relating to permitted development to install a 9M medium pole.
Applicant:	Hrishikesh Katare, Openreach
Site Visit Date:	Desktop assessment

Submitted Documents/Plans

Email sent with Regulation 5 Notice (dated 15/07/2024)
Site location plan

Relevant Planning History

There is no relevant planning history.

Site Description

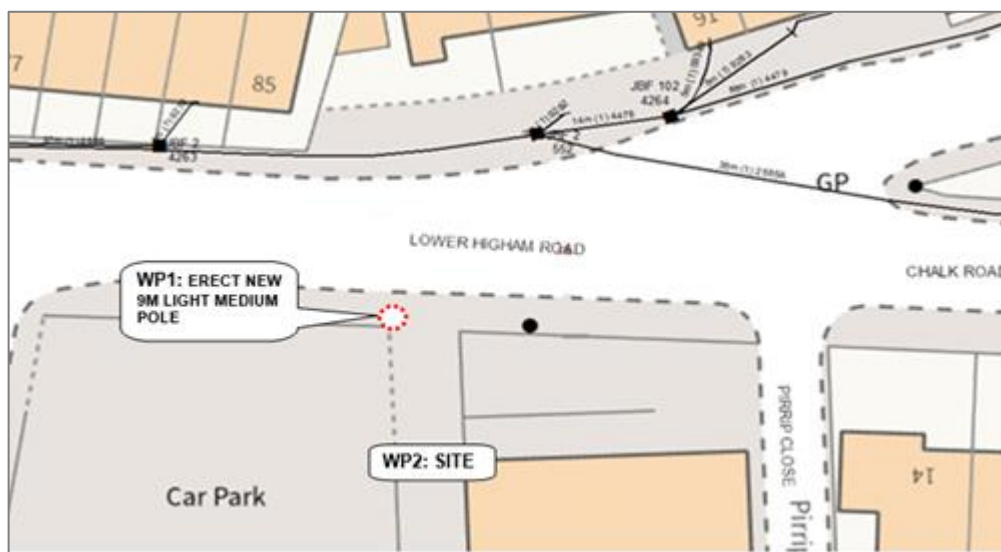
The application site is located within the urban boundary in Chalk, in a largely residential area. The site is on the corner of the Chalk Parish Hall car park.



Proposed Development

This is a 28-day notice application for the intention to install fixed line broadband electric communications apparatus involving the installation of a 9m high light medium telegraph pole.

Proposed Site Plan



Officer's Analysis

A pole can be permitted development under Schedule 2, Part 16, Class A(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), which relates to the installation of any electronic communications apparatus. Development not permitted, specifically ground-based apparatus (as in this case), is set out at paragraph A.1 (1). This paragraph states as follows:

(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—

- (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;*

The proposal involves the installation of a 9m high pole and therefore complies with A.1 (a).

- (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;*

The proposal involves the installation of a pole and not the alteration or replacement of apparatus; therefore A.1 (b) is not relevant.

- (c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed 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;

Whilst the pole site is on highway land, the proposal involves the installation of a pole and not the installation of a mast and therefore A.1 (c) is not relevant. It would regardless be lower than the maximum 25m height requirement of A.1 (1) (c) of the GPDO.

- (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

The proposal does not involve the alteration or replacement of a mast; therefore A.1 (1) (d) is not relevant.

- (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.

The proposal does not involve the alteration or replacement of a mast; therefore A.1 (1) (e) is not relevant.

Class A(a) development is permitted subject to the conditions set out under A.2. This includes the circumstances where prior approval would be required. The proposed pole does not fall under any of these circumstances and therefore prior approval is not required.

Condition A.2 (1) (d) specifies that the siting of development should: not prevent pedestrians from passing along a footway; not prevent access to premises adjoining a footway; and have regard to the needs of disabled people and the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021.

Conclusion and Recommendation

The proposed development of fixed line broadband electric communications apparatus involving the installation of a 9m high light medium pole is considered to comply with the parameters set out in Schedule 2, Part 16, Class A.1 (1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal therefore constitutes permitted development, subject to the conditions set out at A.2.

(For detailed conditions and informatives, see draft Decision.)

Case Officer:	Mrs Katherine Parkin	Team Leader:	Miss Faye Hobbs
Signed:	<i>K. Parkin</i>	Signed:	
Dated:	30th July 2024	Dated:	31 July 2024