



Delegated Report

Telecommunications Works

Application No: 20250255

Location: Communication Station and Premises, Carl Ekman House, Tooley Street, Northfleet, Kent, DA11 9PN

Description: The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of the intention to install a rooftop installation of 6 antennas apertures, 2 dish antennas, 4 equipment cabinets and ancillary equipment including cables, cable trays and ancillary radio equipment all landed on new steel grillage sited amongst the existing other operators radio equipment, all located on the top of the 41.96m (AGL) plantroom roof with the equipment giving a total height of 47.22m (AGL).

Applicant: George Oliver, Beaconcomms

Preliminary Matters

The comments within this report simply assess the proposed works against Schedule, 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and do not constitute landowner consent for any works to be undertaken.

An informative will be attached to the decision notice addressing this point and direct the applicant to approach Gravesham's Strategic Property Department for any relevant consents before submitting any future application or undertaking works on the site.

Site Description

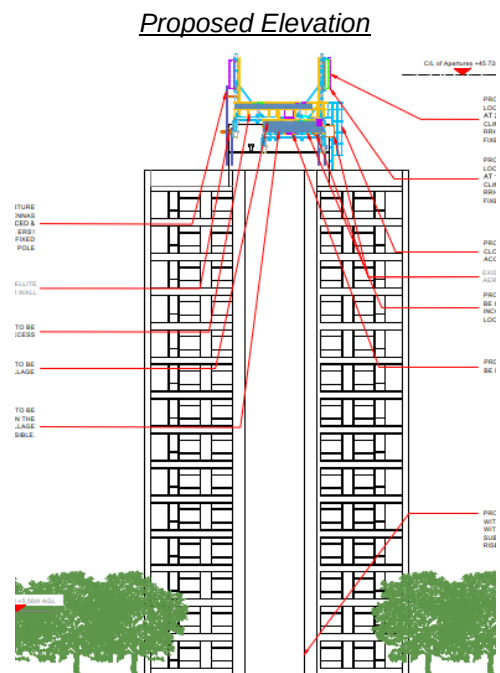
The application site consists of a large block of flats within the urban area of Northfleet. The flat block is shown in the screenshot below.



- Covering Letter by BeaconComms – dated 14 March 2025;
- Drawing no. 002 – Site Location Plans;
- Drawing no. 100 – Existing Site Plan;
- Drawing no. 150 – Existing Elevation A;
- Drawing no. 215 – Proposed Site Plan (Max Configuration);
- Drawing no. 265 – Proposed Elevation (Max Configuration).

Reference	Description	Decision	Decision Date
20230807	Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015, as amended, as to whether prior approval is required for proposed telecommunications installation of telecommunications cell site on roof top.	WITHDRAWN	11.09.2023
20210879	Determination as to whether prior approval is required for the installation of 3no. 3.3 tripods, 6no. apertures, 3no. dishes, 8 no. equipment cabinets and associated ancillary equipment on the roof top, with 1 no. cabinet on the ground adjacent to the building.	TELECOMMS APPROVAL	03.09.2021

This application proposes the installation of 6 antennas apertures, 2 dish antennas, 4 equipment cabinets and ancillary equipment including cables, cable trays and ancillary radio equipment all landed on new steel grillage sited amongst the existing other operators radio equipment, all located on the top of the 41.96m (AGL) plantroom roof with the equipment giving a total height of 47.22m (AGL).



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

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 Communications 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 – apparatus on 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— (i) 15 metres, where it is installed on a building which is 30 metres or more in height; or (ii) 10 metres in any other case;	N/A N (9.91m)
(b)	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— (i) 10 metres, in the case of a building which is 30 metres or more in height; (ii) 8 metres, in the case of a building which is more than 15 metres but less than 30 metres in height; or (iii) 6 metres in any other case;	N (9.91m) N/A N/A
(c)	in the case of the installation, alteration or replacement of a mast on a building which is— (i) on article 2(3) land or land which is, or is within, a site of special scientific interest; and (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);	N/A N/A
(d)	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— (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; (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; (iii) in the case of antennas other than dish antennas, the development would result in the presence on the building of—	N/A

	(aa) more than 3 antenna systems; or (bb) any antenna system operated by more than 3 electronic communications code operators; or (iv) the building is a listed building or a scheduled monument;	
(e)	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— (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; (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— (aa) more than 5 antenna systems; or (bb) any antenna system operated by more than 3 electronic communications code operators; or (iii) the building is a listed building or a scheduled monument; or	N N/A (building more than 30m)
(f)	in the case of the installation of an antenna on electronic communications apparatus on a building on article 2(3) land— (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 (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.	N/A

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.

Assessment

Conditions

Notwithstanding the above assessment of Class A.1, the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended permits Class A(a) development subject to conditions set out in A.2.

The proposed development would exceed the height of the building by more than 9.91m and therefore triggers the need for a prior approval assessment under paragraph Class A.2(3)(c)(i) (conditions), which states:

- (3) Subject to sub-paragraph (5), Class A development –*
(c) on unprotected land where the development consists of –
(i) the installation of a mast, other than the installation of a mast on a building where the height of the mast (including any antenna and supporting apparatus) does not exceed the height of the highest part of the building by more than 6 meters;
is permitted subject, except in case of emergency (in which case only paragraph A.3(12) applies), to the conditions set out in paragraph A.3 (prior approval).

Due to the proposal seeking to install apparatus at a height of 9.91m, the assessment of the proposal against A.3 (prior approval) is required.

For the avoidance of doubt, sub-paragraph (5) does not apply to this proposal.

(5) The conditions set out in paragraph A.3 (prior approval) do not apply in relation to Class A development on any article 2(3) land which consists of the construction, installation, alteration or replacement of a telegraph pole, cabinet or line in connection with the provision of fixed-line broadband.

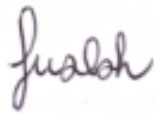
Prior Approval

As part of the prior approval assessment, in addition to other requirements, the applicant is required to give notice of the development to the landowner in accordance with A.3(1)(a) and apply to the Local Planning Authority with regards to the siting and appearance of the development (A.3(4)).

In relation to the siting and appearance of A.3(4), the Local Planning Authority have concerns with the scale of apparatus on the building, in terms of height, and the increased visibility over and above existing, which would have an adverse impact on the appearance of the building.

Conclusion

The proposed development requires prior approval under paragraph A.2(3)(c)(i) of Schedule 2, Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and the Local Planning Authority consider the siting and appearance of the development to have an adverse impact on the host building by virtue of scale, height and visibility.

Case Officer:	Mr Ethan Bonthron	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	3 rd April 2025	Dated:	04 April 2025