



Delegated Report

Telecommunication Works Application

Application No: 20240721

Location: Joynes House, New Road, Gravesend, Kent, DA11 0AJ

Description: The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of the installation of 6no antennas, 1no transmission dish alongside ancillary works to the rooftop base.

Applicant: Callum McKenna

Site Description

Joynes House is a purpose-built five storey office building constructed in the early 1970s.



The building has an extensive planning history for prior approval conversions, an upward extension and conversion of the undercroft carpark into residential units.

Submitted Documents/Plans

- Covering Letter by Cornerstone – dated 01 August 2024;
- ICNIRP Certificate – dated 01 August 2024;
- Supplementary Information – General Background Information for Telecommunications Development;
- Drawing no. 100 – Rev. A – Site Location Maps;
- Drawing no. 200 – Rev. A – Existing Site Plan;
- Drawing no. 201 – Rev. A – Proposed Site Plan;

- Drawing no. 300 – Rev. A – Existing Elevation;
- Drawing no. 301 – Rev. A – Proposed Elevation.

Relevant Planning History

Reference	Description	Decision	Decision Date
20240262	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the change of use of undercroft car park of existing commercial building (Use Class E) to 10 residential flats (Use Class C3).	PRIOR APPROVAL GRANTED	16.05.2024
20230612	Proposed conversion of undercroft car park to provide 10 no. flats, with associated ancillary residential communal space and plant room. Proposed cycle parking storage and the provision of private outdoor amenity space. Facade alterations and minor amendments to lower ground floor internal layout granted under application reference 20221183.	PERMITTED	07.12.2023
20231016	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use part-first, second and fourth floors from commercial floorspace to 30 residential units.	PRIOR APPROVAL GRANTED	24.11.2023
20230824	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use part-first, second and fourth floors from commercial floorspace to 28 residential units.	PRIOR APPROVAL GRANTED	27.09.2023
20230822	Application for non-material amendment to planning permission reference number 20221183 to allow amendments to elevation facades.	PERMITTED	25.08.2023
20221336	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2010 under references 20210974 - 20210962 - 20210973 - 20210958	APPROVAL OF DETAILS	22.06.2023
20221326	Application under Regulation 77 of the Conservation of Habitats and Species Regulations 2010 under reference 20221111	APPROVAL OF DETAILS	22.06.2023
20221183	**REVISED DESCRIPTION** Proposed external alterations to existing building facade including new windows, aluminium infill panels and infill glazing to lower ground floor. Relocation of existing entrance and lobby from ground floor to lower	PERMITTED	03.05.2023

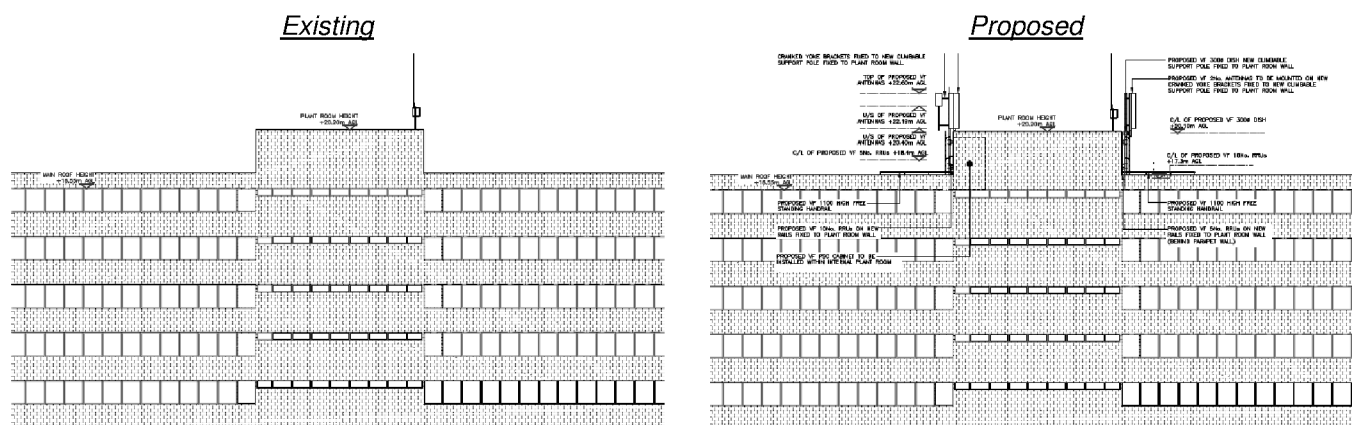
	ground floor and minor amendments to internal layout of 2 no. ground floor residential units consented under reference 20210958, as amended by non-material amendment ref 20220391.		
20221111	Application for prior approval under Part 20 Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing commercial building through the construction of 2 additional storey to provide 24no. flats along with necessary ancillary works.	PRIOR APPROVAL GRANTED	05.12.2022
20220799	Application for prior approval under Part 20 Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for upward extension of existing commercial building through the construction of 2 additional storey to provide 24no. flats along with necessary ancillary works.	PRIOR APPROVAL REFUSED	23.09.2022
20220392	Application for non-material amendment to planning permission reference number 20210962 to allow minor amendments to the internal layout.	PERMITTED NON-MATERIAL AMENDMENT	20.04.2022
20220391	Application for non-material amendment to planning permission reference number 20210958 to allow minor amendments to the internal layout.	PERMITTED NON-MATERIAL AMENDMENT	20.04.2022
20220390	Application for non-material amendment to planning permission reference number 20210974 to allow minor amendments to the internal layout.	PERMITTED NON-MATERIAL AMENDMENT	20.04.2022
20210974	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of Part Ground, First and Second Floors from Class E (previously Class B1(a)) (offices) to 26 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL GRANTED	16.09.2021
20210973	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of Part First, Second and Fourth Floors from Class E (previously Class B1(a)) (offices) to 22 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL GRANTED	16.09.2021
20210962	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country	PRIOR APPROVAL	16.09.2021

	Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use third floor from Class E (previously Class B1(a)) (offices) to 13 residential units (Class C3 (dwellinghouses)).	GRANTED	
20210958	Application for a determination pursuant to Article 3, Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as to whether Prior Approval is required in respect of the proposed change of use of Part Ground Floor from Class E (previously Class B1(a)) (offices) to 4 residential units (Class C3 (dwellinghouses)).	PRIOR APPROVAL GRANTED	16.09.2021
TH2/71/82B1	Detailed plans of office block.	APPROVED	24.01.1973
TH/2/71/82B	Detailed plans of office block.	APPROVED	12.10.1972
TH2/71/82A	Outline application for the erection of office block of 51,280 sq.ft. and erection of dwellings.	CONDITIONAL PERMISSION	31.05.1972
TH2/71/112	Outline application for the erection of an office block, flats and houses on sites of 1, 2, 3, 4 New Road, 2A St. James' Road, St. James' Church and Darnley Road.	PERMISSION	21.12.1971

Proposed Development

The proposed installation comprises:

- The installation of 6no antennas, 1no transmission dish alongside ancillary works to the rooftop base.



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: 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;	Y Building 16.55m in height – below 30m. The apparatus is 6.05m and therefore complies.
(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;	Y complies
(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);	Y complies
(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— (aa) more than 3 antenna systems; or	Y Building is over 15m in height – so does not apply.

	(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	Y The development proposes one transmission dish. Y The 6no. antennas are in 3 different systems and complies with (e)(ii)(aa) UNKNOWN Y Not listed or scheduled monument
(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.	Y Not on article 2(3) land.

Assessment

The supporting statement (notice letter) states that the “*proposal does not consist of any development specified under Article A.1 or Condition A.2(3) of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 [GPDO], as amended, which requires*

either an application for planning permission or an application for a determination as to whether the Authority's approval is required for the siting and appearance of the development”.

Article A.1 of Schedule 2, Part 16 of the GPDO includes the installation, alteration or replacement of electronic communications apparatus on buildings, which is considered to cover this proposal that seeks to install 6no. antenna. As such the proposal was assessed under paragraphs A.1 (2) for building-based apparatus other than small antenna and small cell systems and is considered to comply with the criteria of the GPDO.

The Conditions set out in A.2 of Part 16 Schedule 2 (GPDO) state that Class A (a) and (c) are permitted subject to A.2(1) (a) the siting and appearance of any antenna or supporting apparatus replaced on a building are such that the effect on the external building is minimised. The scale of the antenna is not excessive and is considered to have minimal effect on the external appearance of the building.

A.2 (3) (c) of Part 16, Schedule 2 (GPDO) sets out what developments would require prior approval assessment and the development is not considered to meet the requirement for a prior approval assessment and A.3 (Prior Approval) would not be triggered.

Conclusion

The proposal appears to comply with Article A.1 of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. The development is a minor form of telecommunications works that could be permitted development within the requirements set out in Article A.1.

The permitted development is subject to the conditions set out at A.2 (2), Class A (Electronic communications code operators), Part 16, of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Lastly, the developer is reminded that it is their responsibility to notify the property owners of any works to the building.

Recommendation

No objection.

Case Officer:	Mr Ethan Bonthron	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	21 st August 2024	Dated:	21 August 2024