



Delegated Report

Telecommunication Works Planning Application

Planning Application No: 20231238

Location: Crete Road & Rosherville Way Crete Hall Road Northfleet Gravesend

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Proposed upgrade to existing 15.0m High Hutchinson Engineering Elara Dual Stack Pole.

Applicant: Shell Kelly

Submitted Documents/Plans

Covering Letter from Cornerstone;
General Background Information for Telecommunications Development – Cornerstone;
ICNIRP Compliance Declaration Letter - Cornerstone;
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 Site Elevation; and
Drawing No. 301 Rev A – Proposed Site Elevation.

Relevant Planning History

Reference	Description	Decision	Decision Date
20220621	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 for a proposed 15.0m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works	Telecomm – Prior Approval Not Required	29.07.2022
20150193	Application for determination pursuant to Part 24 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (now superseded by Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015) as to whether prior approval is required for a replacement shrouded streetworks pole 12.5m in height, replacement of the 3no. antennas and retention of 1no. existing cabinet with the siting of 1no. new equipment cabinet.	Telecomm – Prior Approval Not Required	16.04.2015

Proposed Development

This is a 28day notice application for:

- The upgrade to existing 15.0m High Hutchinson Engineering Elara Dual Stack Pole.

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

Development not permitted: ground-based apparatus

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
A.(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.1 (1)(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/A - The proposed development is for replacement pole only
A.1 (1)(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 - The proposed development is for replacement pole only
A.1 (1)(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	N – 20m

A.1 (1)(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;	N – 20m without antenna. 20.68m with antenna
A.1 (1)(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

Development not permitted: apparatus on masts

Section of Legislation	Requirement	Has the requirement been met? (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.	Y

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

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
A.1 (4)	Development consisting of the installation, alteration or replacement of an antenna, a mast or any other apparatus which includes or is intended for the support of an antenna, or the replacement of an antenna or such apparatus by an antenna or apparatus which differs from that which is being replaced, is not permitted by Class A(a)—	(See assessment below)
A.1 (4)(a)	on any article 2(3) land unless— (i)the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; (ii)the antenna or apparatus comprises or is	N/A – Not Article 2(3) Land

	part of a small cell system and is on a building which is not a dwellinghouse or within the curtilage of a dwellinghouse; (iii)the antenna is a small antenna and the development is within the limitations specified in paragraph A.1(5) or (6); or (iv)where the antenna or apparatus is not a small cell system or a small antenna, the development is within the limitations specified in paragraphs A.1(1)(c)(ii), A.1(1)(d)(ii) or A.1(2)(f);	
A.1 (4)(b)	on any land which is, or is within, a site of special scientific interest unless— (i)the development (excluding the installation, alteration or replacement of a mast) is carried out in an emergency and is within any limitations specified in paragraph A.1 for development of the same type on unprotected land; or (ii)the development is within the limitations specified in paragraph A.1(5).	N/A – Not on SSSI Land

Development no permitted: ground or base area

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

Development not permitted: radio equipment housing

Section of Legislation	Requirement	Has the requirement been met? (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 below Assessment)
A.1 (9)(a)	the development is not ancillary to the use of any other electronic communications apparatus;	Y
A.1 (9)(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	Y

	30 cubic metres; or	
A.1 (9)(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.	Y

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 upgrade to the existing 15.0m High Hutchinson Engineering Elara Dual Stack Pole and ancillary works would have a minimal effect on the external appearance of the existing mast and surrounding enclosure as it would appear similar to the existing situation externally.

Conclusion & Recommendation

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).

(For detailed conditions / reasons for refusal and informatives, see draft Decision)

Case Officer:	Ms Amanda Cue	Team Leader:	Richard Hart
Signed:	<i>A Cue</i>	Signed:	<i>R Hart</i>
Dated:	20th December 2023	Dated:	20th December 2023