



Delegated Report

Telecommunication Works Application

Planning Application No: 20231102

Location: Rochester Rd SW Corner Of Forge Lane Rochester Road Gravesend

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to remove the existing 17.50m High Dual Stack Elara Streetpole c/w 6No. Antennas replaced with proposed 20.0m High Hutchinson Engineering unshrouded Apollo A12RV2 Pole c/w 6No.

Applicant: Shell Kelly, Cornerstone

Site Visit Date: Desktop

Submitted Documents/Plans

Cover letter

General Background Information for Telecommunications Development by Cornerstone

Declaration of Conformity with ICNIRP cover letter

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)

Drawing no. 301 rev A (proposed site elevation)

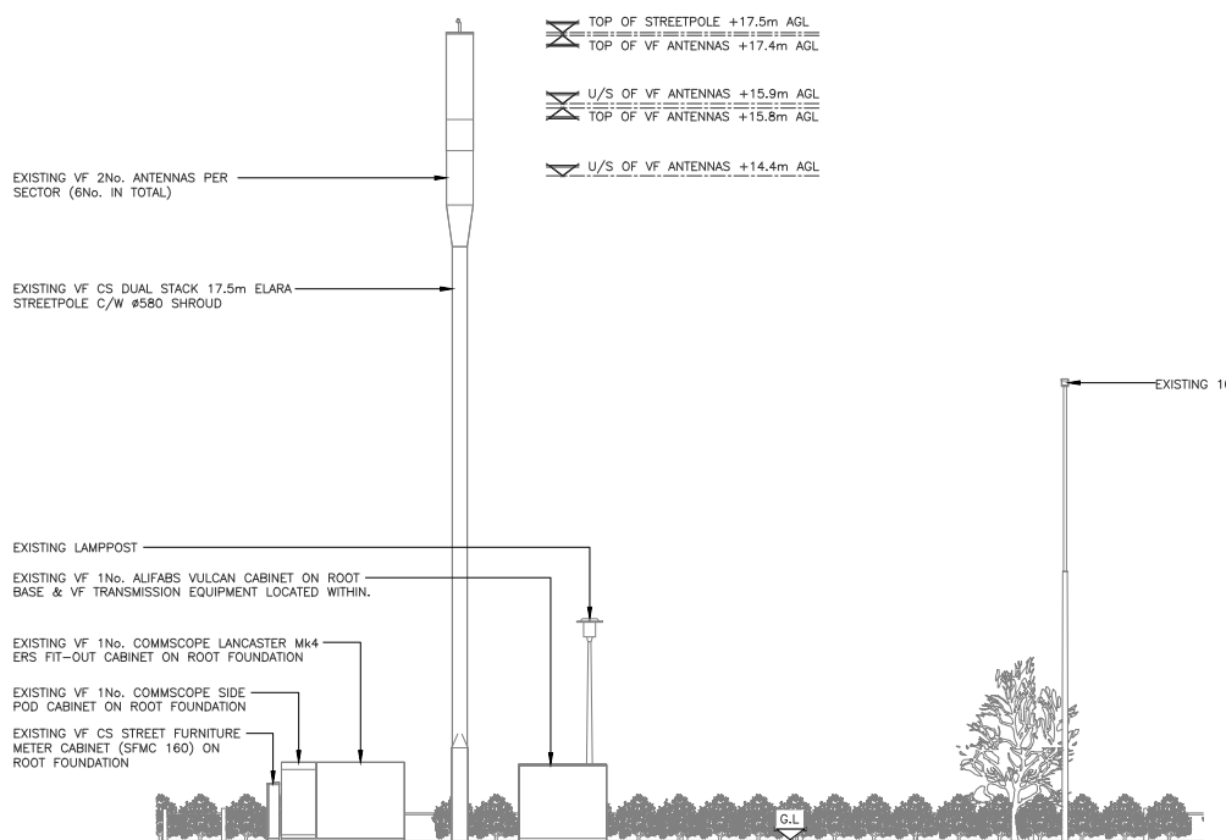
Relevant Planning History

20150194	Application for determination pursuant to Part 16 Class A of the Town and Country Planning (General Permitted Development) Order 2015 as to whether prior approval is required for replacement 12.5m in height Hutchinson Engineering S-Range Column, 3no. antennas and installation of 1no. cabinet..	Prior approval not required	23.04.2015
20050089	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 the erection of a 10 metre mobile phone monopole and ancillary equipment.	Prior approval not required	22.03.2005

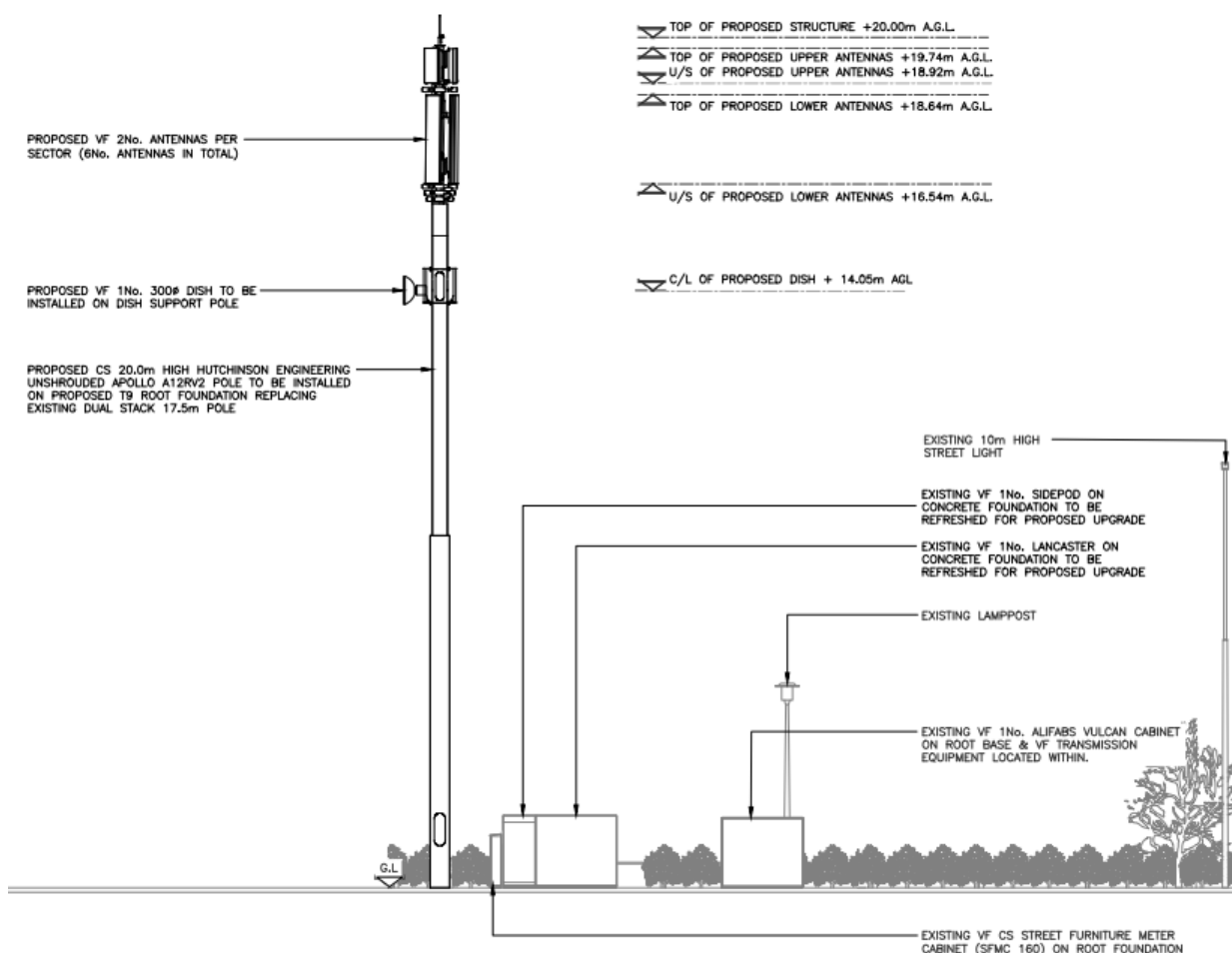
Proposed Development

The proposal is for an upgrade to the existing 1.5m high Dual Stack Elara Streetpole. The existing 17.50m high Dual Stack Elara Streetpole c/w 6no. antennas to be removed and replaced with proposed 20.0m high Hutchinson Engineering unshrouded Apollo A12RV2 Pole c/w 6no. antennas on proposed T9 root foundation. Proposed 1no. GPS Module, 1no. c300 Dish to be installed and associated ancillary works. Existing 1no. cabinet c/w sidepod both, to be refreshed internally. The pole is to be moved further to the northwest and the cabinets remain in the same position.

Existing:



Proposed:



This is a one calendar months' notice, in writing, to the planning authority of the intention to install electronic communications apparatus/development ancillary to radio equipment housing on behalf of Cornerstone.

This is a notification of Cornerstone's intention to utilise their permitted development rights as defined in Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to upgrade the 17.50m High Dual Stack Elara Streetpole at Rochester Road SW Corner of Forge Lane, Rochester Road. It does not constitute an application for prior approval or an application for planning permission.

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

The applicants state that their proposal constitutes permitted development under Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and have given 28 days formal notification of their intention to utilise these permitted development rights.

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.

Development not permitted

Development not permitted: ground-based apparatus

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—

(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;	<i>The application is for a mast</i>
(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;	<i>The application is for a mast. The replacement apparatus in the cabinets will not exceed 15m above ground level</i>
(c) in the case of the installation of a mast, the mast, excluding any antenna, would exceed a	<i>The mast will be less than 25m above ground level</i>

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;	
(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	<i>The mast will be less than 25m above ground level</i>
(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.	<i>The site is not within a site of special scientific interest</i>

A.1. (2) Development not permitted: building-based apparatus other than small antenna and small cell systems

N/A as the apparatus is not building-based apparatus

A.1. (3) Development not permitted: apparatus on masts

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/A the mast does not exceed these height limits and is not attached to a building.

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 or land which is a site of special scientific interest.

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 antenna are not on a building.

A.1. (7) Development not permitted: ground or base area

Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than—

(a) a mast;

(b) an antenna;

(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 as the ground area/base of the structure will not exceed 1.5sqm.

A.1. (8-10) are also not applicable

Conclusion and Recommendation

The plans show the installation of a mast approx. 20m high to replace an existing mast

It would appear from the plans that the proposal accords with the requirements of Class A of Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Prior approval is only required in the case of:

- Development in an article 2(3) area
- SSSI
- Unprotected land with various caveats (none applicable to this application)
- On a highway where development consists of certain criteria (none applicable to this application)
- A replacement mast on a defence safeguarding area

The proposed development would not trigger the need for a prior approval assessment under paragraph A.2 (conditions).

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:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	14th November 2023	Dated:	14th November 2023