



Delegated Report

Telecommunication Works Application

Planning Application No: 20240005

Location: Communication Station Vodafone Ltd Clarence Row Gravesend Kent

Description: The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of the removal and replacement of 3no. existing antennas with 3no. new antennas alongside ancillary works to the rooftop base.

Applicant: Callum McKenna

Submitted Documents/Plans

Reg 5 Consultation Letter
ICNIRP Declaration Letter
General Background Information
100A – Site Location Maps
200A – Site Layout Existing
201A – Site Layout Proposed
300A – West Elevation Existing
301A – West Elevation Proposed
Email confirming Antenna Type

Relevant Planning History

Reference	Description	Decision	Decision Date
20230579	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to upgrade the relocation of 3no. antennas. installation of 3no. antennas and associated ancillary equipment and development thereto.	No Objection	07.06.2023
20230507	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to upgrade the relocation of 3no. antennas. installation of 3no. antennas and associated ancillary equipment and development thereto.	No Objection	31.05.2023
19980484	Application for prior approval for the removal of the small cabinet and 2 no. omni antennae and erection of replacement equipment cabin and 3 no. cross-polar antennae.	Permitted	04.09.1998
19980483	Notice under Section 7 of the Telecommunications Act 1984 for the removal of small cabinet and 2 no. omni antennae and erection of replacement equipment cabin and 3 no. cross-polar antennae.	Prior Approval Not Required	04.09.1998

Site Description

The communications station at Clarence Row is situated on roof of the flat block, which is located at the eastern end of Clarence Row.



Proposed Development

This is a 28day notice application for:

- Removal of 3no. existing antennas
- Installation of replacement 3no. antennas

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 communications code operators

Class A provides legislation which covers the following types of development within the electronic communication type:

A.1 (1) Ground Based apparatus

A.1 (2) Building-based apparatus other than small antenna and small cell systems

A.1 (3) Apparatus on Masts

A.1 (4) Antennas and supporting structures installed, replaced or altered on article 2(3) land or land which is a site of special scientific interest

A.1 (5) Electronic communications apparatus installed, replaced or altered on a dwellinghouse

A.1 (6) Small antennas installed, replaced or altered on a building which is not a dwellinghouse

A.1 (7) Ground or Base Area

A.1 (8) Driver Information Systems

A.1 (9) Radio Equipment Housing

A.1 (10) Public Call Box

This application does not form part of an area covered by article 2(3) land or an area of special scientific interest. The section of legislation which would most appropriately cover this proposal would be A.1 (2) Building-based apparatus other than small antenna and small cell systems. No other sections would be relevant to the proposal.

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;	(i) N/A (i) Height of Antenna by itself would be 5.5m.
(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;	(i) N/A (ii) Height of Antenna by itself would be 5.5m. (iii) N/A
(c)	in the case of the installation, alteration or replacement of a mast on a building which is—	N/A No mast to be installed, altered

	(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);	or replaced.
(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 (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;	N/A The building is 24m high
(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	(i) Not a dish antenna (ii) 3 antenna systems (iii) Not a Listed Building or scheduled Ancient 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.	N/A Not on Article 2(3) Land.
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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 works proposed which would replace 3no antennas, would with no positional or dimensional changes, would have no significant effect on the external appearance of the surrounding area. It is therefore determined that the siting and appearance of the development would be acceptable and planning permission would not be required for the development.

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 Lisa Williams	Team Leader:	Miss Faye Hobbs
Signed:		Signed:	
Dated:	15th January 2024	Dated:	16 January 2024