

Delegated Report

Telecommunication Works Application

Planning Application No: 20230265

Location: Kimberly Clark Ltd Water Tower Northfleet Mill Crete Hall Road

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to- Remove and replace the existing 3no. VF antenna with new 3no. antenna. TEF antenna to remain in place. The addition of 9no. RRU's to be installed behind the glass fascia and internal refresh upgrade of cabin at ground floor level.

Applicant: Sasha Craddock, Cornerstone

Site Visit Date: Desktop Assessment

Submitted Documents/Plans

100 A – Site Location Maps
101 A – Lease Drawing
200 A – Existing Site Plan
201 A – Proposed Site Plan
300 A – Existing Site Elevation
301 A – Proposed Site Elevation
General Background Information for Telecommunications Development
Notification Letter
Declaration of Conformity with ICNIRP Public Exposure Guidelines and attached letter
Consultation Plan
Consultation Letter

Relevant Planning History

No Relevant Planning History

Proposed Development

This is a 28day notice application for the provision of Remove and replace the existing 3no. VF antenna with new 3no. antenna. TEF antenna to remain in place. The addition of 9no. RRU's (Remote Radio Unit) to be installed behind the glass fascia and internal refresh upgrade of cabin at ground floor level.

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:

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 is not permitted by Class A(a) if—	(See assessment below)
2(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 (Separate requirement for antenna's under 2(d) and 2(e))
2(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 (Not higher than the building)
2(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 (Not on article 2(3) land)
2(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	Y (Criteria not applicable)

	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;	
2(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 (See below) (i) – Not a dish antenna (ii) – Greater than 30m in height (iii) – Not a Listed Building of Scheduled Monument
2(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	Y (Not on article 2(3) land – Criteria not applicable)

	metres, or the number of such antennas which have been installed on the building since 21st August 2013 would exceed 3.	
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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 the replacement of the 3 antennas and the 9 internal RRU's would have a minimal effect on the external appearance of the building 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).

The recommendation is to approve these works as prior approval is not required.

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

Case Officer:	Ms Lisa Williams	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	29th March 2023	Dated:	29th March 2023