



# Delegated Report

## Telecommunication Works Planning Application

**Planning Application No:** 20230829

**Location:** Outside 20 Dashwood Road Northfleet Gravesend

**Description:** The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to install 1x 9m wooden pole (7.2m above ground).

**Applicant:** Lilly Cunningham, Openreach

**Site Visit Date:** Desktop Assessment

### Site Description

The application site is located within the urban area of Gravesend, Outside 20 Dashwood Road, Gravesend.



### Relevant Planning History

None.

### Submitted Documents/Plans

Covering Letter from Openreach;  
Site Location Plan;  
Block Plan;  
Site Photos; and  
Site Notice.

### Proposed Development

This is a 28 day notice application “*of intention to install 1x 9m wooden (7.2m above ground)*” at grass verge side of No. 20 Dashwood Road.

### **Relevant Legislation**

Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 16.

### **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: ground-based apparatus**

| <b>Section of Legislation</b> | <b>Requirement</b>                                                                                                                                                                                                                                                                                                         | <b>(Y/N)</b>           |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 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—                                                                                                                                                 | (see assessment below) |
| (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                      |
| (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                      |
| (c)                           | in the case of the installation of a mast, the mast,                                                                                                                                                                                                                                                                       |                        |

|     |                                                                                                                                                                                                                                                                                                                                                                                    |     |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
|     | <p>excluding any antenna, would exceed a height of—</p> <p>(i) 30 metres above ground level on unprotected land; or</p> <p>(ii) <del>25 metres above ground level on article 2(3) land</del><br/>or land which is on a highway;</p>                                                                                                                                                | N   |
| (d) | <p>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—</p> <p>(i) 30 metres above ground level on unprotected land; or</p> <p>(ii) 25 metres above ground level on article 2(3) land or land which is on a highway; or</p> | N/A |
| (e) | <p>in the case of the alteration or replacement of a mast—</p> <p>(i) the mast is on any land which is, or is within, a site of special scientific interest; and</p> <p>(ii) the mast would, when altered or replaced, exceed the original width of the mast by more than one third.</p>                                                                                           | N/A |

**Development not permitted: apparatus on masts**

| Section of Legislation | Requirement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | (Y/N) |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| A.1 (3)                | <p>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.</p> | N     |

### Development not permitted: radio equipment housing

| Section of Legislation | Requirement                                                                                                                                                                                 | (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 assessment below) |
| (a)                    | the development is not ancillary to the use of any other electronic communications apparatus;                                                                                               | N                      |
| (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 30 cubic metres; or | N                      |
| (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.     | N/A<br>not on SSI land |

### Assessment

The site is located outside No. 20 Dashwood Road. The proposal would involve the erection of a fixed line broadband electronic communications apparatus outside 20 Dashwood Road, Gravesend under The Electronic Communications Code (Conditions and restrictions) (Amendment) Regulations 2017 and under Regulation 5, the intention to install 1 pole at the above location.

The area is primarily residential in character and the proposal would be located at ground level and therefore visible from the streetscene. Considering the modest size and scale of the proposed development, it is considered that the development would have an acceptable visual impact on the surrounding area.

### Conclusion

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).

|                      |                              |                     |                                    |
|----------------------|------------------------------|---------------------|------------------------------------|
| <b>Case Officer:</b> | Mrs Amanda Grout             | <b>Team Leader:</b> | <b>Richard Hart</b>                |
| <b>Signed:</b>       | <i>A Grout</i>               | <b>Signed:</b>      | <i>R Hart</i>                      |
| <b>Dated:</b>        | 21 <sup>st</sup> August 2023 | <b>Dated:</b>       | <b>22<sup>nd</sup> August 2023</b> |