



Delegated Report

Telecommunication Works Application

Application No: 20231234

Location: Whitehill Parade, Green Land Adjacent To Whitehill Parade, Whitehill Parade, Gravesend, Kent, DA12 5LS

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to upgrade to the existing 12.5m High Hutchinson Engineering Single Stack Elara Pole. The existing 12.5m High Hutchinson Engineering Single Stack Elara Pole c/w 3No. Antennas and 1No. Cabinet is to be removed and replaced with proposed 15.0m High Hutchinson Engineering unshrouded Apollo Pole c/w 6No. Antennas and 2No. Cabinets. It is proposed to install 1No. GPS Module, 1No. 300 Dish and associated ancillary works.

Applicant: Shell Kelly

Site Descriptions

The application site is on an area of open space on Whitehill Parade, located within the wider urban area of Gravesend.



Relevant Planning History

Reference	Description	Decision	Decision Date
20140924	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 siting and design of a 12.5m high street pole antenna, equipment cabinet and	APPROVAL OF TELECOMMS	20.11.2014

	ancillary development.		
20100557	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 replacement of existing 10 metre high telegraph pole with a 12.5 metre high dual user telegraph pole, along with the addition of 1 no. equipment cabinet.	APPROVAL OF TELECOMMS	04.08.2010
20050853	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 8 metre high 'wooden telegraph pole' mobile phone mast with three antennae, radio equipment housing and ancillary development.	CERTIFICATE REFUSED	18.11.2005

Submitted Documents/Plans

- Notification Letter from Cornerstone Telecommunications (dated - 30 November 2023);
- ICNIRP Declaration Letter (dated - 30 November 2023);
- Supplementary Information - General Background Information for Telecommunications Development
- 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

Proposed Development

This is a 28day notice application for the replacement of the existing 12.5m monopole and cabinet, with a 15.0m monopole with 6 antennas and 2 cabinets, as well as 1 GPS Module, 1 300 Dish and associated ancillary works.

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 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

Section of Legislation	Requirement	(Y/N)
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 (1.7m)
(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, 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;	This is a replacement mast – therefore A.1 (1) (c) is not relevant.

(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	N (15m)
(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.	Y (50%) Existing 300mm / Proposed 450mm

Development not permitted: apparatus on masts

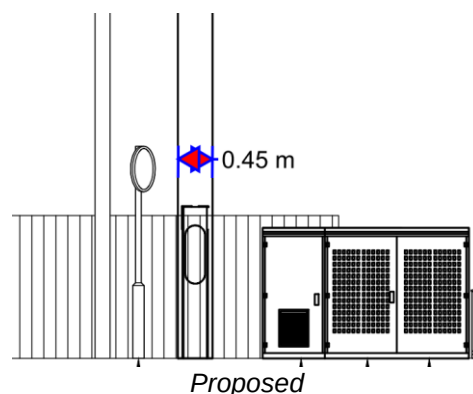
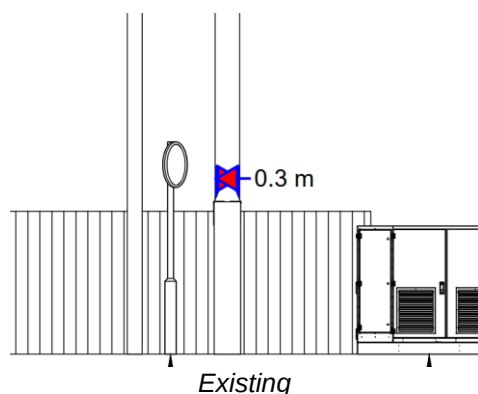
Section of Legislation	Requirement	(Y/N)
A.1 (3)	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) 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.	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 not on SSI land

Assessment

The proposed development fails to comply with A.1 (1) (e) (ii) of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), due to the width of the mast exceeding the existing mast by over one third. As demonstrated in the screenshots below the width of the proposed mast is 150mm wider than the existing, which represents a 50% increase.



Conclusion

The proposed development would fail A.1 (1) (e) (ii) of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) due to the width of the mast exceeding the existing mast by over one third.

Case Officer:	Mr Ethan Bonthron	Team Leader:	Richard Hart
Signed:	<i>Ethan Bonthron</i>	Signed:	<i>R Hart</i>
Dated:	18 th December 2023	Dated:	19 th December 2023