



Delegated Report

Telecommunication Notification

Planning Application No: 20240735

Location: Communication Station Gravesend Road Higham Rochester

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention for the replacement of 1 no. cabinet.

Applicant: Natalia Satterthwaite, Waldon Telecom Ltd.

Submitted Documents/Plans

Regulation 5 Letter
002 Site Location Plan
100 Existing Site Plan
150 Proposed Site Plan
200 Existing Site Elevation A
250 Proposed Site Elevation A
Email received from applicant confirming cabinet will be painted (RAL7002)

Relevant Planning History

Reference	Description	Decision	Decision Date
20230877	The Electronic Communications Code (Conditions and restrictions) Regulations 2003 (as amended) - Regulation 5 Notice of Intention to remove the existing 17.5m monopole to be replaced with a new 20m monopole supporting 4no. antennas, 2no. 300mm dishes, 1no. cabinet, internal cabinet works and ancillary equipment/works thereto.	No objection	04.09.2023
20160571	The replacement of 1no. redundant 15.0m monopole with 1no. new 17.5m monopole with 2no. antennas and the replacement of 2no. H3G equipment cabinets with 2no. new equipment cabinets and ancillary development thereto on highways maintained grass verge.	Permitted	17.08.2016
20040713	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 15 metre high slimline mobile phone telecommunication monopole with ancillary development.	Prior Approval Not Required	08.09.2004

Development Plan

Proposed Development

This is a 28day notice application to:

- Replace 1 cabinet

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

The GPDO at Schedule 2, Part 16 provides the following definitions:

“development ancillary to radio equipment housing” means the construction installation, alteration or replacement of structures, equipment or means of access which are ancillary to and reasonably required for the purposes of the radio equipment housing, and except on any land which is, or is within, a site of special scientific interest includes—

- (a) security equipment;
- (b) perimeter walls and fences; and
- (c) handrails, steps and ramps;

“permitted compound” means a compound which—

- (a) is no more than 100 square metres in area; and
- (b) has a closed perimeter;

Whether prior approval is required for the works would be assessed under the legislation within The Town details the requirements for Communications. Class and Country Planning (General Permitted Development) (England) Order 2015. Part 16, Schedule 2 of this

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 is not covered by article 2(3) land. The sections of legislation which would most appropriately cover this proposal would be A.1 (1) Ground Based apparatus, A.1(7) Ground or Base Area, and A.1 (9) Radio Equipment Housing. No other sections would be relevant to the proposal.

A.1 (1) Ground Based apparatus

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
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
1(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;	Y
1(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;	Y
1(c)	in the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of— (i) 30metres 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;	N/A
1(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/A
1(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.	N/A

A.1(7) Ground or Base Area

Section of	Requirement	Has the requirement been met?
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Legislation		(Y/N)
7	Development consisting of the installation, alteration or replacement of any electronic communications apparatus other than— (a)a mast; (b)an antenna; (c). (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.	Y – Radio Equipment Housing

A.1 (9) Radio Equipment Housing

Section of Legislation	Requirement	Has the requirement been met? (Y/N)
9	Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if—	See assessment below.
9(a)	the development is not ancillary to the use of any other electronic communications apparatus;	Y
9(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	Y 1.1 cubic meters
9(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
9(A)	Sub-paragraph (9)(b) and (c) does not apply where the development is carried out within a permitted compound (and accordingly the development described in that sub-paragraph is permitted by Class A(a))	N/A

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 replacement cabinet at the proposed scale and in this particular location, would have a minimal effect on the external appearance of the area as there is an existing character of telecommunication apparatus and poles in this urban area. However, the cabinet which it would replace uses a light grey colour which does not reflect the backdrop of greenery behind. Following discussions with the applicant, the colour of the cabinet was amended to an Olive Grey Colour identified as RAL7002 which would be more neutral given the backdrop as per the replacement pole under planning reference 20230877. It is therefore determined that the siting and appearance of the development would be acceptable and prior approval 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The recommendation is No Objection.

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

Case Officer:	Mrs Lisa Fisher	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	30th August 2024	Dated:	2nd September 2024