Delegated Report

Telecommunication Works

Planning Application No: 20251048

Location: 10 Irvine Road Higham Rochester Kent

Description: The Electronic Communications Code (Conditions and restrictions) Regulations 2017 (as amended) - Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.

Applicant: Openreach

Submitted Documents/Plans

Consultation Letter
Location Plan

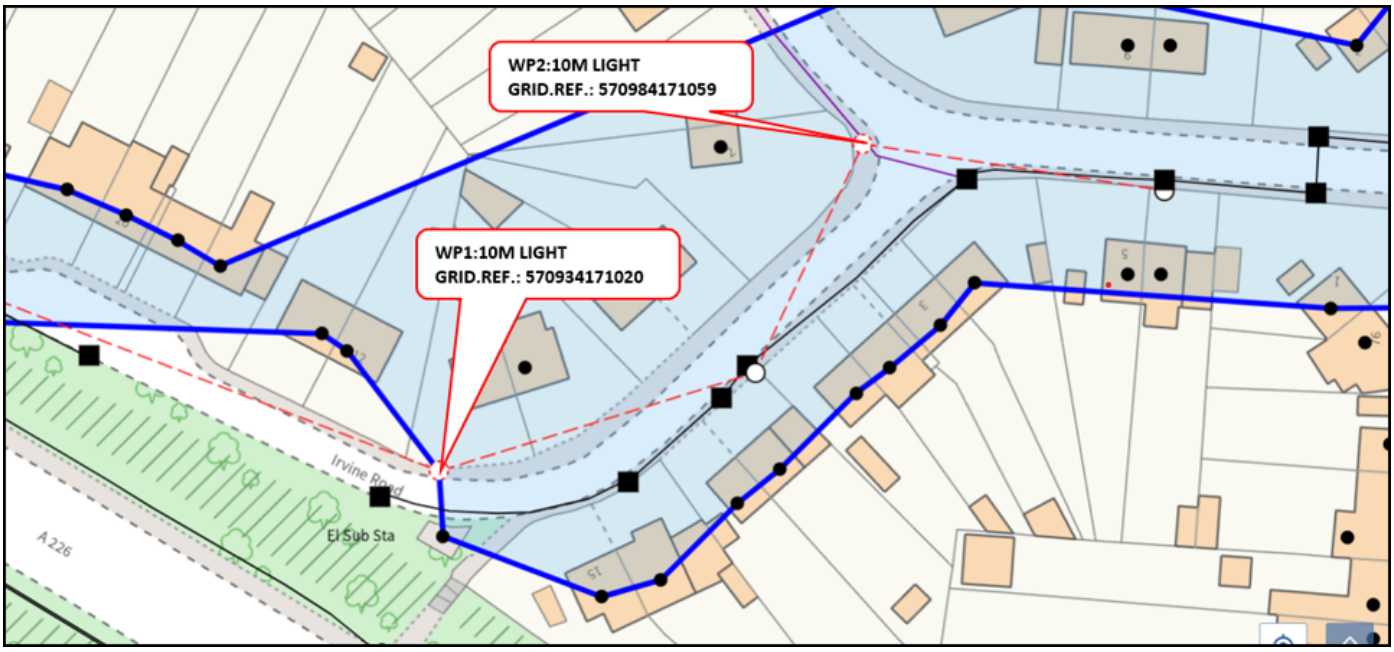
Relevant Planning History

No relevant planning history

<u>Proposed Development</u>

This application proposes to;

Erect 1no. 10m high wooden pole.



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.*

Class A – electronic communications code operators

Part 16, Class A of the GPDO, 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(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 10m high.
(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/A
(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;	N/A
(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
(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

<u>Assessment</u>

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 addition the wooden pole would not result in a significant detrimental impact relating to siting and appearance of the development. The poles are well spaced, reasonable in height, and wooden in material. Whilst there are other poles in the area, there is not an over-accumulation of wooden poles in the area. It is noted that there is a small substation opposite the proposed pole outside 10 Irvine Road. However, the additional poles would not result in significant harm to the overall appearance of the area.

It should be noted that there is a concern that the wooden pole may disrupt access to no. 10 Irvine Road – this should be avoided;

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 subject to existing access to 10 Irvine Road not being disrupted.

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

Case Officer:	Mrs Lisa Fisher	**Team Leader:**	Mrs Faye Walsh
Signed:		**Signed:**	
Dated:	15th October 2025	**Dated:**	16 October 2025