

Environment Directorate / Development Management

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Miss Mandy Poon
Avison Young
3rd & 4th Floor Norfolk House
7 Norfolk Street
Manchester
M2 1DW

Letter Printed 30 September
2020

FOR DECISION DATED
30 September 2020

Dear Sir/Madam

The Town and Country Planning Act 1990, (as amended)
The Town And Country Planning (General Permitted Development) (England)
Order 2015 (as Amended)
The Town and Country Planning (Development Management Procedure)
(England) Order 2015

Application: 20/2222/TEL
Your ref: RESUB 78221 Amyand Park Rd SW...
Our ref: DC/JSI/20/2222/TEL
Applicant: Everything Everywhere Limited
Agent: Miss Mandy Poon

Telecoms Site Opposite 148 Amyand Park Road Twickenham

for

Installation of a telecommunications base station

I refer to your letter and attached drawings.

This Council does consider that it is necessary for it to consider the siting and appearance of the proposed installation and having done so refuses permission. See the attached schedule for the reasons and informatives for this decision.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R. Angus', with a long horizontal flourish extending to the right.

Robert Angus
Head of Development Management

SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 20/2222/TEL

APPLICANT NAME

Everything Everywhere Limited
Trident Place
Mosquito Way
Hatfield
AL10 9BW
Hertfordshire

AGENT NAME

Miss Mandy Poon
3rd & 4th Floor Norfolk House
7 Norfolk Street
Manchester
M2 1DW

SITE

Telecoms Site Opposite 148 Amyand Park Road Twickenham

PROPOSAL

Installation of a telecommunications base station

The reason(s) and/or informatives(s) applicable to this application are as follows:

SUMMARY OF REASONS AND INFORMATIVES

REASONS

U0088384	Reason for refusal - Design/siting
U0088385	Reason for refusal - Siting/highways

INFORMATIVES

U0046009	Decision drawings
U0046012	NPPF Refusal paras 38-42
U0046011	Private Streetworks Excavation
U0046010	Network Rail

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0088384 Reason for refusal - Design/siting

By virtue of the proposal's excessive height and inappropriate design and siting, the development would appear unduly prominent, overbearing, unneighbourly and incongruous, causing unacceptable harm to the visual amenities of the streetscene and the setting of the Amyand Park Road Conservation Area. As such, the application fails to comply with outcomes sought in Para. 113 of the NPPF (2019), policies LP1, LP4 and LP33 of the Local Plan (2018), St Margaret's Village Planning Guidance (June 2017), the Telecommunications Equipment Supplementary Planning Document (June 2006) and the Amyand Park Road Conservation Area Statement.

U0088385 Reason for refusal - Siting/highways

By virtue of the proposal's close proximity to a busy railway footbridge in a heavily used and narrow pavement, the application's unacceptable siting would unduly compromise the safety of members of public, in particular, local school children and those with impaired mobility. As such, the application fails to comply with outcomes sought in policies LP33 and LP44 of the Local Plan (2018) and the Telecommunications Equipment SPD (June 2006).

DETAILED INFORMATIVES

U0046009 Decision drawings

For the avoidance of doubt, the drawing nos. to which this decision relates are as follows: 78221 A4 Proposed Site Elevation, 78221 A4 Proposed Site Layout, 78221 AW Site Location received 10/08/2020.

U0046012 NPPF Refusal paras 38-42

In accordance with paragraphs 38-42 of the National Planning Policy Framework, Richmond upon Thames Borough Council takes a positive and proactive approach to the delivery of sustainable development, by:

- o Providing a formal pre-application service
- o Providing written policies and guidance, all of which is available to view on the Council's website
- o Where appropriate, negotiating amendments to secure a positive decision
- o Determining applications in a timely manner.

In this instance:

- o The applicants sought formal pre-application advice, however, this was not followed and the scheme remained contrary to policy and guidance, and therefore refused without delay.

U0046011 Private Streetworks Excavation

Were the application acceptable, the applicant's attention is drawn to the requirement to obtain a Private Streetworks (excavation) Licence under S50 of the New Roads and Streetworks Act 1991.

U0046010 Network Rail

Were the application considered acceptable, the applicant's attention is drawn to the requirement to contact Network Rail's Asset Protection and Optimisation (ASPRO) team via AssetProtectionWessex@networkrail.co.uk prior to works commencing, to ensure the works can be carried out safely and not pose a risk to Network Rail's Infrastructure. Were the application acceptable from a planning perspective, the applicant may have

been required to enter into an Asset Protection Agreement to obtain the required resource and expertise on-board to enable approval of detailed works. More information can also be obtained from Network Rail's website <https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/asset-protection-and-optimisation>. The applicant would also be required to follow the relevant Asset Protection Guidance (compliance with the guidance does not remove the need to contact ASPRO).

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
20/2222/TEL

TEL Applications

Making an Appeal – Summary Guidance

Whether to appeal

If the Local Planning Authority (LPA) turn down your application, you should look carefully at the reasons why they turned it down before you make an appeal. You should speak to the LPA to see if you can sort out the problem - perhaps by changing your proposal. An appeal should only ever be a last resort.

Type of appeal:

Planning Application

Appeal time:

Within six months of the date of the council's decision letter.

Who can appeal?

The applicant or their agent may lodge an appeal.

The right of appeal:

You can appeal against the council's decision:

- If you applied to the Local Planning Authority and they:
 - Refused permission;
 - Gave permission but with conditions you think are inappropriate;
 - Haven't approved the details of a scheme which they or the Secretary of State have already given outline planning permission for or;
 - Have approved the details of a scheme but with conditions you think are inappropriate or unreasonable.
- If the LPA rejected a proposal arising from a condition or limitation on a planning permission.
- If the LPA don't decide your application within the time allowed. Normally the time allowed is eight weeks from when they accept your application.
- If the LPA told you they needed more information before they could decide your outline planning application, but you do not want to supply this.

You will make your appeal to the Department for Communities and Local Government of which the Planning Inspectorate is a part. Most are decided by specialist officers in the Planning Inspectorate. Only the person or business applying for consent to display an advertisement may appeal. If the council issues a discontinuance notice, only those on whom the notice is served may appeal.

The appeal process:

Appeals must be made

- Online at www.planninginspectorate.gov.uk, or
- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

It will be expected that all appeal documentation will be submitted electronically.

The process is fully documented on the website of the Planning Inspectorate www.planninginspectorate.gov.uk, however in summary there are three main types of appeal:

Written procedure:

Written evidence is considered from the applicant/agent/business and the council. The council will send copies of any letters of objection or support they received when considering your application. Within six weeks of the Inspectorate receiving your appeal forms the council will send a copy of their statement to the Inspectorate. You must make any comment on these within three weeks.

Hearing procedure:

Hearings allow you and the council to exchange views and discuss your appeal. Before the hearing the council will send a copy of their statement to you and the Inspectorate. You can comment on their statement in writing otherwise the Inspectorate will treat the reasons given in your appeal form as the basis of your case for discussion.

Hearings are usually held in council offices. The Inspector leads the discussion and invites the people involved to put their points across. The Inspector will visit the site unaccompanied before the hearing and will make a further accompanied visit as part of the hearing.

Inquiry procedure:

Inquiries are normally for large-scale applications. A public inquiry is a formal procedure in which both parties have legal representation.

Making your views known on someone else's appeal:

The LPA will notify anyone who took part in the consultations when you first applied for permission that you are appealing. For appeals decided by hearing or inquiry the LPA will tell interested people when and where this will be and let them know that they can attend. The Inspectorate will also take account of the views of certain groups who have a right to comment, for example, owners of a site, local amenity groups and so on.

Costs:

Normally you and the council will pay for your own expenses in an appeal. You can only claim costs when you can show that the council have behaved in an unreasonable way causing unnecessary expense.

Who to contact?

The Planning Inspectorate

Website www.planninginspectorate.gov.uk

Email enquiries@pins.gsi.gov.uk

Telephone 0303 444 5000

Write to Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

London Borough of Richmond upon Thames

Website www.richmond.gov.uk/planning

Email planningappeals@richmond.gov.uk

Telephone 020 8891 1411 for advice

Write to The Appeals Officer, Development Control, Civic Centre, 44 York Street, Twickenham TW1 3BZ