

Application reference: 21/1364/TEL FULWELL, HAMPTON HILL WARD

Date application received	Date made valid	Target report date	8 Week date
16.04.2021	16.04.2021	10.06.2021	10.06.2021

Site:

Telecommunications Mast Pavement To Hampton Road Opposite, Gloucester Road, Teddington,

Proposal:

Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Status: Pending Decision (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Hutchison UK Ltd
Star House
20 Grenfell Road
Maidenhead
SL6 1EH

AGENT NAME

Mr Sam Wismayer
Troy Mills, Helena House
Troy Road
Horsforth
Leeds
LS18 5GN

DC Site Notice: printed on 23.04.2021 and posted on 30.04.2021 and due to expire on 21.05.2021

Consultations:**Internal/External:****Consultee**

LBRuT Trees Preservation Officer (North)
LBRUT Transport

Expiry Date

07.05.2021
07.05.2021

Neighbours:

4 Rutland Lodge, Anlaby Road, Teddington, TW11 0PR, - 23.04.2021
17 Elmfield Avenue, Teddington, TW11 8BU, - 23.04.2021
20 Halifax Close, Teddington, TW11 0NW, - 23.04.2021
36 Hampton Road, Teddington, TW11 0JX, - 23.04.2021
3 Gloucester Court, Gloucester Road, Teddington, TW11 0NY, - 23.04.2021
1 Gloucester Court, Gloucester Road, Teddington, TW11 0NY, - 23.04.2021
2 Gloucester Court, Gloucester Road, Teddington, TW11 0NY, - 23.04.2021
34D Hampton Road, Teddington, TW11 0JW - 23.04.2021
Garden Flat, 34 Hampton Road, Teddington, TW11 0JW, - 23.04.2021
Flat B, 34 Hampton Road, Teddington, TW11 0JW, - 23.04.2021
34A Hampton Road, Teddington, TW11 0JW, - 23.04.2021
34 Hampton Road, Teddington, TW11 0JW, -
29 Hampton Road, Teddington, TW11 0LA, - 23.04.2021
National Measurement Office, Stanton Avenue, Teddington, TW11 0JZ, - 23.04.2021
29 Blandford Road, Teddington, TW11 0LF, - 23.04.2021
12A Charles Court, 30 Hampton Road, Teddington, TW11 0JT - 23.04.2021
23 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021
21 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021
19 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021
17 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021
15 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021
11 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021
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5 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021
3 Charles Court, 30 Hampton Road, Teddington, TW11 0JT, - 23.04.2021

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 24 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 22 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 20 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 18 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 16 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 14 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 12 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 10 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 8 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 6 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 4 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 2 Charles Court,30 Hampton Road,Teddington,TW11 0JT, - 23.04.2021
 9 Harold Court,Hampton Road,Teddington,TW11 0JU, - 23.04.2021
 6 Harold Court,Hampton Road,Teddington,TW11 0JU, - 23.04.2021
 4 Harold Court,Hampton Road,Teddington,TW11 0JU, - 23.04.2021
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 5 Harold Court,Hampton Road,Teddington,TW11 0JU, - 23.04.2021
 3 Harold Court,Hampton Road,Teddington,TW11 0JU, - 23.04.2021
 1 Harold Court,Hampton Road,Teddington,TW11 0JU, - 23.04.2021
 21 Halifax Close,Teddington,TW11 0NW, - 23.04.2021
 28 Belvedere Close,Teddington,TW11 0NT, - 23.04.2021
 5 Regina Court,Gloucester Road,Teddington,TW11 0NX, - 23.04.2021
 22 Gloucester Road,Teddington,TW11 0NU, - 23.04.2021
 32 Gloucester Road,Teddington,TW11 0NU, - 23.04.2021
 Flat 1,24 Hampton Road,Teddington,TW11 0JW - 23.04.2021
 FLAT D,34 HAMPTON ROAD,TEDDINGTON,TW11 0JW - 23.04.2021
 24 Gloucester Road,Teddington,TW11 0NU, - 23.04.2021
 23 Gloucester Road,Teddington,TW11 0NS, - 23.04.2021
 2 Elizabeth Court,Hampton Road,Teddington,TW11 0JS, - 23.04.2021
 2 Regina Court,Gloucester Road,Teddington,TW11 0NX, - 23.04.2021
 19 Gloucester Road,Teddington,TW11 0NS, -
 28 Elizabeth Court,Hampton Road,Teddington,TW11 0JS, - 23.04.2021
 3 Kent Drive,Teddington,TW11 0PD, - 23.04.2021
 Blank,Blandford Road,Teddington,TW11 0LF - 23.04.2021
 Charles Court Residents Association,30 Hampton Road,Teddington TW11 0JT - 23.04.2021
 Ms K Jessop,Mono Consultants Ltd,58 Cygnet Court,Timothys Bridge Road,Stratford Upon Avon,CV37 9NW
 - 23.04.2021
 4 Regina Court,Gloucester Road,Teddington,TW11 0NX, - 23.04.2021

History: Development Management, Appeals, Building Control, Enforcements:

<u>Development Management</u>	
Status: AAPR	Application:16/3137/TEL
Date:22/09/2016	13.5m high T Range Column, 4 no. shrouded antennas, 1 equipment cabinet and associated ancillary works
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<u>Development Management</u>	
Status: GTD	Application:19/1014/TEL
Date:17/05/2019	Installation of a monopole radio base station and radio equipment cabinets.
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<u>Development Management</u>	
Status: REF	Application:20/0606/TEL
Date:22/04/2020	The installation of a 15 metre high Apollo streetworks pole with 6 no. Antennas at the top of the structure, together with 3no. Remote Radio Units and 2no. transmission dishes. There will also be 2 no. Radio Cabinets and 1 no. Meter Cabinet located next to the mast together with ancillary development equipment thereto.
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<u>Development Management</u>	
Status: REF	Application:20/1730/TEL
Date:18/08/2020	Proposed telecommunications installation: Proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works
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<u>Development Management</u>	
Status: PDE	Application:21/1364/TEL
Date:	Proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works.
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Enforcement

Opened Date: 03.04.2020 Enforcement Enquiry

Reference: 20/0124/EN/UBW

Enforcement

Opened Date: 16.04.2020 Enforcement Enquiry

Reference: 20/0132/EN/BCN

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file) YES NO

This application has representations on file YES NO

Case Officer (Initials): JSI

Dated: 08/06/2021

I agree the recommendation: CTA

Team Leader/Head of Development Management/Principal Planner

Dated:08/06/2021.....

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

U0051878	Decision drawings
U0051877	NPPF Refusal paras 38-42

Site address: **Telecommunications Mast Pavement to Hampton Road opposite Gloucester Road, Teddington**

Proposal:

The application has been made under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2018 (as amended) ('the GPDO'). The application is to determine whether the Prior Approval of the Local Planning Authority is required as to the siting and appearance of the following: *'Proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works' at pavement to Hampton Road opposite Gloucester Road, Teddington.*

The proposed monopole would be 15m in height, 0.3m in width increasing to 0.6m at the head. Associated cabinetry comprises 2 no. H3G cabinets and 1 no. G-100876 cabinet. The proposed works are identical to those that were refused under application ref. 20/1730/TEL on 18/08/2020.

Site:

The application site relates to the public footway of the north side Hampton Road to the north east of the junction with Blandford Road and south east of the junction with Gloucester Road, Teddington ward. There are no statutorily listed buildings to consider and the site is not in, or adjacent to, a conservation area. However, a number of nearby buildings are locally designated Buildings of Townscape Merit (BTMs), the nearest being Nos. 34, 36 and 38 Hampton Road immediately to the north. Directly south is the National Physical Laboratory (NPL) whose grounds are designated Other Open Land of Townscape Importance (OOLTI). The site also sits in 'Area 15 – Broad Street and Queens Road' of the Hampton Wick and Teddington Village Planning Guidance. There are two Article 4 Directions in place restricting permitted development rights for basement development and conversion of office to residential.

Planning history:

Development Control

- 16/3137/TEL – 13.5m high T Range Column, 4 no. shrouded antennas, 1 equipment cabinet and associated ancillary works. – Prior approval granted at Planning Committee 21/09/2016
- 19/1014/TEL – Installation of a monopole radio base station and radio equipment cabinets. – Prior approval granted under delegated powers 17/05/2019
- 20/0606/TEL – The installation of a 15 metre high Apollo streetworks pole with 6 no. Antennas at the top of the structure, together with 3no. Remote Radio Units and 2no. transmission dishes. There will also be 2 no. Radio Cabinets and 1 no. Meter Cabinet located next to the mast together with ancillary development equipment thereto. – Refused 22/04/2020

Reason(s) for refusal:

1. Design and Siting – By reason of the proposal's excessive height, bulk, mass, inappropriate design and siting and insufficient information regarding protection of trees, the application would appear unduly dominant, incongruous, cause visual clutter, resulting in unacceptable harm to the visual amenities of the area, setting of nearby Buildings of Townscape Merit and the openness of the Other Open Land of Townscape Importance. As such, it the application fails to comply with outcomes sought in Policies LP1, LP4, LP14, LP16 and LP33 of the Local Plan (2020), the Council's Buildings of Townscape Merit Supplementary Planning Document and the Hampton Wick and Teddington Village Planning Guidance Supplementary Planning Document (July 2017).

2. Siting and Highways – By virtue of the proposal's unacceptable siting, in the event of an operative sitting to carry out works in this location, the application would create a direct conflict with vulnerable footway users thus causing undue risk to highways safety. As such, the application fails to comply with outcomes sought in Policies LP33 and LP44 of the Local Plan (2020).
 3. NPPF – The application fails to sufficiently demonstrate the need for an additional telecommunications pole and associated equipment in this location, does not demonstrate that adequate consultation has been undertaken, and does not provide evidence that the proposal would not adversely impact on the operations of the National Physical Laboratory. As such, the application fails to comply with outcomes sought in Paras. 113, 114 and 115 (a) in Chapter 10 of the National Planning Policy Framework (2019).
- 20/1730/TEL – Proposed telecommunications installation: Proposed 15m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works. – Refused 18/08/2020

Reason(s) for refusal:

1. Design and siting – By reason of the proposal's excessive height, bulk, mass, inappropriate design and siting and insufficient information regarding protection of trees, the application would appear unduly dominant, incongruous, cause visual clutter, resulting in unacceptable harm to the visual amenities of the area, setting of nearby Buildings of Townscape Merit and the openness of the Other Open Land of Townscape Importance. As such, it the application fails to comply with outcomes sought in Policies LP1, LP4, LP14, LP16 and LP33 of the Local Plan (2020), the Council's Buildings of Townscape Merit Supplementary Planning Document (May 2015) and the Hampton Wick and Teddington Village Planning Guidance Supplementary Planning Document (July 2017).
2. NPPF Chapter 10 – The application fails to sufficiently demonstrate the need for an additional telecommunications pole and associated equipment in this location, does not demonstrate that adequate consultation has been undertaken, and does not provide evidence that the proposal would not adversely impact on the operations of the National Physical Laboratory. As such, the application fails to comply with outcomes sought in Paras. 113, 114 and 115 (a) in Chapter 10 of the National Planning Policy Framework (2019).

Planning and Enforcement

- 20/0124/EN/UBW – Unauthorised building works – Erection of a Telecommunications Mast – Pending consideration

Material representations:

Neighbour consultation

Notification letters were sent to 66 neighbouring properties, a publication was printed in the Richmond and Twickenham Times and a site notice was displayed in the area. Formal neighbour consultation closed 21/05/2021. To date, seven letters of **objection** have been received. Below is a summary of concerns raised, followed by a brief officer response.

Neighbour comment	Officer response

<i>Design and appearance</i>	
Does not overcome previous reasons for refusal regarding height, bulk and dominance.	The impact of the proposal on the character and appearance of the area is considered in the 'Character and Appearance' section of the report.
Will not blend in with existing street furniture as streetlamps are less imposing.	
Overbearing.	
Inappropriate appearance in a residential area.	
Already an existing pole which is unduly dominant. Second pole will distract more in a treelined area.	
Eyesore and far from incongruous [sic]	
Visual clutter	
Don't agree that trees provide screening.	
Don't' agree that additional mast and equipment is a 'minor increase'. Will more than double the street furniture.	
<i>Highways safety</i>	
Further narrow a pavement heavily used by families and children.	The impact of the proposal on highways safety is considered in the 'Highways and Transport' section of the report.
<i>Health concerns</i>	
Research is not definitive on this issue and Public Health England continues to monitor the health-related evidence.	Para. 116 of the National Planning Policy Framework (NPPF) (2019) states: ' <i>Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.</i> ' Para. 113 states that electronic communications structures
Combined health impact of an additional structure.	

	should be kept to a minimum. This is considered in further detail in the assessment of the report.
<i>Alternative site / Need for the development</i>	
If new mast is necessary because the existing is not sufficient, then the existing mast should be removed.	Para. 114 (b) of the NPPF states that applicants must ensure that <i>‘they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services’</i> .
No justification for a second pole.	
Should be seeking to share equipment.	
Applicant has discounted alternative sites on ‘proximity to residential properties’ and ‘insufficient pavement width’ but same applies here.	Para. 116 of the NPPF states: <i>‘Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.’</i> These issues are considered in further detail in the assessment body of the report.
<i>Other matters</i>	
Existing mast and cabinet do not adhere to approved plans	This relates to planning application ref. 19/1014/TEL for which prior approval was granted 17/05/2019 for a monopole radio base station and radio equipment cabinets. This is subject to an ongoing enforcement investigation. Neighbour concerns about already-approved applications not adhering to approved plans is not a material planning consideration in the assessment of this application and the Council has a statutory duty to assess all planning applications on their own individual merits.

Applicant's drawings and photographs do not show the existing mast and equipment.	Officers are aware of the planning history for this site and have taken this into account in the assessment of the application, where appropriate.
Impact on NPL.	Para. 14 (a) of the NPPF states that Councils should ensure that applicants <i>'have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest.'</i> This is considered in the main body of the assessment below.

Internal consultees

- Transport Officer – No objection
- Trees Officer – **objection**

Internal colleagues' comments are incorporated into the main body of the assessment.

Planning policies:

The application has been made under Part 16, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2018 (as amended) ('the GPDO'). The following NPPF and Local Development Plans are also relevant:

National Planning Policy Framework (NPPF) (2019)

- Chapter 10 Supporting High Quality Communications

Local Plan (2020):

- Policy LP1 Local Character and Design Quality
- Policy LP4 Non-Designated Heritage Assets
- Policy LP14 Other Open Land of Townscape Importance
- Policy LP16 Trees, Woodlands and Landscape
- Policy LP33 Telecommunications
- Policy LP44 Sustainable Travel Choices

Supplementary Planning Documents (SPD) / Guidance:

- Buildings of Townscape Merit SPD (May 2015)
- Hampton Wick and Teddington Village Planning Guidance SPD (June 2017)
- Telecommunications Equipment SPD (June 2006)

Professional comments:

The installation of the tele mast and equipment constitutes permitted development provided that the operators comply with the relevant conditions set out within the GPDO, including giving the Local Planning Authority the opportunity to consider the siting and appearance of the apparatus, as procedure commonly referred to as Prior Approval. The Prior Approval procedure means that the principle of development is not an issue.

Guidance within Chapter 10 Paras. 112 to 116 in the NPPF is also relevant.

Para. 112 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

Para. 113 advises that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

Para 114 states that Local Planning Authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development.

The guidance goes on to state that Councils should ensure that applicants:

- a) have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest;
- b) have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.

Para 115 states that applications for electronic communications development (including applications for Prior Approval under the GPDO) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure 34 and a statement that self-certifies that, when operational, International Commission guidelines will be met.

Finally, Para 116 states that Local Planning Authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

Local Plan Policy LP33 'Telecommunications' states that the Council will promote the enhanced connectivity of the borough through supporting infrastructure for high speed

broadband and telecommunications. Applications for telecommunications development will be considered in accordance with national policy and guidance and the following:

1. The applicant will need to submit evidence to demonstrate that all options for sharing of existing equipment, including with other operators, and erecting masts on existing tall buildings or structures, have been fully explored before considering the erection of new structures or facilities;
2. Visual impacts of telecommunications proposal should be minimised, in line with Policy LP1 'Local Character and Design Quality', particularly on rooftops;
3. The applicant has demonstrated that the development will operate within the ICNIRP guidelines for public exposure.

What follows is an assessment of the application against the relevant policies and guidance above.

Para. 113 NPPF – Number of electronic communications equipment

Supplementary information submitted with the application fails to adequately explain why the existing monopole cannot either be shared, upgraded and/or replaced. Further, no justification has been provided as to why, should an additional mast be required, it cannot be placed on top of an existing building. The supplementary information makes reference to the height of the antenna and thus "many street works designs are no longer structurally capable of hosting all the equipment of two operators". This does not explain why an existing structure or building could not host the additional equipment; nor is it considered that sufficient information as to which structures have been discounted in the vicinity for this reason.

Notwithstanding and regardless of the above, it is not considered that the proposed works, which are identical to the previously refused scheme, have been sympathetically designed so as to minimise their visual impact.

The application is therefore considered to fail to comply with Para. 113 of the NPPF.

Para. 114 NPPF – Interference with other equipment and services

The proposal site is located immediately adjacent to the National Physical Laboratory (NPL). The NPL is the UK's National Metrology Institute, a Public Corporation owned by the Department for Business, Energy and Industry Strategy department and a world-leading centre of excellence in developing and applying the most accurate measurements standards and science. Some of this work is dependent on antennae and other electronic and communication equipment. The application makes no mention of this and it has not been demonstrated whether the proposed tele mast would interfere or impact on the NPL equipment. The application is therefore considered to fail to comply with Para. 114 of the NPPF.

Para 115 (a) NPPF – Consultation

The nearest school is Turing House School in Teddington which is situated approx. 300m from the site and is therefore not considered to have a direct or functional relationship with the proposal. However, the applicant has not demonstrated consultation with the NPL, whose work and operations are considered to potentially have a direct and functional relationship with the proposal. The application therefore is considered to fail to comply with Para 15 (a) of the NPPF.

Para 115 (b) and (c) NPPF – International Commissions guidelines compliance

An International Commission on Non-Ionizing Radiation Protection Declaration (ICNIRP) has been submitted as part of the application. However, this is for 'Hampton Road, The Beveree, TW11 0EN' which is located to the north east of the application site, whose

postcode is TW11 0LA. The application is therefore not considered to comply with Para. 115 (a) and (b) of the NPPF.

Character, appearance and design

According to the NPPF, Paras. 193 - 202, great weight should be given to the conservation of designated assets when considering the impact of a proposed development on the significance of a designated heritage asset. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial, total loss or less than substantial harm to its significance. Para. 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

Local Plan Policy LP1 states that new development must be of a high architectural and urban design quality based on sustainable design principles. Development must be inclusive, respect local character including the nature of a particular road, and connect with, and contribute positively to, its surroundings based on a thorough understanding of the site and its context.

Policy LP4 of the Local Plan states that the Council will seek to preserve and, where possible, enhance the significance of BTMs.

Policy LP14 of the Local Plan states that Other Open Land of Townscape Importance (OOLTI) will be protected in open use, and enhanced where possible. It will be recognised that there may be exceptional cases where appropriate development is acceptable. The following criteria will be taken into account when assessing whether development is appropriate:

- a) It must be linked to the functional use of the OOLTI;
- b) It can only be a replacement of, or minor extension to, existing built facilities; and
- c) It does not harm the character or openness of the open land.

When considering developments on sites outside designated open land, any possible visual impacts on the character and openness of the OOLTI will be taken into account.

The proposed works are identical in nature to those that were refused under in August 2020 under application ref. 20/1730/TEL. The officer report for this application clearly sets out why the Council believed the works to be unacceptable. This included an explanation of why the existing monopole approved under application ref. 19/1014/TEL was not only insufficient justification for the proposed new pole, but also a contributing factor to its deemed unacceptability.

The officer report for the most recently refused scheme commented the following:

'Turning to the proposal, whilst it is noted that in the officer report for the assessment of the 15m monopole and associated equipment granted Prior Approval under planning application ref. 19/1014/TEL (hereby known as 'the approved scheme') was considered to have an overall acceptable impact on the character and appearance of the surrounding area, BTMs and OOLTI, it ought to be stressed that this was an application for a replacement monopole on site where a 13.5m mast had already been approved (planning application ref. 16/3137/TEL). It was not considered that An increase in height of 1.5m would be noticeable to such an extent that the impact would be unacceptably harmful.

With regards to the current scheme, this proposes an entirely new monopole and equipment in a new location, which has a more prominent siting than the approved scheme owing to its proximity to Blandford Road junction and being set further out

in the pavement from the fencing boundary to the NPL. Both the proposed scheme, if implemented, and the approved scheme, would be visible together from most local viewpoints, owing to their height and their separation distance of only approx. 30m from each other. It is considered the combined impact would appear overly dominant, incongruous and visually obtrusive, and would cause harm to the character and appearance of the local area, the setting of nearby BTMs and the openness of the OOLTI. Further, the combined impact of the proposed cabinets and equipment with those which have already been approved would be one of excessive street clutter, which would cause harm to the visual amenities of the streetscene. It is not considered that this identified harm would be outweighed by any public benefit, particularly as there is a monopole here already and it has not been adequately demonstrated why another is required and/or why the existing equipment cannot be upgraded should there be any service needs to be met.'

Trees and landscaping

The refused scheme was also considered to fail to demonstrate the protection of nearby trees, whose potential harm or removal as a consequence of the tele pole and associated equipment would cause further detriment to visual amenities of the area.

The officer report for the most recently refused scheme commented the following:

'Whilst it is noted that the approved scheme [application ref. 19/1014/TEL] was considered to comply with the above policy, the application was accompanied by additional information regarding proposed construction measures which, subject to conditions, was considered to adequately protect nearby trees.

Turning to the current proposal, the Council's Trees Officer has been consulted and has advised that the application has implications for Council assets in the pavement and a shelter belt of trees belonging to the NPL. These adjacent trees are not protected by conservation area nor tree preservation order (TPO); however, they are considered to provide local amenity and local ecosystems services, and could be affected by the proposal.

A BS5837:2012 survey and implications assessment has not been provided with this application and so technical tree information is limited. Details relating to foundations and methodology to be employed in excavation and safeguarding trees has therefore not been provided. It is also unclear how the telecoms mast would connect into existing service provision and whether new routed excavations would be needed.

The Council asset (highway tree) is situated on Hampton road and is a young Alder tree that will grow significantly in height and spread over time. Adjacent to this tree (roughly 8 and 16m west) are two empty (vacant) tree pits where young planted trees have been lost. Under the Council's tree and woodland management policy these trees will be replaced. The Council's Trees Officer has advised that were this proposal to be implemented, the Council would lose the reserved spaces for two new trees, and that the previous failed trees should take precedent over any other pavement usage.

The adjacent tree belt belonging to NPL contains several trees that will become significantly larger in size over time, including an adjacent Holm Oak and Sycamore trees.

Hampton Road is a busy commuter street and trees are important aesthetically and environmentally to both slow traffic, help reduce air pollution levels and provide visual relief and amenity. Trees are therefore highly desirable along this highway. It

is not considered that it has been demonstrated that trees would be adequately protected, and together with the loss of two tree planting sites, the application's siting is considered to result in a failure to comply with relevant policies above with regards to design and siting.'

The Council's Trees officer has been consulted on the current application and maintains her objection to the works. The objection also now includes additional concerns regarding issues in the future with regard to Line Of Sight (LOS) for telecommunication equipment and existing trees, which needs to be assessed.

Local Plan Policy LP16 Trees Woodlands and Landscape states that the Council will (inter alia):

2. Resist development which results in the damage or loss of trees that are considered to be of townscape or amenity value; the Council will require that site design or layout ensures a harmonious relationship between trees and their surroundings and will resist development which will be likely to result in pressure to significantly prune or remove trees.

and

5. Require that trees are adequately protected throughout the course of development, in accordance with British Standard 5837 (Trees in relation to design, demolition and construction-Recommendations).

As already identified in the assessment of previous applications, there are several trees immediately adjacent on land belonging to NPL that are adjacent to the proposed location of the telecommunications mast and associated equipment. The Council considered that these trees may present an above ground (Canopy) constraint upon the mast and equipment's installation. In addition to these trees, protected trees can be found at Charles Court immediately opposite, and Oakhurst Close.

The Council's Trees officer there advises that the Council will require the impact upon these trees, both now and in the future, to be fully considered and addressed as part of an application. Such issues include, but are not limited to, the following:

- The submitted documentation is insufficient for the purposes of assessing the impact of construction activities on the trees on site and does not provide any corresponding tree survey data that can be independently verified by the Council as part of the application process.
- The proposed mast must account for tree proximity, size and growth and ensure that there is sufficient clearance from and height above surrounding trees and vegetation to maintain "Line Of Sight" (LOS) for telecommunications equipment that requires it. Insufficient documentation has been submitted to assess how trees (Including any remote from site) will be impacted upon telecommunications equipment added to the mast, both present and future, that require LOS to function.
- The positioning of the mast will likely necessitate the height between nearby trees and the proposed mast to be managed by pruning as the trees grow. Such enforced proximity will necessitate an increase in the frequency of pruning to maintain the reduced height for LOS and clearance between the mast and the trees. Consequently, future tree maintenance regimes and cycles need to be considered in relation to the impact on these trees and the burden placed upon the landowners.

- There is also an increased risk that such a reduction in proximity will lead to an increase in post-development pressure on affected trees for their significant reduction or eventual removal. It must be stipulated that any such future requests for heavy reduction and/or tree removal for these reasons will be strongly resisted.

The Council's Trees officer consequently objects to the application in its current form in accordance with Local Plan Policy LP16, subsection 5 and pursuant to section 197 of the Town and Country Planning Act 1990.

Transport

Policy LP44 of the Local Plan states that the Council will work in partnership to promote safe, sustainable and accessible transport solutions, which minimise the impacts of development including in relation to congestion, air pollution and carbon dioxide emissions, and maximise opportunities for health benefits and providing access to services, facilities and employment. The Council will ensure that new development does not have a severe impact on the operation, safety or accessibility to the local or strategic highway networks.

The application will result in the loss of approximately 0.8m of footway width on the southern side of the A313 Hampton Road for approximately 6m. However, the existing footway is approximately 4.5m wide at this location, ensuring that pedestrians and wheelchair users will still have a footway width of 3.5m in which to pass each other safely. This is significantly more than the minimum tolerable footway width of 1.2m which is set out in Manual for Streets.

It is overall considered that the application would have an acceptable impact on local transport and highways safety. The Council's Transport Officer has been consulted on the application and raises no objection to the scheme.

The applicant is advised that were the application acceptable in all other respects, an application would need to be made to the London Borough of Richmond's Network Management team for a Streetworks Permit to install the proposed infrastructure.

Conclusion

In light of the above, by virtue of the proposal's inappropriate design, excessive height, width and siting, the application is considered to cause unacceptable harm to the setting of nearby BTMs and openness of the OOLTI, would fail to protect visually significant trees of townscape importance, and by reason of its unduly prominent and incongruous appearance, would cause unacceptable harm to the visual amenities of the area. Further, it is not considered that the application has sufficiently demonstrated the need for a second tele communications pole and associated equipment in this location, that adequate consultation has been undertaken, International Commissions guidelines compliance has been demonstrated or that the proposal would not impact on the operations of the NPL. As such, it is considered that the application fails to comply with outcomes sought in Paras. 113, 114 and 115 of the NPPF, policies LP1, LP4, LP14, LP16, LP33 and LP44 of the Local Plan, the BTM SPD and Village Planning Guidance for the area.

Recommendation: Prior Approval is REQUIRED and REFUSED