

Environment Directorate / Development Management

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mr Tom Gallivan
Dot Surveying Ltd
14
Inverleith Place
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Letter Printed 31 January
2023

FOR DECISION DATED
31 January 2023

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: 22/3747/TEL
Your ref: RICHMOND ROAD street works
Our ref: DC/DAV/22/3747/TEL
Applicant: Gallivan
Agent: mr Tom Gallivan

Telecommunications Apparatus Outside 383 - 391 Richmond Road Twickenham

for

The installation of a new 20m-high telecommunications monopole and 3no. ground-based equipment cabinets; and ancillary development thereto

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

Robert Angus
Head of Development Management

SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION 22/3747/TEL

APPLICANT NAME

Gallivan
450 Longwater Avenue
Reading
RG2 6GF
United Kingdom

AGENT NAME

mr Tom Gallivan
14
Inverleith Place
Edinburgh
EH3 5PZ

SITE

Telecommunications Apparatus Outside 383 - 391 Richmond Road Twickenham

PROPOSAL

The installation of a new 20m-high telecommunications monopole and 3no. ground-based equipment cabinets; and ancillary development thereto

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

SUMMARY OF REASONS AND INFORMATIVES

REASONS

U0149106	Reason for refusal - developers notice
U0149107	Reason for Refusal - Siting/Appearance
U0149108	Reason for Refusal - Highway Safety
U0149109	Reason for Refusal- Flood Risk
U0149110	Reason for Refusal - Trees/Biodiversity
U0149111	Reason for refusal - NPPF para 117

INFORMATIVES

U0074304	Decision drawing numbers ~~
U0074303	NPPF REFUSAL- Para. 38-42

DETAILED REASONS AND INFORMATIVES

DETAILED REASONS

U0149106 Reason for refusal - developers notice

Under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), prior approval is refused. By virtue of absence of evidence to demonstrate the developer has given the requisite notice, the scheme fails to comply with conditions A.3.(1), A.3 (2) and A.3 (5)(c).

U0149107 Reason for Refusal - Siting/Appearance

Under schedule 2, Part 16 of the General Permitted Development Order 2015 (as amended), the Local Planning authority has determined that prior approval is required and hereby REFUSED as to the siting and appearance of the proposed development for the following reason:

The proposal, by reason of its prominent siting and height would result in an unduly dominant, incongruous and visually intrusive form of development that would adversely affect the character and appearance of the locality, the Richmond Road East Twickenham Conservation Area and would cause harm to the adjacent Listed Old Ryde House and nearby Grade 1 Listed Richmond Bridge through development within their setting. The scheme results in harm that would not be outweighed by the public benefits of the scheme. As such, the proposal is considered contrary to the National Planning Policy Framework (in particular paras 115 and 117), London Plan policies HC1, and the Local Plan (2018) in particular LP1, LP3 and LP33 and Supplementary Planning Documents 'Telecommunications Equipment' (2006).

U0149108 Reason for Refusal - Highway Safety

The applicant has failed to demonstrate that the scheme would not be harmful to highway/pedestrian safety, by reason of its siting including the proximity to the bell-mouth access junction which serves as the vehicular access to and egress from 383-391 Richmond Road, and lack of justification provided to demonstrate that a vehicular visibility splay of 2.4m x 2.5m can be provided in an easterly direction, and is thereby contrary to Para. 110-112 of the NPPF and Local Plan Policy LP44.

U0149109 Reason for Refusal- Flood Risk

Under schedule 2, Part 16 of the General Permitted Development Order 2015 (as amended), the Local Planning authority has determined that prior approval is required and hereby REFUSED as to the siting and appearance of the proposed development for the following reason:

The proposal, by reason of the absence of a flood risk assessment and its siting in an area identified to be at risk of flooding, has failed to demonstrate that flood risk is not increased elsewhere and that the development accords with the requirements of the NPPF para 167. The proposal is thereby considered to be contrary to the NPPF and Local Plan Policy LP21, as supported by the Council's Strategic Flood Risk Assessment Level 1 Update (March 2021).

U0149110 Reason for Refusal - Trees/Biodiversity

Under schedule 2, Part 16 of the General Permitted Development Order 2015 (as amended), the Local Planning authority has determined that prior approval is required

and hereby REFUSED due to tree/biodiversity impact of the proposed development for the following reason:

The proposal, by reason of its siting, scale, proximity to trees and in the absence of sufficient adequate information, has failed to demonstrate that there will be no detrimental impact on the long term preservation of adjacent trees to remain or biodiversity and thus the character and appearance of the locality. The scheme is thereby contrary to the NPPF and, in particular policies LP1,LP3, LP15 and LP16 of the Local Plan and policies G6 and G7 of the London Plan.

U0149111 Reason for refusal - NPPF para 117

By failure to provide evidence of consultation outcomes with nearby schools, failure to provide ICNIRP certification, and failure to adequately demonstrate that alternative sites have been considered for the proposal, the application fails to comply with the requirements of Para. 117 of the NPPF (2021), Policy LP33 of the Local Plan (2018) and the Telecommunications Equipment SPD (June 2006).

DETAILED INFORMATIVES

U0074304 Decision drawing numbers ~~

For the avoidance of doubt the Drawing(s) No(s) to which this decision refers are as follows:-

002 SITE LOCATION PLAN Rev B, 265 PROPOSED SITE ELEVATION Rev B, 215 PROPOSED SITE PLAN Rev B, SITE SPECIFIC SUPPLEMENTARY INFORMATION, Developers notice; received on 21 December 2022.

U0074303 NPPF REFUSAL- Para. 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 did not seek formal pre-application advice, and the scheme was found to be contrary to policy and guidance, and subsequently refused. The Council is ready to enter into discussions, through the Council's formal pre-application service, to advise the applicants of relevant policy and guidance; and where possible assist in the preparation of a new planning permission. More information on the pre-application service and relevant fees can be found online at www.richmond.gov.uk/pre-application_for_developers.

END OF SCHEDULE OF REASONS AND INFORMATIVES FOR APPLICATION
22/3747/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