

## Application reference: 23/0421/TEL TEDDINGTON WARD

Date application received	Date made valid	Target report date	8 Week date
16.02.2023	16.02.2023	12.04.2023	12.04.2023

**Site:**

Telecommunications Apparatus Adj To 1 Admiralty Rd And Junction Of Bullard Rd, Queens Road, Teddington,

**Proposal:**

The proposed development includes for the installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.

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

**APPLICANT NAME**

Hutchison 3G UK Ltd  
450 Longwater Avenue  
Green Park  
Reading  
RG2 6GF

**AGENT NAME**

Telecoms Dalcour Maclaren  
1 Staplehurst Farm  
Weston on the Green  
OX25 3QU  
United Kingdom

**DC Site Notice:** printed on 01.03.2023 and posted on 10.03.2023 and due to expire on 31.03.2023

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

14D Urban D  
LBRUT Transport  
LBRuT Trees Preservation Officer (North)

**Expiry Date**

06.03.2023  
06.03.2023  
06.03.2023

**Neighbours:**

24 Ellera Road, Teddington, TW11 0HG -  
71 Admiralty Way, Teddington, TW11 0NN -  
39 Bolton Gardens, Teddington, TW11 9AX -  
Apartment 1, Victoria House, Queens Road, Teddington, TW11 0EJ -  
10 Albert Road, Teddington, TW11 0BD -  
6 Admiralty Way, Teddington, TW11 0NL -  
1 Admiralty Way, Teddington, TW11 0NL -  
83 Admiralty Way, Teddington, TW11 0NN -  
1 Cedar Road, Teddington, TW11 9AN -  
82 Admiralty Way, Teddington, TW11 0NN -  
149 Queens Road, Teddington, TW11 0LZ -  
The Lodge, Greytiles, 119 Queens Road, Teddington, TW11 0ND -  
3 The Cedars, Teddington, TW11 0AX -  
Bridge House, Broad Street, Teddington, TW11 8QT -  
National Physical Laboratory, Hampton Road, Teddington, TW11 0LW, - 06.03.2023

FLAT 13,BONSOR HOUSE,STEWARTS ROAD,LONDON,SW8 4UR -  
Park Lodge 149,Queens Road,Teddington,TW11 0LZ -  
15 Admiralty Way,Teddington,TW11 0NL -  
3 Gomer Gardens,Teddington,TW11 9AU -  
137 Queens Road,Teddington,TW11 0LZ -  
24 ADMIRALTY WAY,Teddington,Teddington,TW11 0NL -  
103 Queens Road,Teddington,TW11 0LZ -  
5 Coleshill Road,Teddington,TW11 0LL, -  
44 Admiralty Way,Teddington,TW11 0NL, - 20.02.2023  
17 Admiralty Way,Teddington,TW11 0NL, - 20.02.2023  
65 Admiralty Way,Teddington,TW11 0NN, - 20.02.2023  
Florence Villa,Park Lane,Teddington,TW11 0HY, -  
89 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
16 Clive Road,Twickenham,TW1 4SG, - 20.02.2023  
2 Admiralty Way,Teddington,TW11 0NL, -  
4 Admiralty Way,Teddington,TW11 0NL, -  
57 Admiralty Way,Teddington,TW11 0NL, - 20.02.2023  
16 Coleshill Road,Teddington,TW11 0LJ, - 20.02.2023  
Flat 2,93 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
65 Elmfield Avenue,Teddington,TW11 8BX, - 20.02.2023  
68 Park Lane,Teddington,TW11 0HX, -  
108 Park Road,Teddington,TW11 0AN, -  
99 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
76 Park Lane,Teddington,TW11 0HX, -  
69 Coleshill Road,Teddington,TW11 0LL, - 20.02.2023  
74 Park Lane,Teddington,TW11 0HX, - 20.02.2023  
111 Queens Road,Teddington,TW11 0LZ, -  
Malpas,Park Lane,Teddington,TW11 0HY, -  
,, - 20.02.2023  
25 Ringwood Way,Hampton Hill,TW12 1AT, -  
Flat 2,3 King Edwards Grove,Teddington,TW11 9LY, -  
86 Admiralty Way,Teddington,TW11 0NN, - 20.02.2023  
109 Queens Road,Teddington,TW11 0LZ, -  
72 Admiralty Way,Teddington,TW11 0NN, -  
107 Queens Road,Teddington,TW11 0LZ, -  
76 Admiralty Way,Teddington,TW11 0NN, - 20.02.2023  
149 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
117 Queens Road,Teddington,TW11 0LZ, -  
Flat 4,Greytiles,119 Queens Road,Teddington,TW11 0ND, -  
Thorby,Park Lane,Teddington,TW11 0HY, - 20.02.2023  
Apartment 1,Elm Lodge,Queens Road,Teddington,TW11 0DA, - 20.02.2023  
Apartment 8,Elm Lodge,Queens Road,Teddington,TW11 0DA, - 20.02.2023  
66 Admiralty Way,Teddington,TW11 0NN -  
Apartment 7,Elm Lodge,Queens Road,Teddington,TW11 0DA, - 20.02.2023  
Apartment 6,Elm Lodge,Queens Road,Teddington,TW11 0DA, - 20.02.2023  
Apartment 5,Elm Lodge,Queens Road,Teddington,TW11 0DA, -  
Apartment 4,Elm Lodge,Queens Road,Teddington,TW11 0DA, -  
Apartment 3,Elm Lodge,Queens Road,Teddington,TW11 0DA, - 20.02.2023  
Apartment 2,Elm Lodge,Queens Road,Teddington,TW11 0DA, - 20.02.2023  
Basement Flat,93 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
Flat 3,93 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
Garden Flat,93 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
93 Queens Road,Teddington,TW11 0LZ, - 20.02.2023  
Flat 2,North Lodge,2 Admiralty Road,Teddington,TW11 0NP, -  
Flat 1,North Lodge,2 Admiralty Road,Teddington,TW11 0NP, - 20.02.2023  
Flat 5,North Lodge,2 Admiralty Road,Teddington,TW11 0NP, - 20.02.2023  
Flat 4,North Lodge,2 Admiralty Road,Teddington,TW11 0NP, - 20.02.2023  
Flat 3,North Lodge,2 Admiralty Road,Teddington,TW11 0NP, -  
95B Queens Road,Teddington,TW11 0LZ, -  
Flat 6,North Lodge,2 Admiralty Road,Teddington,TW11 0NP, -

- 101 Queens Road, Teddington, TW11 0LZ, -
- 95D Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- 99 Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- Parkside, 97 Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- 95C Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- 95A Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- 91 Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- 1 Admiralty Road, Teddington, TW11 0NP, - 20.02.2023
- 113 Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- 11A Coleshill Road, Teddington, TW11 0LL, - 20.02.2023
- 37 Windsor Road, Teddington, TW11 0SG, - 20.02.2023
- Westward, Park Lane, Teddington, TW11 0HY, -
- 41 Normansfield Court, 22 Langdon Park, Teddington, TW11 9FE, - 20.02.2023
- 13 Admiralty Way, Teddington, TW11 0NL, -
- 91 Queens Road, Teddington, Tw11 0LZ - 20.02.2023
- 87 Queens Road, Teddington, TW11 0LZ, - 20.02.2023
- Ditton Lodge, Park Lane, Teddington, TW11 0HY, - 20.02.2023
- 71 Admiralty Way, Teddington, TW11 0NN - 20.02.2023

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

<u>Development Management</u>	
Status: REF	Application: 22/2085/TEL
Date: 15/08/2022	Installation of a new 15m monopole tower to support antenna, associated radio-equipment tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
<hr/>	
<u>Development Management</u>	
Status: PCO	Application: 23/0421/TEL
Date:	The proposed development includes for the installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
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**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): EMC

Dated: 20.03.23

**I agree the recommendation:**

~~Team Leader~~/Head of Development Management/~~Principal Planner~~

Dated: RDA

Dated: 20.03.2023

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: .....

<b>REASONS:</b>
<b>CONDITIONS:</b>
<b>INFORMATIVES:</b>
<b>UDP POLICIES:</b>
<b>OTHER POLICIES:</b>

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**

<b>Application Number</b>	<b>23/0421/TEL</b>
<b>Address</b>	Telecommunications Apparatus Adj To 1 Admiralty Rd and Junction Of Bullard Rd, Queens Road, Teddington
<b>Proposal</b>	The proposed development includes for the installation of a new 15m monopole tower to support antenna, associated radio-equipment housing and ancillary development hitherto.
<b>Target Determination Date</b>	12/04/2023

**1. INTRODUCTION**

This application is of a nature where the Council’s Constitution delegates the authority to make the decision to Officers rather than it being determined by the Planning Committee.

By indicating that the development proposal complies with the relevant provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the planning officer is taking into account the information submitted with the application, material planning considerations raised within any representations received relevant to the assessment against Part 16 of the legislation and any previous relevant applications.

**2. DESCRIPTION OF THE SITE**

The site is subject to the below designations.

- Area Susceptible to Groundwater Flood - Environment Agency Superficial Deposits Flooding -
- Article 4 Direction Basements Article 4 Direction - Basements
- Critical Drainage Area - Environment Agency Teddington [Richmond] / Ref: Group8\_006 /
- Highway Maintained at Public/Private Expense QUEEN'S ROAD Highways Publicly Maintained
- Increased Potential Elevated Groundwater GLA Drain London
- Land Use Past Industrial MoD Works Start: 1978 End: 1978
- Main Centre Buffer Zone does not have to apply the Sequential Test (for Flood Risk) as set out in Local Plan policy LP21.
- Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency
- Take Away Management Zoe Take Away Management Zone
- Teddington Village
- Broad Street and Queens Road Village Character Area 15 Hampton Wick & Teddington Village Planning Guidance
- Teddington Ward

### 3. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The comprehensive list of planning history can be found above.

22/2085/TEL Installation of a new 15m monopole tower to support antenna, associated radio-equipment tower to support antenna, associated radio-equipment housing and ancillary development hitherto. Refused Permission 15/08/2022

### 4. CONSULTATIONS CARRIED OUT

A site notice has been erected and adjoining neighbours have been consulted on the application. 67 by 58 third parties objections have been received.

Public Objection	Officer Response
This repeat application hasn't changed from the one made in 2022	There have been minor design changes however it is not considered that the reasons for refusal in 22/2085/TEL have been addressed..
Negative impact on the character and appearance of the area/visual amenity. Inappropriate siting. Detrimental impact on the street scene. Creation of visual clutter. Incongruous and overbearing.	It is agreed that the proposal is in an inappropriate location. See the 'Heritage, Character & Design' section below.
Adverse impact on users of Bushy Park	It is not considered that the proposal is close enough to Busty Park to result in harm to this. See the 'Heritage, Character & Design' section below.
In appropriate design, appearance and materials.	It is agreed that the proposal is of an insensitive design. See the 'Heritage, Character & Design' section below.
Obstruction to highway and nearby pedestrian crossing. Detriment of highway safety and pedestrian access especially those with disabilities or with children including to Bushy Park and NPL.	The Council's Highway Officer ahs been consulted. It is not agreed that the proposal would have a detrimental impact on the highway. See the 'Pedestrian/Highway Safety' section below.
Detrimental impact on Grade II North Lodge and surrounding BTMs.	It is agreed that the proposal would have an adverse impact on the setting of Grade II North Lodge. See the 'Heritage, Character & Design' section below.
Adverse impact on human health/wellbeing of surrounding residents. International Commission for Non-Ionising Radiation Protection (ICNIRP) inadequate. The government faced a judicial review led by Michael Mansfield KC challenging its 'failure to give adequate information to the public about the risks of 5G and to explain the absence of a process for investigation of any adverse health effects'	The Council can not refuse on the basis of human health concerns. See section 'f' below.
Disruption to park stables/horses.	It is not considered that the proposal is in close proximity to the Park Stables to justify a refusal. However, it is agreed that the location is a sensitive one and siting of the mast is inappropriate. See the 'Heritage, Character & Design' section below.
Overshadowing/neighbour amenity.	It is not considered on the basis of the siting

	and design of the proposal, that it would cause an unacceptable level of overshadowing or visual amenity on neighbouring properties.
Damage to ecology/birds and insects.	The mast is not sited on a ecological designated site. It is not agreed that this would be grounds for a reason for refusal here.
Inaccurate drawings / monopole and cabinets in different position.	No details of which drawings were inaccurate. The onus is on the applicant to prepare accurate drawings.
An Environmental Impact Assessment (EIA) study should be undertaken along with a Landscape/Townscape Visual Assessment and the reports made public	Not a requirement for Prior Approval Applications.
Adverse impact on the nursery	There are no formal restrictions on siting masts close to nurseries, however it is agreed that the siting is not appropriate.

In addition, an objection was received by the Teddington Society

<b>The Teddington Society</b>	<b>Officer Response</b>
It is not considered that the reasons for refusal in 22/2085/TEL have been overcome.	There have been minor design changes however it is not considered that the reasons for refusal in 22/2085/TEL have been addressed.
Detrimental impact on the North Lodge Grade II Listed Buildings and surrounding BTMs.	It is agreed that the proposal is in an inappropriate location. See the 'Heritage, Character & Design' section below.
This entrance serves two of Teddington's most important features, being NPL and Bushy Park. In this context the proposal cannot be accepted.	It is agreed that the proposal is in an inappropriate location. See the 'Heritage, Character & Design' section below.

Additionally, 3 observations have been received by 2 third parties.

<b>Public Observation</b>	<b>Officer Response</b>
The site plan submitted fails to show either Admiralty Road or Bullard Road.	The site plans shows the location of the proposal.
Can the siting of the mast not be further into Bullard Road, closer to NPL site, where it would be less visible from residential main roads like Queens Road?	It is agreed that the proposal is in an inappropriate location. See the 'Heritage, Character & Design' section below.
Is New Kelvin Road not a better option to place mast	Not within the scope of this assessment.

## 5. ASSESSMENT AS TO WHETHER THE APPLICATION MEETS THE GPDO CRITERIA FOR PERMITTED DEVELOPMENT

The determination is made in relation to the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) Order (as amended).

### a. PERMITTED DEVELOPMENT

Under Class A 'Electronic Communication Code Operators', the following is permitted development:

A. Development by or on behalf of an electronic communications code operator for the purpose of the operator’s electronic communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of—

- (a) the installation, alteration or replacement of any electronic communications apparatus,
- (b) the use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
- (c) development ancillary to radio equipment housing.

This is subject to the following:

Ground based apparatus		Complies	
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 -			
(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;	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Development not permitted: Apparatus on masts		Complies	
(3)	Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than an antenna) on a mast is not permitted by Class A(a) if the height of the mast (including the apparatus installed, altered or replaced) would exceed any relevant height limit specified in paragraph A.1(1)(c) or (d) or A.1(2)(a) or (b). For the purposes of applying the limit specified in paragraph A.1(2)(a), the words “taken by itself” in that paragraph are omitted.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Development not permitted: radio equipment housing		Complies	
(9)	Development consisting of the installation, alteration or replacement of radio equipment housing is not permitted by Class A(a) if— (a) the development is not ancillary to the use of any other electronic communications apparatus; (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 (c) on any article 2(3) land, or 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.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

The proposed mast including the antenna is circa 15m in height. The volume of the cabinets is circa width 3.1m x height 1.7m x depth 0.7m. The site is not in a CA.

**b. REQUIREMENT FOR PRIOR APPROVAL**

A.2 (3) sets out the need for prior approval for Class A development. Prior approval is required for this development.

**c. CONDITIONS FOR PRIOR APPROVAL**

A.3 Prior Approval		Complies	
(1)	Before making the application required by sub-paragraph (4), the developer must give notice of the proposed development to— (a) any person (other than the developer) who is an owner of the land to which the development relates, or (b) a tenant of an agricultural holding any part of which is comprised in the land to which the application relates.	Yes <input type="checkbox"/>	No <input type="checkbox"/>



The application was received on 16th February 2023. A notification letter was sent to the Council dated 16th February 2023. A proof of delivery email has been provided dated 16 Feb 2023 at 11.36. The planning portal proof of delivery which included the proof of delivery email. As such, it is accepted that notice was given prior to the submission of the application.

A.3 Prior Approval		Complies	
(2)	Notice must be given by or on behalf of the developer as follows— (a) by serving a signed and dated notice on every person described in sub-paragraph (1) whose name and address is known to the developer, stating— (i) the name of the developer; (ii) the address or location of the proposed development; (iii) a description of the proposed development (including its siting and appearance which includes the height of any mast); (iv) a statement that the developer will apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development; (v) the name and address of the local planning authority to whom the application will be made; (vi) a statement that the application is available for public inspection at the offices of the local planning authority during usual office hours; (vii) a statement that any person who wishes to make representations about the siting and appearance of the proposed development may do so in writing to the local planning authority; (viii) the date by which any such representations should be received by the local planning authority, being a date not less than 14 days from the date of the notice; and (ix) the address to which such representations should be made; or (b) if the developer has been unable to ascertain the names and addresses of every such person after taking reasonable steps, by local advertisement.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

A copy of the Developers Notice has also been provided with the necessary details.

A.3 Prior Approval		Complies	
(4)	Before beginning the development described in paragraph A.2(3), the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

This is the prior approval application to address this criterion.

A.3 Prior Approval		Complies	
(5)	The application must be accompanied by— (a) a written description of the proposed development and a plan indicating its proposed location together with any fee required to be paid; (b) the developer’s contact address, and the developer’s email address if the developer is content to receive communications electronically; (c) evidence that the requirements of sub-paragraph (1) have been satisfied where applicable; and (d) where the condition in paragraph A.2(5A) applies, evidence that the Civil Aviation Authority, the Secretary of State for Defence or the operator of the civil safeguarding area or defence safeguarding area, as the case may be, has been notified of the proposal.	Yes <input type="checkbox"/>	No <input type="checkbox"/>

The applicant was received and validated on 16.02.23. Notice to the Council’s Transport Department has been supplied.

6. CONDITIONS OF PART 16 OF THE GPDO

A.2 sets out the conditions applicable for permitted development.

A.2 (1) Class A(a) and A(c) development is permitted subject to the condition that—		Complies	
(c)	the siting and appearance of any development which is visible from a site which is— (i) article 2(3) land; (ii) a scheduled monument or a listed building; (iii) the curtilage of a schedule monument or a listed building; (iv) a World Heritage Site; or (vi) land registered by Historic England in a register described in section 8C of the Historic Buildings and Ancient Monuments Act 1953158, are such that the visual impact of the development on the site is minimised so far as practicable, taking into account the nature and purposes of the site;	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>



Figure 1. Grade II North Lodge (pink) & Listed Locally Listed Buildings (yellow)

There are a number of locally listed buildings north of the site. These include Elm Lodge, Victoria House, 95 A-D Queens Road, 58- 76 Park Lane and Park Lane Stables. To the south is North Lodge which is Grade II Listed.

The proposed siting is particularly prominent at the junction between Admiralty Road and Queens Road. The site is surrounded by residential BTMs, with a Grade II Listed building directly to the south. The Grade II Listed North Lodge is of a modest height. It benefits from a sensitive setting of trees, along Queens Road and two storey residential dwellings with pitches roofs. Views from the setting of the Listed Building would be detrimentally harmed by the mast and antenna given it height and width.

There are a number of locally listed buildings north of the site. These include Elm Lodge, Victoria House, 95 A-D Queens Road, 58- 76 Park Lane and Park Lane Stables. The mast would be in the immediate setting of these locally listed structures, being directly opposite. Its design would appear out of place and incongruous from these BTMs, particularly Elm Lodge, Victoria House, 95 A-D Queens Road and 76 Park Lane.

The proposed installation would be excessive in height in comparison to the existing street lighting, and the pole itself of much thicker with a bulbous top. The additional clutter of utility cabinets would cause less than substantial harm to the designated and undesignated heritage assets on the site.

The siting is completely inappropriate for such an installation, and contrary to the Council's design policies as set out in the Local Plan (2018). Overall, it is considered that the proposal would lead to

'less than substantial harm', the settings of the Grade II Listed North Lodge and the BTS opposite the site.

A.2 (1) Class A(a) and A(c) development is permitted subject to the condition that—		Complies	
(d)	the siting of any development is such that it— (i) does not prevent pedestrians from passing along a footway; (ii) does not prevent access to premises adjoining a footway; and (iii) is determined having regard to— (aa) the needs of disabled people; and (bb) the guidance document “Inclusive Mobility” issued by the Department for Transport in December 2021	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

The transport impacts of the development have been considered under ‘design and siting’ below.

**7. ASSESSMENT OF DESIGN AND SITING**

The GPDO requires that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting and appearance of the development. It is not a full planning application. As such, siting and appearance are the only considerations applicable in the assessment of an application which meets the criteria set out in the GPDO for this process, and not the principle of development.

**a. Design and visual impact / impact on designated / non-designated heritage assets**

Paragraph 134 of the NPPF sets out “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design 52 , taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes”.

Paragraph 199 of the NPPF states ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’.

Paragraph 203 of the NPPF states ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Paragraph 203 of the NPPF states ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Local Plan (2018) Policy LP1 of the Local Plan 2018 seeks to maintain and, where possible, enhance the high architectural and urban design quality which contributes to the character and heritage of the area. In order to achieve this, the following criteria must be assessed:

- Compatibility with local character
- Sustainable design and construction
- Layout, siting and access
- Space between buildings
- Inclusive design, connectivity, permeability (as such gated developments will not be permitted)
- Natural surveillance and orientation
- Suitability and compatibility of uses

Local Plan (2018) Policy LP2 Building heights sets out that “require buildings to make a positive contribution towards the local character, townscape and skyline, generally reflecting the prevailing building heights within the vicinity; proposals that are taller than the surrounding townscape have to be of high architectural design quality and standards, deliver public realm benefits and have a wholly positive impact on the character and quality of the area and 2. preserve and enhance the borough's heritage assets, their significance and their setting.”

Local Plan (2018) Policy LP 4 Non-Designated Heritage Assets sets out that “the Council will seek to preserve, and where possible enhance, the significance, character and setting of non-designated heritage assets, including Buildings of Townscape Merit, memorials, particularly war memorials, and other local historic features.”

*Significance*

The site is in the setting of designated and non-designated heritage assets. The Designated Heritage Asset is the grade II Listed North Lodge directly behind 1 Admiralty Road. The non-designated heritage assets are Elm Lodge, Victoria House, 95 A-D Queens Road, 58- 76 Park Lane and Park Lane Stables to the north. These are valuable as they reflect To the south is North Lodge which is Grade II Listed.

The site forms part of Character Area 15 ‘Broad Street and Queens Road’ of the Hampton Wick and Teddington Village Planning Guidance. Aside from the NPL, the immediate surrounding area is predominantly residential in nature comprising of a range of dwellings between two and three storeys in height. The area has a leafy, suburban character and there are a number of trees and hedges in the area. The Village Planning Guidance summarises the character of the area thus:

*‘This character area to the north of Bushy Park includes the large gated complex of the National Physical Laboratory and the busy shopping area of Broad Street. Between the two is a network of wide streets characterised by busy traffic, but with a historic urban form including some large set-back houses and later terraces. Park Lane Stables is located along Park Lane to the east of the character area. ...*

*...Broad Street is linked to a network of wider roads with faster traffic – Hampton Road, Park Road, Queen’s Road and Stanley Road. These still display, in places, an old pattern of development characterised by large properties set far back from the road, but many of the large houses have been replaced by later housing blocks. These are generally in brick, though in a modern style. In between these plots are more conventional rows of detached and semi-detached houses, often of the Edwardian period and with a mix of red brick and stucco. Typical features are pitched, clay-tiled roofs with applied timbering to the gables.*

*Queens Road incorporates a mix of housing including a row of 1930s houses to the south after Park Lane. On the south side of Queen’s Road, the late twentieth century Admiralty Way development is planned around car access, not addressing the street, but the character of the housing is based on traditional models and features shaped gables, in brick and stucco and with sash windows.’*

The siting of the proposed mast is sited close to two of the Borough’s most important features, being NPL and Bushy Park. The historic significance in the area can be the high quality Edwardian architecture of the residential BTMs buildings along Park Lane which give an insight of how people lived during this period. Their setting has a suburban, leafy residential feel with the low-rise dwellings also contribute to the low density and open feel of the area.

The Historic England Grade II Listing states that “2. Just inside main gates of N.P.L. Early C19, 2-storey, 3-window, double bowed, front. Yellow cement covered, slate roof. Central porch with Ionic columns in antis.” The historic significance of the North Lodge are the quality of its architecture and the fact that it is a good example of architecture in the early C19.

*Harm*

The Council’s Urban Design Officer has been consulted on the application and considers that the harmful impact to the visual amenities of the surrounding area would also be detrimental to the

settings of the nearby BTMs and the Grade II Listed North Lodge. The harm which is considered to be 'less than significant' is caused by the sheer height and design of the proposal. The mast would be visually prominent from many views with the setting of the Grade II Listed Building North Lodge and the nearby BTMs particularly Elm Lodge, Victoria House and 95A-D Queens Road.

The applicant has submitted a Supplementary Information Form dated 7th March 2023 and a Government Guideline paper title '5G mobile technology: a guide', which is an explanatory note of 5G mobile technology. However, no specific positives of the application in question have been provided and whilst recognising the public benefit of improving 5G coverage, officers do not consider that this would outweigh the heritage harm identified above.

With regards the impact on Bushy Park, this is considered to be of a sufficient distance from the application site for there to be no harm to the character and appearance of the Historical Park and listed boundary walls and their setting, or to the character and openness of the MOL.

**b. Amenity**

Policy LP8 states that development must protect the amenity and living conditions of existing, adjoining and neighbouring occupants. Design must allow for good daylight standards, avoid overlooking or noise disturbance, avoid visual intrusion, overbearing impacts or harm to the reasonable enjoyment of the uses of buildings and gardens. Harm may arise from various impacts such as noise, air pollution, odours or vibration.

The equipment and monopole will be visible from adjacent residential buildings including the apartments 1-8 at Elm Lodge, Flats 95A-D Queens Road and Parkside 97 Queens Road. It is however not considered that the scheme is in close enough proximity to warrant a refusal on the grounds of harm to residential amenity in particular. Despite being in direct line of site and conspicuously high, the monopole is located at a distance which cannot be considered to be overbearing to these properties which would warrant a reason for refusal. The profile of the monopole is not wide enough that sunlight or daylight would be adversely impacted.

**c. Pedestrian/highway safety**

LP44 "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 including for health benefits and providing access to services, facilities and employment."

The Council's Highway Officer has been consulted. There will be a loss of footway because of this proposal, but pedestrians will still have a footway width of approximately 4.5m between the infrastructure proposed and the North border of the footway. The required visibility for motorists from the Bullard Road/Queens Road Junction is 2.4 meters x 25 meters in a southerly direction. (Manual for Streets). The proposal does not encroach on the existing visibility envelope.

Where permission to be granted an application would need to be made to the Council's Network Management. Any such application would need a Traffic Management Plan which will need to show how road users will be kept safe during installation of the above infrastructure.

**d. Flooding**

The site is located within:

- Area Susceptible to Groundwater Flood - Environment Agency Superficial Deposits Flooding -
- Increased Potential Elevated Groundwater GLA Drain London
- Risk of Flooding from Surface Water 1 in 1000 chance - Environment Agency

Para 167 of the NPPF requires that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a site specific flood risk assessment. This should demonstrate that, amongst other things, the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. The NPPF clarifies that this should apply to *all proposals* in flood zone 1 on sites identified in a strategic flood risk assessment as being subject to other sources of flooding.

The Council's LP21 requires an FRA for 'all other development proposals' in such areas. The application has not been submitted with a Flood Risk Assessment as is required by Councils Local Validation Checklist within sites designated with the above mentioned risks of flooding. In the absence of such detail, the Council is unable to make a full and proper assessment of the potential flood risk in respect of the siting of the monopole and therefore the scheme is considered to be contrary to Local Plan Policy LP21.

The Council notes the dismissed appeal APP/J0350/W/W19/324002 in which an Inspector found that the NPPF makes it clear that, even minor developments should still meet the requirements for site-specific flood risk assessments and "therefore, in the absence of an accompanying FRA, it not possible to conclude that the proposal would not result in increased flood risk within the area".

The site is Increased Potential Elevated Groundwater. Insufficient information has been provided to demonstrate that the development would not give rise to an unacceptable impact on flood risk. As such, the development is contrary to NPPF Para 167 (2021) and Local Plan (2018) LP21

**e. Trees**

London Plan Policy G7 (2021) sets out that "Development proposals should ensure that, wherever possible, existing trees of value are retained.140 If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system."

Local Plan (2018) LP16 Trees Woodlands and landscape states that the Council will;

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.
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).

The location of this proposal is not within a Conservation area or directly affected by a Tree Preservation Order. CA 61 Bushy Park is approximately 200m southwest of the site, no significant trees within noted nearby. The Conservation Area statement notes "The existence of trees beyond the boundary of the Park is important in contributing to a sense of the landscape continuing beyond its well-defined and historic boundaries." Area TPO T1145 illustrates this, protecting trees within the LGC site adjacent to the mast site. TPO T0900 protects an Oak on Queens Road 61m east of the site.

Street trees on Park Road and Queens Road are however amenity value trees protected under LP16 As such, we will require the impact of the telecom mast on existing trees in the local area, both now and in the future, to be fully considered and addressed as part of this application. This must include issues in the future between Line of Sight (LOS) for telecommunication equipment and existing trees, both locally and remote from the site.



Figure 2. Aerial View

On Viewing the submitted documentation, we find there to be a number of issues and omissions from this application.

*Line of Sight (LOS)*

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. Documentation to evidence this however has not been submitted.

*CAVAT valuation*

The Local Plan Policy LP16 Trees, Woodlands and Landscape; requires, where practicable, an appropriate replacement for any tree that is felled; a financial contribution to the provision for off-site trees in line with the monetary value of the existing tree to be felled will be required in line with the 'Capital Asset Value for Amenity Trees' (CAVAT). A tree-by-tree "Full" CAVAT valuation (Including the calculation methodology for each tree), should also be included as part of the tree survey, undertaken by an Arboriculturist experienced in using the method.

*Post development pressure and cost of management*

Surrounding trees may present an above ground constraint to the proposed Telecom tower by way of the potential obstruction of LOS. If identified as an issue, this would lead to an increase in the frequency of pruning to maintain LOS. Consequently, future tree maintenance regimes and cycles should also be considered in relation to both the impact on these trees.

There is also a risk that such regular LOS obstruction would lead to an increase in post-development pressure on affected trees, for their eventual removal by the telecom service provider.

There is currently insufficient information regarding its impact on trees and vegetation as specified in the comments above. At this stage, the proposal in its current form could be putting trees, at risk of damage, leading to eventual tree loss, in contravention of Local Plan Policy LP16 Trees, Woodlands and Landscape.

**f. Compliance with the NPPF**

Section 10 of the NPPF deals with supporting high quality communications infrastructure.

Paragraph 115 states: "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.

The Supplementary Information Form RUT20336 received 7th March 2023 sets out that "a new base station is required at this location to provide brand-new operator coverage within the local area for Three UK. As such, no other, existing site offers a viable option to provide the necessary coverage." No evidence has been supplied to show that the use of existing masts, buildings and other structures has been explored.

Para 117 states: "Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) 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

The proposed mast would be sited next to the National Physical Laboratory which is a science laboratory of National importance. Consultation has only been carried out with the Lefy Bushy Tails Nursery and Pre-School. It has not been carried out with the NPL. This is unacceptable. No consultation results have been provided. Overall inadequate consultation has been undertaken.

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

The applicant has provided the Council with the requisite ICNIRP (International Commission for Non-ionising Radiation) declaration for public exposure and consequently an objection on public health grounds is not tenable. The NPPF indicates that a Local Planning Authority should not seek to set additional health standards. The NPPF states that Local Planning Authority must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines. This position is established in planning law and in this respect the proposal is in accordance with this part of policy LP33 of the Local Plan (2018) and SPD 'Telecommunications Equipment' (2008).

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

As noted above, the Supplementary Information Form RUT20336 received 7th March does not show that not show that alternatives have been explored.

**g. Compliance with the Development Plan**

Policy LP 33 deals with telecommunications and states that applications, including for prior approval 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.

The policy explains that it is important to keep the number of masts and sites to a minimum as an over-concentration of equipment and installations can have harmful impacts on the borough's unique and distinctive character. Therefore, there is an expectation that existing masts, buildings and other structures are used wherever possible, which includes sharing facilities with other operators, unless the need for a new site has been justified and accepted by the Council.

As set out above, the option to site the mast on an existing building or structure or other reasonable alternatives has not been explored.

2. Visual impacts of telecommunications proposals should be minimised, in line with policies on Local Character and Design, particularly on roof tops.

The Council's Urban Design Officer has been consulted on the application and considers that the harmful impact to the visual amenities of the surrounding area would also be detrimental to the settings of the nearby BTMs and the Grade II Listed North Lodge. As set out above, with regards the harm caused to the setting of the Listed Building, this harm is considered to be 'less than significant'

3. The applicant has demonstrated that the development will operate within the International Commission on Non-Ionizing Radiation Protection Guidelines for public exposure.

The applicant has provided the Council with the requisite ICNIRP (International Commission for Non-Ionising Radiation) declaration for public exposure and consequently an objection on public health grounds is not tenable

#### **h. Planning balance**

Para 114 of the NPPF advises 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.'

Local Plan policy LP33 states that 'The Council will promote the enhanced connectivity of the borough through supporting infrastructure for high speed broadband and telecommunications'.

It is acknowledged that the proposal would bring public benefits in enhancing the telecommunications infrastructure and enhancing the network provision. The applicant has certified that the installation would comply with ICNIRP. Weight is afforded to the benefits of the application.

In light of the above, by virtue of its combined inappropriate design, excessive height, width, bulk and conspicuous siting and failure to demonstrate the protection of visually important trees, the application is considered to result in a visually prominent, incongruous and overbearing form of development which would cause unacceptable harm to the visual amenities, character and appearance of the local area and the settings of the Grade II Listed North Lodge and nearby Buildings of Townscape Merit 1-8 Elm Lodge, Victoria House and 95A-D Queens Road. As such, the application fails to comply with Paras. 115, 202 and 203 of the NPPF (2021), and policies within the Local Plan (2018), in particular, LP1, LP2, LP3, LP4, LP5, LP15, LP16 and LP33 and the following Supplementary Planning Documents: Buildings of Townscape Merit SPD (May 2015), Design Quality SPD (February 2006), Hampton Wick and Teddington Village Planning Guidance SPD (June 2017), Telecommunications Equipment SPD (June 2006).

As per the requirement of Para. 202 of the NPPF, the Case Officer acknowledges the importance of providing an efficient digital communications service in the local area, and has given this public benefit significant weight in the assessment of the application. However, this is not considered to be a material planning consideration of such weight so as to justify the proposal's departure from the NPPF and the Development Plan policies cited above.

**i. Reasons for Refusal**

22/2085/TEL Installation of a new 15m monopole tower to support antenna, associated radio-equipment tower to support antenna, associated radio-equipment housing and ancillary development hitherto. Refused Permission 15/08/2022

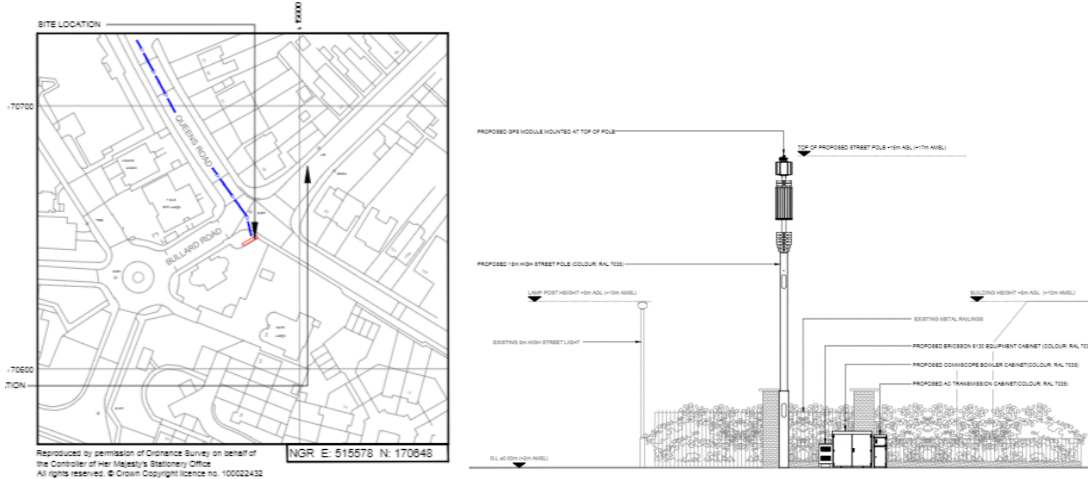


Figure 3. 22/2085/TEL(refused)

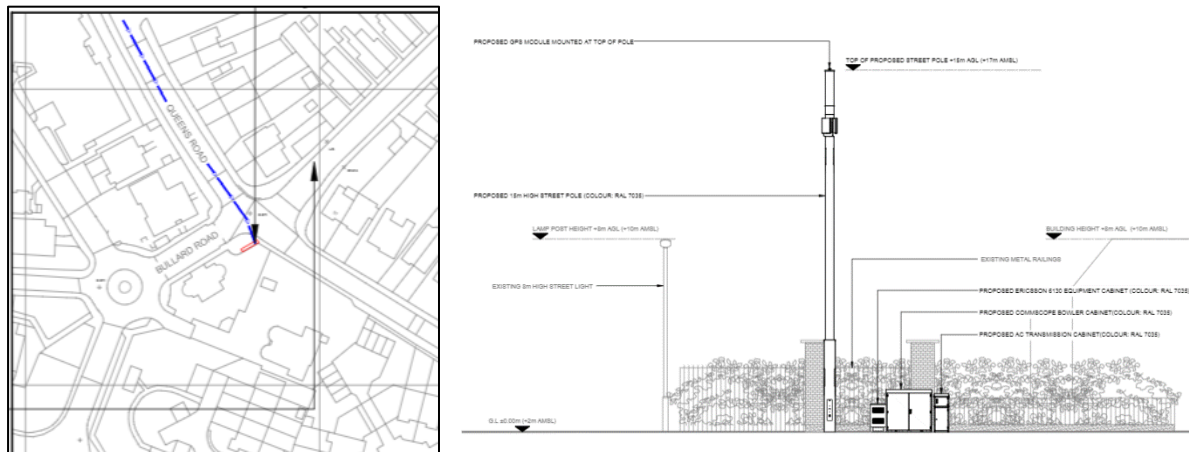


Figure 4. 23/0421/TEL (this application)

**22/2085/TEL Refusal~ Design & Siting**

In light of the above, by virtue of its combined inappropriate design, excessive height, width, bulk and conspicuous siting and failure to demonstrate the protection of visually important trees, the application is considered to result in a visually prominent, incongruous and overbearing form of development which would cause unacceptable harm to the visual amenities, character and appearance of the local area and the settings of the Grade II Listed North Lodge and nearby Buildings of Townscape Merit 1-8 Elm Lodge, Victoria House and 95 Queens Road. There are not public benefits which sufficiently outweigh the identified harm. As such, the application fails to comply with Paragraphs. 115, 202 and 203 of the NPPF (2021), and policies within the Local Plan (2018), in particular, LP1, LP2, LP3, LP4, LP5, LP15, LP16 and LP33 and the following Supplementary Planning Documents: Buildings of Townscape Merit SPD (May 2015), Design Quality SPD (February 2006), Hampton Wick and Teddington Village Planning Guidance SPD (June 2017), Telecommunications Equipment SPD (June 2006).

It is noted that the antennas have been reduced in width since the refused scheme 22/2085/TEL. However, the revised mast would remain 15m in height and would appear as an incongruous feature

upon the surrounding landscaping including the setting of North Lodge Grade II Listed buildings and a number of BTMs. This reason for refusal has not been addressed in this application.

#### *Refusal - NPPF*

In the absence of sufficient information demonstrating that alternative sites have been reasonably considered, failure to demonstrate that there would be no interference with other electrical equipment at the adjacent National Physical Laboratory, and the failure to submit a valid ICNIRP Certificate, the application fails to comply with the requirements set out on Paras. 115, 116, 117 and 118 of the NPPF (2021).

A ICNIRP Certificate has been supplied. However, the applicant has failed to demonstrate that alternative sites have been reasonably considered and that consultation with the National Physical Laboratory on potential impacts has been undertaken. This aspects of the above reason for refusal have not been addressed.

#### **j. Inaccurate drawings**

The location of the 15m mono pole appears adjacent to the pillar closest to the existing street light on the elevation drawings and the cabinets are west of this. On the ground plan the mono pole is east of the cabinets and the pillars and the cabinets are adjacent to the pillar closest to the existing street light. The onus is on the applicant to create accurate drawings.

## **8. RECOMMENDATION**

### NPPF 117 (c) Existing Buildings/Masts

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 the following reason:

Insufficient evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast the application fails to comply Para. 117 (c) of the NPPF (2021), and LP 33 and Telecommunications Equipment SPD (June 2006).

### NPPF Para 115 Unsympathetic ~ 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 NPPF115, 167 and Local Plan Policy (2018) LP21, as supported by the Council's Strategic Flood Risk Assessment Level 1 Update (March 2021).

### NPPF Para 115 Unsympathetic ~ Design

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 application is considered to result in an unsympathetic, visually prominent, incongruous and overbearing form of development which would cause harm to the setting of the North Lodge which is Grade II Listed and the locally listed buildings 1-8 Elm Lodge, Victoria House, 95 A-D Queens Road, and the character and appearance of Broad Street and Queens Road Village Character Area contrary to NPPF Para 115 and 203 (2021), LP1, LP3, LP4, LP13 and LP33 of the Local Plan (2018) and the Hampton Wick & Teddington Village Planning Guidance and the Telecommunications Equipment SPD (June 2006).

NPPF Para 115 Unsympathetic ~ Trees

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 of the proposed development for the following reason:

Insufficient evidence has been supplied to demonstrate that the mast would not have a detrimental impact on amenity value trees creating an unsympathetic development to the surrounding landscape. The application is therefore contrary to NPPF Para 115 (2021), London Plan (2021) Policy G7 and Local Plan (2018) Policy LP16.

NPPF 117 (a) Outcome of Consultations

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 the following reason:

The applicant has failed to supply evidence of consultations with organisations with an interest in the proposed development and as such the application is contrary to Para. 117 (a) of the NPPF (2021) and Telecommunications Equipment SPD (June 2006).