



Decision Notice

Date of Decision: 31 December 2018

Royal Borough of Kingston upon Thames
Guildhall 2, High Street
Kingston upon Thames
KT1 1EU

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)
TOWN AND COUNTRY (MANAGEMENT PROCEDURE ORDER) (ENGLAND) 2015 (AS AMENDED)

LOCATION: LAND ON NORTH SIDE OF COOMBE LANE WEST (OUTSIDE No 51), KINGSTON UPON THAMES, KT2 7EU

PROPOSAL: Removal of the existing 12.5m streetworks pole to be replaced with the installation of a 15m high monopole accommodating 6no. antennas within 580mm GRP shroud. The removal of 1no. existing radio equipment cabinet and installation of 4no. radio equipment cabinets and 1no. electrical meter cabinet together with ancillary development equipment thereto.

Under the provisions of part III of the Act the Council hereby REFUSES PERMISSION for the development described above and as set out in drawing no(s):

100 A Site Location	Received	29/11/2018
200 A Existing Site Plan	Received	29/11/2018
201 A Proposed Site Plan	Received	29/11/2018
300 A Existing Site Elevation	Received	29/11/2018
301 A Proposed Site Elevation	Received	29/11/2018

This is for the following reasons:

- 1 The proposed telecoms equipment by virtue of its siting and appearance would be create an incongruous feature in the streetscene that would be visually intrusive and detract from the character and appearance of the surrounding Strategic Area of Special Character. The proposal would not accord with policies CS8 and DM10 of the Council's adopted LDF Core Strategy April 2012.

- 2 The applicant has not demonstrated that the siting of the telecoms apparatus would not cause significant harm to the surrounding trees which in turn if lost would detract from the character and appearance of the surrounding area a designated Strategic Area of Special Character. The proposal therefore would be contrary to policies CS8 and DM10 of the Council's adopted LDF Core Strategy April 2012.

TF checked

Informative(s)

- 1 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. Amendments required to make the application acceptable are substantial and would materially change the development proposal. They would require further consultation to be undertaken prior to determination which could not take place within the statutory determination period specified by the Department of Communities and Local Government.

Your attention is drawn to your rights of appeal (attached) and to the fact that this decision relates only to the Town & Country Planning Acts and to no other enactment or The Building Regulations.

TOWN AND COUNTRY PLANNING ACT 1990 (As amended)

Appeals to Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Department of Communities and Local Government under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within 6 months of the date of this notice, using forms and guidance which can be downloaded from The Planning Inspectorate web site <https://www.gov.uk/appeal-planning-inspectorate>
Alternatively they can be obtained from the following address:- The Planning Inspectorate, Room 3/13, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN N.
- The Planning Inspectorate has introduced an online appeals service which you can use to make your appeal online. You can find the service through the Appeals area of the Planning Portal – see <https://www.planningportal.co.uk/info/200207/appeals>. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning or the Secretary of State for the Department of Communities and Local Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended)
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