

Delegated Report		Analysis sheet		Expiry Date: 01/08/2023		
		N/A		Consultation Expiry Date: 27/07/2023		
Officer			Application Number(s)			
Brendan Versluys			2023/2341/P			
Application Address			Drawing Numbers			
Highways Land Fortune Green Road Outside Hampstead Cemetery London NW6 1DT			See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal(s)						
Erection of an 18m high telecommunications pole and 3 x equipment cabinets						
Recommendation(s):		i) Prior approval required ii) Prior approval refused				
Application Type:	GPDO Prior Approval Part 16, Class A					
Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informative:						
Consultations						
Adjoining occupiers	No. notified	00	No. of responses	40	No. of objections	37
Summary of consultation responses:	<p>A site notice was displayed near the subject site from 07/07/2023 to 28/07/2023.</p> <p>A document / petition with signed objections to the telecommunications installation was received on 1/08/2023.</p> <p>38 objections (uploaded to Council's website) were received during the consultation period, which along with the signed document / petition, are summarised as follows:</p> <ul style="list-style-type: none"> The facility would obstruct and add clutter to the public realm and degrade the merit of the existing street The facility would be a complete eyesore in a very beautiful part of the city. The facility would spoil local views in the area. 					

- The facility would harm the setting of the Hampstead Cemetery and detract from the setting of the heritage asset.
- The facility would adversely impact the character and appearance of Fortune Green
- The facility would harm the setting of Conservation Areas and heritage assets in the Area
- It is disrespectful of the applicant to propose the facility at the edge of a cemetery in a residential area.
- The facility would cause harm to children
- The facility is a health and safety issue
- The facility is in close proximity to sensitive receptors, including two nurseries, a children's play centre, and a residential care home
- The facility would attract anti-social behaviour and graffiti, and may serve as a means for intruders to access Hampstead Cemetery after hours.
- The cabinets would have continuous noise
- The facility may create a visual distraction and impair visibility of road users especially pedestrians
- The facility would be in proximity to mature trees and would have the potential to harm those trees and birds/wildlife and biodiversity in the cemetery and surrounding area
- The applicants have not shown evidence of a robust search for alternative sites, or mast sharing or upgrading at an existing site.
- The facility is not necessary as there is already adequate coverage
- The applicant has undertaken inadequate consultation with local residents.
- Any work/repairs required on these cabinets/masts will require temporary traffic lights or vans on the side of the road and this will further add to the road dangers/child safety issues and would impede the pedestrian movement.
- The facility would adversely impact property values in the area, at a time when the local market is already under pressure
- The facility contributes significantly to climate change and poses a threat to national security
- The applicant has not submitted an Environmental Impact Study

3 comments expressing support for the proposal were received during the consultation period, which are summarised as follows:

- General support for the proposal
- The location for the proposed facility is sensible,
- General support for improved 5G coverage and improved phone reception much-needed
- The facility is sensitively designed

Officer's Response

Refer to section 3, 4, 5, 6 and 7 for an assessment of the siting and appearance of the facility.

All other matters are outside the scope of assessment for GPDO Prior Approval Part 16, Class A applications.

CAAC/Local groups comments:

An objection was received from the Fortune Green and West Hampstead Neighbourhood Development Forum. Their objection is summarised below:

- The facility would detract from the special character, architectural/historic significance and setting of Conservation Areas and heritage assets in the area.
- The equipment boxes will add to pavement clutter which is by a zebra crossing, in proximity to residential care home on the opposite side of Fortune Green Road.
- The facility is in close proximity to a nursery school and tutoring academy which is not usually considered acceptable.

Officer's Response

Refer to section 3, 4, 5, 6 and 7 for an assessment of the siting and appearance of the facility.

All other matters are outside the scope of assessment for GPDO Prior Approval Part 16, Class A applications.

Site Description

The subject site is in the Fortune Green highways land, at the inner edge of the western footway of Fortune Green. The site is directly adjacent to Hampstead Cemetery to the west of the site.

The footway has a width of approximately 3.5m. Just south-west of the proposed facility location is a pedestrian crossing, with a pedestrian island, over Fortune Green Road. Further to the south-east is the intersection of Fortune Green Road and Weech Road.

Hampstead Cemetery is classified as a Registered Historic Park or Garden – and so is a designated heritage asset. Lining the boundary of Hampstead Cemetery with Fortune Green Road, is a low stone wall with what appears to be an iron railing original to the cemetery. Set behind the wall and fence is a dense area of planting comprising specimen trees and bushes. Further to the north-west of the site within Hampstead Cemetery, is Hampstead Cemetery Lodge, a locally listed building (a non-designated heritage asset).

To the south-west of the site are two-level terraced homes which appear to be mid-twentieth century era. At the front of these properties are two high-reaching mature specimen trees of an unknown species.

To the east of the site on the opposite side of Fortune Green Road, are a mix of two, three and four level buildings. The four level building, known as 'Sidney Corob House' is to the north-west of the site, operates as a care home. The two-level building at the north-western corner of Fortune Green Road and Weech Road appears to be used for commercial purposes.

The site is not located within a Conservation Area.

Relevant History

Site History:

There is no relevant planning history for the application site.

Adjacent Sites History:

2022/1954/P (Pavement adjacent to Weech Hall, Fortune Green Road) - Installation of 20m telecommunications monopole, 3 ancillary equipment cabinets and associated works on the footpath. - **Refused 24/06/2022. RfR:**

The proposed monopole, by reason of its height, bulk, size and alien appearance in this location, would result in overly dominant visual clutter in a prominent position which would cause material harm to the local visual amenity, and be detrimental to the character and appearance of the street scene, local views, and the setting of nearby Heritage Assets including a Grade II listed dwellinghouse at 128 Fortune Green Road, Hampstead Cemetery grade II listed historic open space and 2 nearby grade II listed phone boxes, contrary to policies D1 (Design), D2 (Heritage) and A2 (Open space) of the London Borough of Camden Local Plan 2017.

There are no granted, yet unimplemented consents which exist for the adjacent sites.

Relevant Policies

Town and Country Planning (General Permitted Development) Order 2015

Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

D1 Design

D2 Heritage

C6 Access for all

T1 Prioritising walking, cycling and public transport

Fortune Green & West Hampstead Neighbourhood Plan 2015

Policy 2 Design

Policy 3 Heritage

Camden Planning Guidance

CPG Amenity (2021)

CPG Design (2021)

CPG Transport (2021)

CPG Digital Infrastructure (2018)

Assessment

1. Proposal

- 1.1. The application has been submitted under Part 16 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended). The order permits the Council to only consider matters of siting and appearance in determining GPDO prior approval applications. As a result, it is not possible for objections to be raised on any other grounds, such as health.
- 1.2. Prior approval consent is sought for the construction of a new 18m high telecommunications monopole, with a wrap around base cabinet & 3 x free standing cabinets located at the pavement.

- 1.3. As described, the facility would be located at the inner edge of the western footway of Fortune Green Road
- 1.4. The pole would accommodate 6 antennas, positioned at the top of the pole and contained within a cylindrical shroud.
- 1.5. The cabinets would be positioned in a consecutive arrangement to the north of the pole. The two cabinets immediate to the pole (equipment cabinet and 'Bowler' cabinet) would be joined together, with a small gap to the third 'AC Transmission' cabinet. The cabinets would be slightly offset from the boundary with Hampstead Cemetery.
- 1.6. The pole and cabinets are proposed to be coloured 'Jet Black'.
- 1.7. A decision is needed to be made within 56 days starting on the day the valid application is received (7th June 2023) unless the applicant has agreed to an extension of time. This date is 1 August 2023 assuming 7 June is day 1, and 2 August assuming 7 June is day 0.

2. Assessment

- 2.1. Prior approval is required for this type of development as it includes the installation of a mast, under Condition A.2 (3) (c) (i).
- 2.2. The main considerations in relation to this proposal are siting and appearance. In considering the application in line with government guidance and policy, the following matters are also considerations:
 - Applicant's Justification
 - Siting and Design (appearance)
 - Planning balance

3. Applicant's Justification

- 3.1. The proposal is based on the principle of meeting operational requirements of the mobile operator H3G (Three). It is for a new mast in the area and does not replace any existing equipment. The equipment would ensure the latest high quality 5G provision can be provided in the area. The applicant has provided sufficient justification to demonstrate that the principle of a new facility, including the antennas, mast and cabinets, within the search area is required, particularly with regard to the provision of 5G technology.
- 3.2. The applicant has advised that as part of their site selection process, within their search area for a new facility, existing mast sites are not capable of supporting additional equipment to extend coverage reach across their target area and prospective 'in-fill' mast sites are extremely limited.
- 3.3. The applicant has considered six other alternative sites for a telecommunications facility. However, these sites were disregarded for a number of reasons, including the alternative sites having a greater impact on residential amenity and or footway width than the application site, or constraints posed by underground services and other existing transport related infrastructure, and need to avoid affecting visibility splays.
- 3.4. Notwithstanding the range of environmental restrictions which exist when identifying and selecting a site for a telecommunications facility, it is considered that an insufficient range of

sites were explored, nor sufficient justification given for this location. With regard to the potential for establishing the facility on the roof of an existing building, while the applicant has given some explanation as to the constraints for establishing a rooftop site, stating *'The buildings in the area are very residential on the top floors and so there can sometimes be more conflicts with ICNIRP for 5G and as such the mast sites are preferred in this specific area.'*, this explanation itself is insufficient in discounting the provision of a rooftop site. It would appear there is a possibility a rooftop site may be a feasible option as an alternative to proposing a ground-based mast site, however the applicant has chosen to only make a cursory investigation of the feasibility for establishing a rooftop site. Further, the applicant has advised *'Please note that for this project we are looking primarily at highways locations due to speed of rollout.'* This statement further suggests only minimal consideration has been given to establishing a rooftop site, due to a ground-based mast site being considered the most expedient option by the applicant. The timings for the establishment of a new facility do not circumvent the need to give full consideration to utilising existing buildings to accommodate the facility. This is particularly relevant in considering minimising the harm to heritage assets (see below).

- 3.5. In addition, the information provided by the applicant indicates the applicant has also not explored the feasibility of establishing a facility on non-highways land, such as privately owned land.
- 3.6. The applicant has provided a ICNIRP Declaration certificate, which states that all of the proposed equipment would comply with International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards on emission levels in accordance with government guidelines.

4. Siting and Design

- 4.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including listed buildings. The principles of these policies are also reflected in the Neighbourhood Plan, in policies 2 and 3, promoting good design and streetscape, and protection of heritage assets.
- 4.2 CPG Digital Infrastructure states that "the Council will aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used unless the need for a new site has been demonstrated to the satisfaction of the Council. Where new sites are required, equipment should be sympathetically designed and appropriately camouflaged where possible."
- 4.3 The proposed mast would measure 18m in height and the new cabinets would range from 0.95m to 1.752m height.
- 4.4 The site is located adjacent to Hampstead Cemetery (Registered Historic Park or Garden), positioned directly adjacent to the cemetery's low stone boundary wall and iron railings, and in proximity to the boundary vegetation and close by Hampstead Cemetery Lodge (locally listed building). This is a key and important entrance to the cemetery and makes a notable contribution to its significance, along with the immediate setting of this part of the registered park (the street outside), announcing its presence in the street. Being positioned directly adjacent to the cemetery's boundary and entrance, the modern form and scale of the telecommunications mast and cabinets would conflict with the setting of Hampstead Cemetery, in particular the boundary wall and railings which are understood to be original to the cemetery and form a key part of the interface of the cemetery with the street environment. This harm to

the important part of the setting would therefore cause harm to the significance of the designated heritage asset, albeit less than substantial.

- 4.5 In addition, the Cemetery Lodge, although not designated, obtains a considerable amount of its significance from its wider setting which includes the cemetery itself and the setting, particularly this principal entrance and street setting. The proposed monopole would also obscure views and dominate over Hampstead Cemetery Lodge, thereby diminishing the building's significance and its contribution to the setting of the wider cemetery and public-realm. The proposed monopole and cabinets would harm the Registered Historic Park and locally listed building. As discussed under section 3, due to the inadequate range of alternative sites explored, it is uncertain whether another feasible location for establishing the facility exists, which is not located in proximity to Hampstead Cemetery. Overall, given the scale of the facility and its visibility and dominance within views of the nearby Hampstead Cemetery, in particular the historic low stone wall and railings and Hampstead Cemetery Lodge, when considered in the context of inadequate range of potentially less harmful facility locations explored, the proposed facility would cause unacceptable harm to Hampstead Cemetery, including the locally listed Hampstead Cemetery Lodge. Such harm could potentially be eliminated or minimised through alternative sites and locations.
- 4.6 In terms of the siting within the highways land, the scale of the facility would be more easily absorbed within the street environment which includes a medium-width road, and an intersection nearby which adds to the spaciousness of the environment. While there are no similar sized structures in the environment, free-standing poles of a utilitarian nature, in particular streetlights and pedestrian crossing lights, are not uncommon in the streetscape. In addition, mid-rise buildings and mature specimen trees, albeit of a lesser height than the proposed pole, are located up against Fortune Green Road. The layout of the immediate street setting would therefore go some way in limiting the harm of the scale and appearance of the mast and cabinets to the wider landscape. Notwithstanding, the proposed mast would appear as a dominant feature within and cause material harm to the street setting and neighbourhood character, predominantly due to its overall scale, including bulk. Due to the inadequate range of alternative sites explored, the harm to neighbourhood and streetscape character posed by the proposed cannot be acceptability balanced against the need for a ground based mast.
- 4.7 It is understood the facility would not require the removal of any existing vegetation. Therefore any effects on vegetation and wildlife relating to the proposed facility location, would be negligible and acceptable.
- 4.8 The proposed equipment due to its excessive height, number, bulk, and inappropriate siting would result in overly dominant visual clutter which would affect the openness and setting of the street, causing material harm to the character and appearance of the street scene and nearby heritage assets.

5. Transport

- 5.1 Policy T1 of the Local Plan (2017) outlines the need to promote sustainable transport by prioritising walking, cycling and public transport in the borough. It goes on to state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments are easy and safe to walk through ('permeable') and provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate.
- 5.2 In support of the above, CPG Transport states that that the Council expects developments to consider the movement of people in and around a site, and to include the following: Ensuring

the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities; Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture.

5.3 The proposed monopole and cabinets would be installed in the western footway of Fortune Green Road, adjacent to the boundary with Hampstead Cemetery, and leave a gap of approximately 2.3m between the facility and the kerb.

5.4 Council's Transport Officer has reviewed the proposal and considers the facility leaves sufficient space for pedestrians to pass unhindered.

5.5 It is noted the space provided in the footway and the facility likely complies with Camden Council's standard of 1.8m effective (minimum) footway width, as well as the minimum requirements of the GDPO for inclusive mobility of 2m.

6. Amenity

6.1 Para 45 of the NPPF states that applications for telecommunications development should be supported by the necessary evidence to justify the proposed development. This should include, 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 on nonionizing radiation protection guidelines. Para 46 states that local planning authorities 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 for public exposure.

6.2 As discussed in section 3.5, the applicant has submitted a ICNIRP Declaration certificate, which states that all of the proposed equipment would comply with International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards on emission levels in accordance with government guidelines.

6.1 The pole and cabinets will be sufficiently separated from nearby residential properties so as to not result in undue shadowing over or adversely effect the outlook from residential properties.

6.2 However, as discussed in section 4, the facility's adverse impacts on nearby heritage assets (Hampstead Cemetery and Hampstead Cemetery Lodge) and the streetscape character are sufficient to justify refusal on the basis of the harm to visual amenity arising from the siting and appearance of the equipment.

7. Planning Balance

7.1 Considerable importance and weight has been attached to the harm to the significance of the designated heritage asset (the registered park), as required by legislation and the NPPF. The harm to the significance of the non-designated heritage asset (the locally listed lodge) is a matter of judgment in the planning balance, and considerable weight has also been attached to this especially given the positive contribution it also makes to the wider significance of the registered park.

7.2 Local Plan Policies D1 and D2, and Chapter 16 (Conserving and enhancing the historic environment) of the NPPF, seeks to preserve and enhance designated heritage assets. The NPPF states in Paragraph 202 that "*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 including, where appropriate, securing its optimum viable use*".

7.3 Paragraph 203 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.”*

7.4 It is clear from CPG Digital Infrastructure guidance and Paragraph 115 of the NPPF that the number of radio and electronic communications masts and sites should be kept to a minimum, and that where new sites are required (such as for new 5G networks), equipment should be sympathetically designed and camouflaged where appropriate.

7.5 In terms of alternative site locations, the submitted documents indicate that the applicant has identified and undertaken consideration for a number of sites within the locality and that these were not chosen as being suitable for various reasons. However, it is considered the applicant has not explored alternative to give sufficient justification for the establishment of the facility at the application site. In particular, it is considered the applicant has also not explored the feasibility of establishing a facility on non-highways land, such as privately owned land at the roof of an existing building. The applicant has not provided a clear and convincing justification for the harm (NPPF para 200) and has not maximised the opportunity to avoid or minimise the harm.

7.6 Council acknowledges that the proposal would have public benefits in the sense that it would provide new 5G coverage and reception in the area and would enable enhanced connectivity for residents, students, businesses and services. This has been given moderate weight in this particular case. It is assumed there would be some negligible benefits in terms of employment and economic activity from installation and operation, but this has been given minimal weight. Nevertheless, weighing the harm caused to the heritage assets and streetscape character, it is considered on balance that the benefit to the public arising from the proposal would not outweigh the harm arising to Hampstead Cemetery. The harm to the Cemetery Lodge, and wider character and amenity of the local area further weigh against a recommendation for approval.

7.7 Overall, therefore, on balance, the proposed development does not accord with Chapter 16 of the NPPF which seeks to preserve and enhance heritage assets. The proposal is also contrary to the design and heritage policies of the Development Plan. As such, the proposal is considered to be unacceptable in terms of siting and appearance.

7.8 It should also be noted that there were failures by the applicant to meet compulsory requirements under the GPDO in order to qualify for this permitted development class, even if officers had been minded to grant prior approval. In particular, the owner (the Highways Authority) were not notified prior to the submission of the application (only the Planning Authority was notified, and at the point of submission). In addition, details of where to submit any comments (and the name of the LPA) were not included in the notification as required under the GPDO. As such, the proposal also does not meet the other requirements and conditions of this class of permitted development.

8. Recommendation: Prior approval required - Approval refused on grounds of unacceptable siting and design.

Reason:

The proposed monopole, by reason of its siting, height, bulk, size and alien appearance in this location, would result in overly dominant visual clutter in a key position of the street position. This appearance and siting would cause material harm to visual amenity, and be detrimental to the character and appearance of the street scene. The appearance and siting would also cause harm to the significance of the nearby locally listed building (Hampstead Cemetery Lodge) and the Registered Historic Park / Garden (Hampstead Cemetery) due to the impact on their setting. The public benefits of the proposal do not outweigh the harm and overall the impact of the proposal, due to its siting and

appearance, is contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017, and policies 2 and 3 of the Fortune Green & West Hampstead Neighbourhood Plan 2015.