

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>05/04/2023</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>09/04/2023</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Matthew Dempsey			2023/0651/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Tavis House 1 - 6 Tavistock Square London WC1H 9NA			Please refer to Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Installation of a telecoms base station with installation of 6 antennas, 2 transmission dishes, a power supply cabinet, two flatpack frames and ancillary development.				
<b>Recommendation(s):</b>	<b>Prior Approval Required - Approval Refused</b>			
<b>Application Type:</b>	<b>GPDO Prior Approval Determination</b>			

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>	<p>A press notice was published 16/03/2023, which expired 09/04/2023.  A site notice was displayed 15/03/2023, which expired 08/04/2023.</p> <p>One objection was received from representatives of the long-leaseholders of the host site. Their concerns can be summarised as follows:</p> <ul style="list-style-type: none"> <li>• The proposed development would not be lawful.</li> <li>• The proposal does not benefit from permitted development rights.</li> <li>• The developer does not control the land.</li> <li>• The developer does not have any agreement with the landowner.</li> <li>• The landowner intends to develop the site as per application ref: 2021/6105/P, granted Subject to a Section 106 Legal Agreement 09/06/2022.</li> </ul>					
<b>CAAC/Local groups* comments:</b> *Please Specify	No comments received.					

## Site Description

The host site is a ten storey, plus plant room, office building on the East side of Tavistock Square at the corner junction with Tavistock Place.

The building is not listed but it is located within the Bloomsbury Conservation Area and is noted as making a positive contribution to the character and appearance of the conservation area with several listed buildings nearby, including the immediate neighbours (British Medical Association House, Tavistock Square to the north of site and No.5 Tavistock Place to the east).

## Relevant History

**2009/3205/P** - Replacement of windows to east (rear), south (side), and west (front) elevations and associated alterations including erection of flat roof area at ground floor level on rear elevation following removal of rooflights, balconies and glazed covered walkway to rear of office building (Class B1). **Granted 20/10/2009.**

**2010/3094/P** - Non-material amendments to planning permission granted 20/10/2009 (2009/3205/P) (for replacement of windows to east (rear), south (side), and west (front) elevations and associated alterations including erection of flat roof area at ground floor level on rear elevation following removal of rooflights, balconies and glazed covered walkway to rear of office building (Class B1)). Amendments comprise replacement of inward tilting windows with outward tilting, self cleaning windows, installation of metal louvres to ground floor rear and side elevations and to window at second and fourth floor rear elevation and retention of existing balconies, rooflights, ground floor entrance door and curtain walling to rear elevation. **Granted 16/07/2010.**

**2010/3272/P** - Installation of an EDF sub-station and associated screen fencing to the rear car park of an office building (Class B1a). **Granted 16/09/2010.**

**2010/3379/P** - Relocation and replacement of existing entrance doors to create front entrance lobby on the front elevation at ground floor level. **Granted 20/08/2010.**

**2010/3690/P** - Installation of 14 new condenser units and associated timber acoustic screens to the roof of office building (Class B1). **Granted 10/09/2010.**

**2021/6105/P** - Refurbishment and extension of the existing building to provide new entrances, a new roof top pavilion, roof top plant equipment and enclosures, rear extension and cycle parking associated with Class E use together with new hard and soft landscaping and other ancillary works. **Granted Subject to a Section 106 Legal Agreement 09/06/2022.**

## Relevant policies

### National Planning Policy Framework (2021)

### The London Plan (2021)

### Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

### Camden Planning Guidance:

- CPG – Design (March 2019)
- CPG – Amenity (March 2018)
- CPG – Digital Infrastructure (2018)

## Code of Best Practice on Mobile Network Development (November 2016)

### Bloomsbury Conservation Area Statement (2011)

#### Assessment

##### 1.0 Proposed development:

- 1.1 The application has been submitted under Part 16 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015 (as amended). The GDPO sets out the details in regard to the type of development for which planning permission is 'deemed' to be granted, more commonly known as 'permitted development'. In particular, the application seeks determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the proposed development in relation to telecommunications equipment.
- 1.2 In this instance, Prior Approval is sought to install new telecommunications equipment on the existing rooftop plant room area. The proposal includes the installation of six antennas, two transmission dishes, and a power supply cabinet and two flatpack frames, also with ancillary safety railings and cabling.
- 1.3 The maximum height of the existing plant room is 32.9m above ground level. The maximum height of the existing main roof is 29.4m above ground level. The antenna and dish installations are proposed to be sited on the plant room. The power supply cabinet would be sited on the main roof level.
- 1.4 The antennas fixed to tripods shall rise from the plant room roof to a maximum of approximately 37.55m above ground level. One tripod support shall be mounted at NE corner of the plant room roof, the other would be at the SE corner.
- 1.5 The power supply cabinet and two flatpack frames shall be installed at main roof level at approximately 32m above ground level. Associated safety railings and cable trays shall also be proposed as part of the overall scheme.

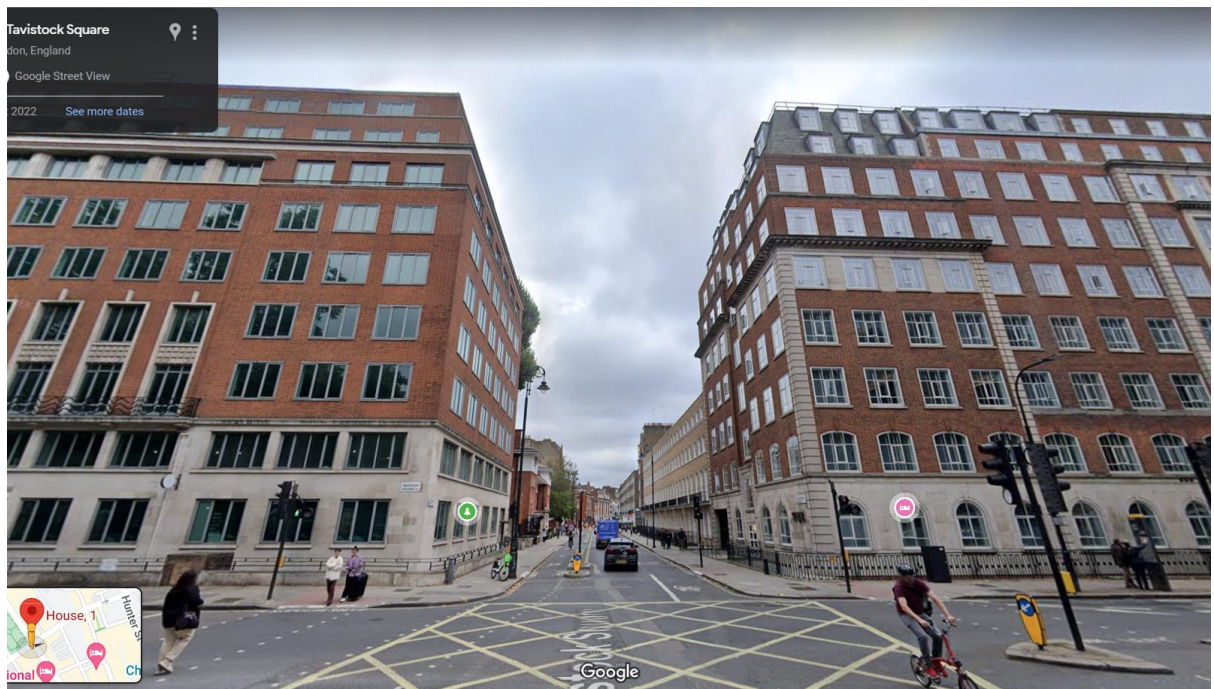
##### 2.0 Justification:

- 2.1 The proposal is a new installation intended to enhance existing network services by increased capacity and to allow for new 5G provision in the area. It would enable the provision of 2G, 3G, 4G and new 5G services for the MBNL (EE (UK) Ltd and H3G (UK) Ltd) mobile network in this part of London.
- 2.2 The applicant has provided confirmation that they have employed a sequential approach to site selection for this proposal; However, the detail given is very limited (see page 14 of Site Specific Supplementary Information document). It is also noted the applicant has incorrectly identified the application site with (image 1) within their supplementary information, see below:



Image 1: The application site

Applicant image 1: Supplementary Information page 4. Showing incorrect site.



Google Street view: Showing host site Tavis House Tavistock Square (left), and incorrect site Whitley Court, Woburn Place (right).

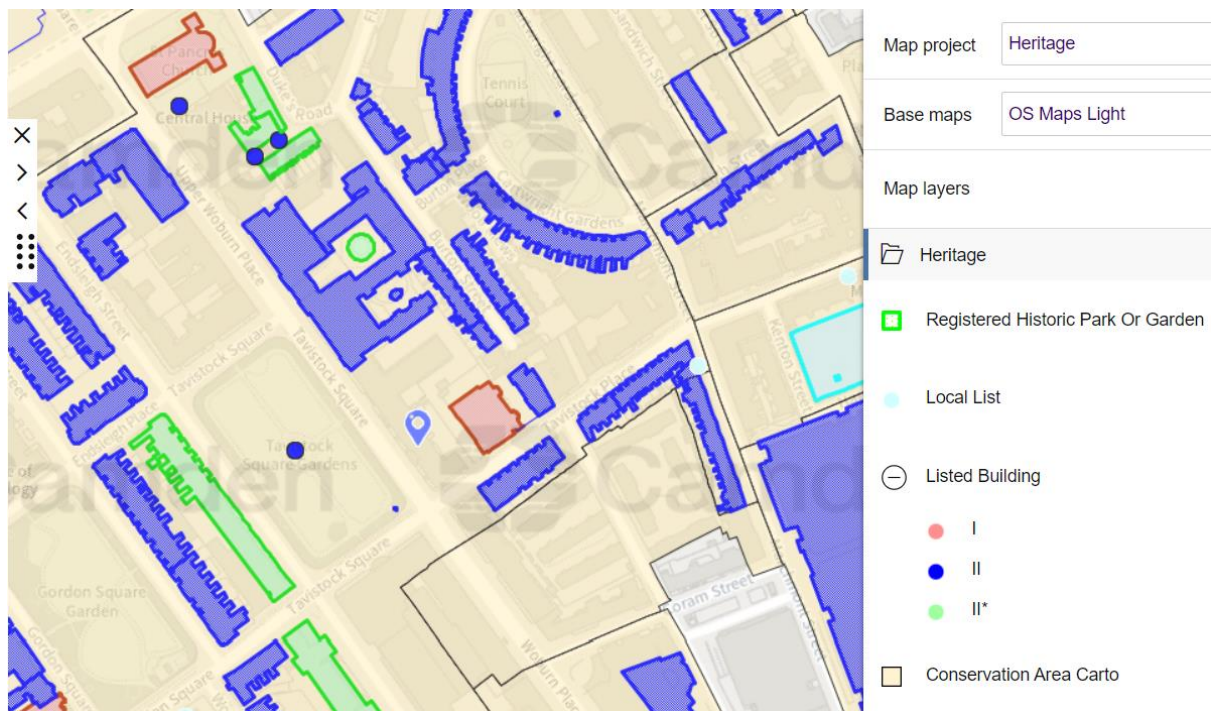
- 2.3 For the avoidance of doubt, correct site images are provided by the applicant in later images with the same supplementary information they have submitted.
- 2.4 The applicant states there would be no impact on residential amenity in terms of loss of light or outlook. Given the position of the proposals at roof level, and the height of the host building, it is agreed that there would be no loss of neighbouring amenity in this respect.
- 2.5 The applicant has indicated that prior to the submission of this application a pre-application consultation was undertaken with the local planning authority (LPA); however, there is no record of formal pre-application advice being given (please see planning history section above).
- 2.6 The applicant has declared with appropriate documentation 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.

- 2.7 The applicant has confirmed they have consulted the UCL Day Nursery regarding the proposal, but did not receive any response.
- 2.8 The applicant states within their supporting information that there are no local aerodromes, and they have therefore not consulted in this regard.
- 2.9 Para 46 of the NPPF 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'.

### 3.0 Siting and Appearance:

- 3.1 The host property is located in a prominent position at the corner of Tavistock Square and Tavistock Place. The host building is a modern office, which is considered to contribute positively to the surrounding Bloomsbury Conservation Area within the setting of several listed buildings. The lower level facades of the property facing the street are stone with red brick to the floors above.



Camden GISMO map: Heritage layer. The application site is within the Bloomsbury Conservation Area. Listed buildings are highlighted; red (Grade I), blue (Grade II) and green (Grade II\*). The locally listed building (Turquoise) is also shown.

- 3.2 The highest elements of the roof can be appreciated in views from various locations, including from Tavistock Square, and from Tavistock Place and Woburn Place.
- 3.3 A screen shot of the street view from the junction of Tavistock Square, Tavistock Place and Woburn Place demonstrates the prominence of the roofscape from this sensitive location, as below:



Google Street view: Tavis House, 1-6 Tavistock Square.

3.4 The host building is considered to be of architectural merit and as such, it is noteworthy that the existing roofscape is free from clutter. The roofscape is considered to contribute significantly to the character and appearance of the conservation area. The introduction of a cluster of antennas projecting approximately 8.15m above the existing main roofline is not considered appropriate or acceptable in this location in terms of its visual impact.

3.5 The clean existing roofline can also be appreciated from the rear, from Tavistock Place.



Google Street view: Tavis House, 1-6 Tavistock Square rear view from Tavistock Place, with Grade I listed building (No.5 Tavistock Place) in foreground.



Google Street view: Tavis House, 1-6 Tavistock Square, front elevation view from across Tavistock Square gardens.

3.6 The images above (and existing elevations provided by the applicant) show the lack of clutter along this roofscape where the host site and the neighbouring properties meet the skyline. The introduction of clusters of high antenna tripod structures at the plant roof edges projecting above the existing un-cluttered roofline is considered to be harmful in views from both sides of the site. It is accepted that the proposed cabinets would be unlikely to be visible due to their size and setback on the roof. The proposed installation is not considered appropriate in context and is not in keeping with the character of the Bloomsbury Conservation Area.

3.7 Policy D1 of the Camden Local Plan seeks to secure high quality design in development. Policy D2 (Heritage) states that the Council will resist development that would cause harm to views into and out of conservation areas, and affecting the character or appearance of conservation areas and the setting of listed buildings.

3.8 The existing roofline of the host building is largely unimpaired and free from of any telecommunications equipment or similar visible clutter. The prominence and scale of the installation as proposed would result in the antennas in particular being visible above the existing roof line, where it would be clearly visible from public views close by and also from longer views.

3.9 There may be some argument in accepting a small degree of carefully located and well-designed rooftop equipment here of an appropriate small scale and height, as well as the ancillary cabinets which would not be visible. However it is considered the overall scale and dominance of the proposals, especially the proposed installation adjacent to the Grade I listed building is unacceptable; it would be highly prominent in both long and short views and would be an incongruous addition to the host building itself. The proposed equipment, due to its scale, size and design with numerous antennas attached to various support structures, is considered to cause harm to the setting of surrounding listed buildings and the character and appearance of the host building, street scenes and surrounding conservation area.

3.10 Overall, it is considered that the location, bulk, scale, height and design of the proposed telecommunications equipment would be harmful to the setting of surrounding listed buildings, the character and appearance of the host building and the Bloomsbury Conservation Area.

#### **4.0 Planning balance:**

4.1 Considerable importance and weight has been attached to the harm to the designated



heritage assets, and special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Bloomsbury Conservation Area in particular, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013. Special regard has been attached to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, under s.66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

- 4.2 Local Plan Policy D1, consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF 2019 which seeks to preserve and enhance heritage assets, states that the Council will not permit harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm.
- 4.3 Given the assessment as outlined above, it is considered that the proposed telecommunications equipment would result in 'less than substantial' harm to the setting of listed buildings (specifically; No.5 & 2-14 Tavistock Place, and British Medical Association House, Tavistock Square) and the character and appearance of the Bloomsbury Conservation Area. It is recognised that the proposed scheme would result in better network coverage, and as such, some public benefit would be derived from the scheme. However, in weighing the harm caused as a result of the development against this public benefit, the proposal is considered to be contrary to Section 16 of the NPPF (2021) which seeks to preserve heritage assets.
- 4.4 The Council does not dispute the public benefit entailed by improving connectivity and indeed welcomes this aspiration; however the harm arising from the prominent visibility of the proposed equipment from within the Kings Cross St Pancras Conservation Area is considered to outweigh this public benefit. It is therefore considered that the heritage constraints of this site prevent the Council from recommending this application for approval.
- 4.5 The proposal would therefore fail to accord with Policies D1 and D2 of the Camden Local Plan 2017. The development, particularly the central tower mast with antennas, would create overly dominant visual rooftop clutter on a prominent roofscape, causing harm to the character and appearance of the host building, local views and Kings Cross St Pancras Conservation Area.

## **5.0 Recommendation:**

- 5.1 Prior Approval Required and Prior Approval Refused, on the grounds of the proposal's detrimental impact on the character and appearance of the host building in terms of both siting and appearance; its unacceptable location, scale, height and design; and the dominant visual clutter resulting in harmful impact to local views, nearby listed buildings and the wider Bloomsbury Conservation Area.