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Our ref ROGN/ASDM/NG1992.00186

Dear Camden Council,

Matilda Apartments, 4 Earnshaw Street, London, WC2H 8AG (the Property)
Planning Application ref: 2024/5654/P (the Application)
Installation of 6 antenna apertures, 2 transmission dishes and 8 equipment cabinets to roof and development ancillary thereto (the Development)

We act for Google, the freehold owner of the Property.

Waldon Telecom Limited acting on behalf of MBNL (EE (UK) Ltd and H3G (UK) Ltd (the **Developers**) have submitted the Application for the Development.

The Application is to remove condition 5 (the **Condition**) attached to the planning permission ref: 2022/2378/P dated 27 February 2024 (the **Telecomms Permission**). The Developers have the benefit of the Telecomms Permission which permits the Development.

We write to object to the Application and set out below our reasons why the Application should be refused.

Council's Previous Decision

The reason given for the imposition of the Condition on the Telecomms Permission was to prevent the site from becoming dominated by the cumulative impacts of excessive antenna proliferating the roof-scape of the building in accordance with the requirements of Policy D1 of the London Borough of Camden Local Plan 2017. This follows the lawful restriction of permitted development rights at roof-level and the previous

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refusal of development which conflicts with the purpose that the Condition performs. This was reported on at some length in the member’s briefing dated 16 December 2024 (the **Briefing**).

In respect of this reason, it is essential to consider Conditions 8 and 10 of the Planning Permission in more detail. Conditions 8 and 10 of the Planning Permission, which provide ongoing safeguards for the Property and the surrounding area, provide the following:

Condition 8: No meter boxes, flues, vents, pipes, satellite dishes or other attachments not shown on the approved drawings shall be fixed or installed on the external faces of the building without the prior written consent of the local planning authority.

Condition 10: No plant, ventilation, air conditioning, extraction or other such equipment shall be provided other than where specified on the plans without the prior written consent of the local planning authority.

The reasons provided for Condition 8 and Condition 10 of the Planning Permission demonstrate why those conditions were necessary to regulate the ongoing use of the Property and to protect it, and the surrounding area, from harm of the kind that would occur if the Proposed Development was allowed to proceed:

1. Condition 8 was imposed because of the need to safeguard the premises (including the Property) and the character of the immediate area; and
2. Condition 10 was imposed because of the need to safeguard the visual amenity of the premises (including the Property) and the character of the immediate area.

The Development is precisely the form of development that the Council considered it was essential to safeguard against when imposing the conditions on the Planning Permission. The siting of the Development would:

1. harm the appearance of the Property and the visual amenity of the Property; and
2. harm the appearance and character of the immediate area. This harm will extend to the adjacent conservation areas and listed buildings.

Removing the Condition would expose the Property to potential harm, including the cumulative harm that it previously identified, without any justification.

The Council’s policy position remains substantially the same as when it determined the Telecomms Permission, as does the NPPF and the NPPG in respect of planning conditions.

There is no basis for an alternative decision in respect of the Condition.

Cumulative Impact

The Application does not include any form of cumulative assessment with the infrastructure permitted by the appeal ref: 2020/2015/P (the **Cornerstone Appeal**), or demonstrate that the Development can co-exist with the infrastructure permitted by the Cornerstone Appeal. The photomontages which the Developer relies upon in support of the Application are dated October 2020, pre-date the decision in the Cornerstone

Appeal and do not include the development permitted pursuant to the Cornerstone Appeal. The Owner is in active discussions with Cornerstone in respect of delivery of their scheme.

This is particularly important given the potential for cumulative impacts in respect of the designated heritage assets identified above. The Application does not take account of approved installations and cumulative impacts.

There is no new information to demonstrate that the cumulative effects are, or can be, made acceptable. The Application is fundamentally flawed in this respect.

Consistency of Decision Making

The reasons for the imposition of the Condition remain valid, and without the Condition the Development would cause cumulative harm and would be contrary to policy.

It would be irrational for the Council to reach an alternative conclusion in respect of the Application given that it is for substantively the same Development as that which the Council issued the Telecomms Permission subject to the Condition for previously and contains no new information.

The Six Tests

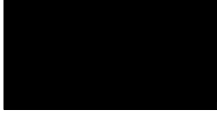
The Council's decision to grant the Telecomms Permission subject to the Condition meets all of the six tests under the NPPF and the NPPG, and the Condition continues to meet all six of those tests. It is:

1. Necessary: the reason in the Telecomms Permission and explained in the Briefing are clear. Without this condition, there would be harm which would make the development unacceptable. The Telecomms Permission was granted on planning grounds and had no regard to competition between operators, and nor is that a reason for the imposition of the Condition.
2. Relevant to planning: The Developer notes in the Application that the Condition is relevant to planning.
3. Relevant to the development to be permitted: The Condition is relevant to the development, as it prevents harmful development comprised in the Application coming forward. The Developer could address this by submitting an updated application which takes account of cumulative effects and which demonstrates that there is no harm. It has not done so.
4. Enforceable: The Condition is enforceable, as it relates to the Development and the Property and if development were undertaken in breach it could be enforced against.
5. Precise: The Developer notes in the Application that the Condition is precise.
6. Reasonable in all other respects: the Condition is reasonable by imposing a restriction to prevent cumulative effects. It is based on an assessment of harm. It is not contrary to policy.

Next Steps

The Council must refuse the Application as it is contrary to the development plan and there are no material considerations which indicate otherwise in this case.

Yours faithfully



CMS Cameron McKenna Nabarro Olswang LLP

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