

Delegated Report	Analysis sheet	Expiry Date:	26/06/2012
	N/A	Consultation Expiry Date:	05/10/2012

Officer	Application Number(s)
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Gideon Whittingham	2012/4601/P
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Application Address	Drawing Numbers
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Pavement outside Mount Tyndal Spaniards Road London NW3 7JH	Refer to draft decision notice
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PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
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Proposal(s)

Installation of 2 x telecommunication cabinets and replacement of existing antenna with 9m antenna.

Recommendation(s):	Grant Prior Approval under Part 24, Schedule 2 of the General Permitted Development Order (1995)
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Application Type:	Full Planning Permission
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Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	13	No. of responses	01	No. of objections	01
			No. Electronic	00		

Summary of consultation responses:	<p>A site notice was displayed from 14/09/2012 (expiring on 05/10/2012) and a public notice was displayed in the local press (Ham & High) from 20/09/2012 (expiring on 11/10/2012).</p> <p><u>Objection from the occupiers of Mount Tyndal:</u> "We do not want another antenna outside our property. It can be put further down the road (Spaniards Road) towards Whitestone Pond where there are no residents. I object on health grounds". Officer comment: The proposal complies with criteria forming part of the GPDO (1995, as amended). Issues relating to health are assessed in 4.2 of the report.</p>
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CAAC/Local groups comments:	Hampstead CAAC – Raised no objection to the application.
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Site Description

The pavement site falls within the Hampstead Conservation Area. It is located on the east side of Spaniards Road, outside Mount Tyndal and opposite part of Hampstead Heath. There are no listed buildings in close proximity. The adjoining areas on either side of the road are in Metropolitan Open Land.
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Relevant History

Pavement outside Mount Tyndal:

- **PWX0302202** (23/04/2003) - Planning permission granted - for the erection of 9m high pole containing telecommunications antennae and erection of 2 ancillary equipment cabinets on grass verge adjoining pavement near entrance to Mount Tyndal.
- **2006/4064/P** (20/10/2006) - GPDO Prior approval refused - for the installation of a 10.3m high monopole with telecommunications antennae and 2 associated equipment cabinets on the grass verge. The reason for refusal was:

The proposed mobile phone mast, by reason of its siting in close proximity to another phone mast on this particular stretch of pavement, would add to the visual clutter of street poles and posts, and thus would be detrimental to the visual amenity of the streetscene and to the character and setting of the adjoining Public Open Spaces of Hampstead Heath and the adjoining Hampstead Conservation Area. This would be contrary to policies S1, S2, B5, B7, B9, N1, N2 of the London Borough of Camden Replacement Unitary Development Plan 2006.

- **2012/0889/P** - GPDO Prior approval granted – for the installation of 1 x BT equipment cabinet on the footway.
- **2012/2530/P** - GPDO Prior approval was sought in 2012 (01/05/2012) for the installation of 1 x telecommunications cabinet and replacement of existing antenna with 12.5m antenna. Due to inaccurate drawings showing incorrect size of equipment, this application was withdrawn

Site on Spaniards Road near junction with North End:

- **2004/1220/P** (24/05/2004) - Planning permission granted – for the erection of a 10m high pole containing telecommunications antennae and three equipment cabinets, located on grass verges adjoining pavement.
- **2006/1904/P** (31/07/2006) - GPDO Prior approval refused – for the replacement of existing telecommunications monopole by a 15m high monopole with 6 integral antennae located on grass verge adjoining the pavement. The reason for refusal was:

The proposed replacement pole, by virtue of its siting adjoining a open section of the Heath, and its design incorporating a bulge and an excessive height in relation to surrounding street furniture, would be detrimental to the visual amenity of the streetscene, the character and appearance of the adjoining conservation area, and the character and setting of the adjoining Hampstead Heath open space, contrary to policies S1 and S2 (strategic policies), B5 (Telecommunications), B7 (Conservation areas), B9 (Local views), N1 (Metropolitan Open Land) and N2 (Protecting Open Space) of the London Borough of Camden Replacement Unitary Development Plan 2006.

Pavement on east side of Spaniards Road facing Heath House:

- **2004/0358/P** (28/05/2004) - Planning permission granted – for the erection of a 10m high pole containing telecommunications antennae and 2 ancillary equipment cabinets, located on grass verges adjoining the pavement.

Relevant policies

The Town and Country Planning (General Permitted Development) Order (GDPO) 1995 (as amended)

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS11 (Promoting sustainable and efficient travel)

CS14 (Promoting high quality places and conserving our heritage)

DP17 (Walking, cycling and public transport)

DP21 (Development connecting to the highway network)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

Camden Planning Guidance 2011: CPG1 Design; CPG6 Amenity;

Hampstead Conservation Area Statement (2001)

Camden Streetscape Design Manual

London Plan 2011

National Planning Policy Framework (March 2012)

Assessment

1. Proposal

1.1 The application proposes:

- The installation of a telecommunications antenna, measuring approximately 9m in height, replacing an existing telecommunications antenna of similar height and appearance.
- The erection of two new telecommunications cabinets, measuring approximately 1m in height, 0.6m in width and 0.5m in depth.

1.2 GPDO prior approval is sought for telecommunications apparatus at various locations. The Town and Country Planning (General Permitted Development) Order (GPDO) 1995 (as amended) sets out the details of the types of developments for which planning permission is 'deemed' to be granted, more commonly known as 'permitted development'. Much of the work carried out by a telecommunications operator will be permitted development under Part 24 of Schedule 2 of the GPDO (1995) (as amended). The proposed works fall under the criteria for assessment under Part 24 by virtue of the proposed apparatus's height and cubic content. The applicant has submitted detailed plans and specifications and thus the only issues to which the Council can raise objections to are those relating to siting and appearance. It is not possible to raise objections on any other grounds. A decision has to be made within 56 days of the application's receipt, i.e., by the expiry dates referred to above, otherwise the applicants have deemed approval by default according to GPDO legislation.

1.3 The applicant (Everything Everywhere) are rolling out a series of apparatus including telecommunication poles and cabinets that will be used to provide greater 3G coverage.

2. Impact on surrounding conservation area:

2.1 The pavement to the east side of Spaniards Road is approximately 2m in width, alongside which is a green verge approximately 2.1m in width. Along this stretch of green verge two existing cabinets and antenna are in situ, set to the back edge of the verge and alongside the pavement. The proposed cabinets would be located north of the existing cabinets and also set on the back edge of the verge, abutting the pavement. The replacement antenna would be set in the same position as the existing antenna, on the green verge. Within this context, given the existing elements along this particular stretch of pavement and its utilitarian design, it is considered the proposed cabinets and replacement antenna would preserve the character and appearance of this part of the Hampstead Conservation Area.

3. Transport

3.1 Turning to transport related matters, no concerns are raised in relation to the siting of the cabinets. Policy DP21 (g) and (h) states that work affecting highways address the needs of wheelchair users, other people with mobility difficulties and other vulnerable users, should avoid causing harm to highway safety or hindering pedestrian movement and avoid unnecessary street clutter. At paragraph 21.12 it states that it is important that development does not hinder pedestrian movement, and that the Council will not support proposals that involve the provision of additional street furniture that is not of benefit to highway users. CPG7 (transport) states at paragraph 8.9 that footways should be wide enough for two people using wheelchairs or prams to pass each other and reference is made to Camden's Streetscape Design Manual with regard to minimum widths for different kinds of footways. Camden's Streetscape Design Manual states that a 'clear footway' (not the distance from kerb to boundary wall but the unobstructed pathway width within the footway) should be a minimum of 1.8m for two adults passing.

3.2 The pavement to the East side of Spaniards Road is approximately 2m in width. Given the proposed cabinets and replacement antenna would be located upon the adjacent green verge and not on the pavement, a 'clear footway' would be maintained.

4. Amenity

4.1 It is considered that no undue harm would be caused with regard to the amenity of the occupiers of the neighbouring properties in terms of access to sunlight, daylight, visual bulk or sense of enclosure.

4.2 In accordance with the NPPF (paragraph 45), the applicant has submitted a statement that self certifies that the cumulative exposure, when operational, of the apparatus will not exceed International Commission on non-ionising radiation protection guidelines.

5. Recommendation:

Grant Prior Approval under Part 24, Schedule 2 of the General Permitted Development Order (1995)

DISCLAIMER

Decision route to be decided by nominated members on Monday 15th October 2012. For further information please click [here](#).