

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>11/05/2011</b>	
<b>(Members Briefing)</b>		N/A / attached		<b>Consultation Expiry Date:</b>		<b>21/04/2011</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Neil Zaayman				2011/1041/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Portland Court 38 Belsize Park London NW3 4EB				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 3 x antennas, 2 x equipment cabinet and ancillary equipment to roof level of flats (Class C3).							
<b>Recommendation(s):</b>		<b>Grant planning permission</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions or Reasons for Refusal:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>12</b>	No. of responses	<b>90</b>	No. of objections	<b>76</b>
				No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>		Site notice and Press Notice expiry: 21/4/11  The Hall Junior School: - objects to another base station that would be located a short distance from the school (for children aged 4 – 8) for actual and perceived health reasons due to risk to children and concerns of parents.  Other objections:  - Detrimental to health / health risk - Harmful to the character of the skyline and Conservation Area - Inadequate information on technical need - Too many masts already present in the area					
<b>CAAC/Local groups* comments:</b> *Please Specify		Belsize CAAC have no objection to the proposal.					

## Site Description

The application site relates to a 5-storey building currently occupied by residential flats. The building is known as Portland Court, located on the west side of Belsize Park, close to the junction with Buckland Crescent. The surrounding area is mainly residential in character and forms part of the Belsize Park Conservation Area.

## Relevant History

**2004/3594/P** - The erection of two 2.5m high GRP fake chimney stacks, containing 3 telecommunications antennae, and 2 associated equipment cabinets on the roof. **Granted.**

## Relevant policies

### LDF Core Strategy and Development Policies

- CS5 – Managing the impact of growth and development
- CS14 – Promoting high quality places and conserving our heritage
- DP24 – Securing high quality design
- DP26 – Managing the impact of development on occupiers and neighbours

### Camden Planning Guidance 2011

### Government Guidance: PPG8 Telecommunications

## Assessment

### Design / Impact on Conservation Area

Policies CS14 and DP25 of Camden's LDF state that development in Conservation Areas should only be permitted where it preserves and enhances the character and appearance of the area.

In respect of its design, siting and appearance, the proposal would be discreetly positioned at the top of the 5-storey residential building alongside other existing TV antennas and a plantroom. The proposal would be no higher than 0.1m above the top of the plant and the proposed cabinets would be of a modest size and no higher than the existing cabinets on the roof. Due to its location at the top of a 5-storey building and modest design, any views from the street level would be negligible. As a result, it is not considered that the proposal would appear visually intrusive against the skyline, nor would it have a harmful impact on the character of the building or the Belsize Park Conservation Area. Whilst it is acknowledged that the proposal would not enhance the character of the Conservation Area, it is not considered to be harmful and would therefore preserve its character and appearance. Belsize Park CAAC have no objection to the proposal.

The applicant has demonstrated in their design and access statement that there are no suitable alternative sites within close proximity to the application site and all other sites falls outside of the catchment area and are therefore too far away. Clutter and the need for another base station elsewhere would be reduced as the proposal would be shared by two operators. It is noted that PPG8 strongly encourages the sharing of masts and sites where that represents the optimum environmental solution.

Moreover, Central Government Guidance contained within PPG8 sets out that local planning authorities are encouraged to respond positively to telecommunications development proposals. Advice within PPG8 includes a list of factors relevant to the determination of such applications. In assessing the appearance of telecommunications equipment local planning authorities may consider materials, colour, design, shape and dimensions. Factors influencing siting include;

- Height in relation to surrounding land;
- Screening effect of topography or vegetation;
- Effect on skyline;
- Relationship with designated areas;
- Relationship with existing structures / buildings;
- Relationship with residential properties.

Government advice is that local planning authorities should seek to approve such proposals in support of national interests unless they are sufficiently and demonstrably harmful as to override that interest. Consideration must be given as to whether the impact from this proposed telecommunications installation is sufficiently serious to override the presumption in its favour under PPG8.

According to the supporting documentation, the proposed development of 3 antennas and 2 equipment cabinets is required to provide 3G coverage and network capacity for Vodafone and O2 to the built up area

surrounding Belsize Park and the local transport network in the area. This will not only provide an "on street" service in the area, but also a better quality "in-building" coverage. Paragraph 7 of PPG8 states that "each telecommunications system has different antenna types, siting needs and other characteristics". Planning authorities should have regard to any technical restraints on the location and proposed development."

#### **Impact on Amenity:**

The proposal would be at the top of a 5-storey block of flats. It is not considered that the proposal would have a harmful impact on the amenities of neighbouring occupiers in terms of its siting and appearance and would therefore comply with the aims and objectives of Policy DC26. The council's standard noise condition has been added to the permission in order to prevent any noise nuisance arising from this proposal.

#### **Other Issues:**

PPG8 states that where a mast is to be installed on or near a school or college it is important that operators discuss the proposed development with the relevant body of the school or college concerned *before* submitting an application for planning permission to the local planning authority. In this respect, the applicant has provided evidence of consultations with 3 schools within a 250 – 300m radius from the application site, namely North Bridge House, The Phoenix School and Holy Trinity CofE Primary School. The Hall Junior School has been notified as part of the Council's standard notification procedure.

The vast majority of objections raised relate to health concerns. With respect to health issues and in line with the precautionary approach laid out by the "Stewart Report", a Certificate has been submitted with the application which confirms that the proposal complies with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines. Although health considerations and public concern can, in principle, be material planning considerations, PPG8 makes it clear that it is the Government's view that the planning system is not the place for determining health safeguards. It states that "in the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission, to consider further the health aspects and concerns about them".

In this case, a signed ICNIRP Certificate has been submitted and is dated 1<sup>st</sup> Dec 2011. Furthermore, a letter has been submitted by Vodafone UK (dated 07/12/2011) which explains that ICNIRP sites are designed so that it is not possible for persons to enter an area where their exposure to Radio Frequency (RF) energy could exceed guideline exposure levels. The letter goes on to state that the certificate of ICNIRP *guarantees* the compliance of the site to ICNIRP guidelines.

It is noted that when assessing compliance with health and safety legislation, the Health and Safety Executive (HSE) refer to guidelines produced by the National Radiological Protection Board (NRPB), however the ICNIRP guidelines for public exposure are 5 times more restrictive than those of the NRPB. In light of this, it is considered that there are no justifiable grounds to refuse the proposals on health grounds.

#### **Conclusion:**

The proposed development of 3 antennas and 2 equipment cabinets is considered to be acceptable in terms of siting. It is considered that the design and appearance of the proposal in general would be acceptable as the proposal would be discreetly located on the roof top of a 5-storey building alongside other equipment cabinets and antennas. The proposal is not considered to be harmful in terms of its siting, design or appearance and would preserve the character of the Conservation Area. There would be no harm to neighbouring amenity and no further concerns are raised in respect of health issues.

#### **Recommendation:**

That permission is granted, subject to conditions.

#### **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 9<sup>th</sup> January 2012.**

**For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>