

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>10/02/2017</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	<b>21/02/2017</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Charles Thuaire			2016/7124/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
junction of Melton Street/Euston Square and Euston Road, London WC1H 0DS			Please see 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 additional radio equipment cabinets on pavement					
<b>Recommendation(s):</b>		a) Prior Approval Required b) Approval Refused			
<b>Application Type:</b>		GPDO Prior Approval Determination			
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice			
<b>Informatives:</b>					

**Consultations**

<b>Adjoining Occupiers:</b>	No. notified	<b>00</b>	No. of responses	<b>00</b>	No. of objections	<b>00</b>
			No. Electronic	<b>00</b>		

**Summary of consultation responses:** A site notice was erected on 31/01/2017, expiring on 21/02/2017; an advert was placed in the Ham & High paper on 26/01/2017, expiring 16/02/2017

**Safeguarding Planning Manager, High Speed Two (hs2)**

Object-

The proposed radio equipment cabins are located entirely within the limits of land subject to the formal HS2 Phase One Safeguarding Directions and within the Limits of Land to be Acquired or Used (LLAU) for construction of the railway as identified on the Plans deposited in Parliament on 25th November 2013 and since updated on 16th August 2016. HS2 Ltd construction and delivery teams have been consulted on the proposals and advise that the proposed installation falls within a Utilities Construction Zone (UCZ), which is congested with major utility diversionary works and therefore any existing assets/plant in this area will need to be diverted or removed. It is clear that the proposed telecommunications cabins will not be able to co-exist with planned HS2 works at its current location and would therefore need to be relocated in the near future. It cannot support the permanent siting of the proposals in their current location and recommends that the London Borough of Camden refuses to approve consent for them and suggests a wording for reason for refusal-

*REASON FOR REFUSAL:*  
*'The proposed development would conflict with the HS2 safeguarded route as published, and would impact on the ability to build and operate HS2 and the Government's objective of delivering HS2, which is an infrastructure project of national importance. The proposal is therefore contrary to Government Guidance contained in the National Planning Policy Framework (NPPF) and the Safeguarding Directions for development affecting the route and associated works for the High Speed Two rail project – Phase One.'*

**Site Description**

The application site comprises a wide stretch of pavement at the southwest corner of Euston Square Gardens at the junction of Melton St and Euston Rd. The 2 back edges of this pavement area are lined by railings with a plethora of structures in front- one has a row of newspaper and magazine boxes, the other has an Evening Standard (ES) newsstand container, a magazine box, a publicity leaflet rack and a telecom equipment cabinet. There is a signpole advertising Euston station in the middle of the pavement. To the east are the gardens and to the north are Euston Station and various office blocks. The site is in Bloomsbury conservation area.

**Relevant History**

**None**

## Relevant policies

### **National Planning Policy Framework 2012**

Sections 4- transport, 5 -telecommunications, 7- design, 12- historic environment

### **The London Plan 2016**

### **London Borough of Camden Local Development Framework (LDF)**

#### **Core Strategy and Development Policies 2010**

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

DP24 - Securing high quality design

DP25 - Conserving Camden's heritage

DP26 - Managing the impact of development on occupiers and neighbours

### **Camden Planning Guidance 2011-2015**

### **Bloomsbury Conservation Area Appraisal and Management Strategy (CAAMS) 2011**

### **HS2 Phase One Safeguarding Directions 16<sup>th</sup> August 2016**

## Assessment

### **Introduction**

The proposal involves 3 new telecom equipment cabinets in front of the eastern railings, replacing the existing large ES newsstand which will be relocated elsewhere. The 2 smaller cabinets will measure in total 600x480x700 high and the larger one will measure 600x500x1520 high; they will be in standard grey colour. They are to provide additional equipment for MBNL and EE (UK) Ltd.

To clarify, the applicant is seeking prior approval for the siting and appearance of the equipment only. As a result it is not possible for objections to be raised on any other grounds, such as health. It is noted that, due to late validation of the application, the statutory 21 day consultation via a site notice does not finish until 21<sup>st</sup> February. Only one objection has been submitted by HS2 as part of their Safeguarding Directions; it is unlikely that any other comments will be made. However, a decision is needed to be made within 56 days of the application's receipt (22nd December 2016). Thus if the applicant does not receive the Council's decision by 15th February 2017, the proposals will have deemed approval by default according to GPDO legislation.

### **Justification**

The new cabinets, in conjunction with altering the existing cabinet here, are to upgrade and expand existing infrastructure and will provide enhanced 4G coverage here. No further justification has been provided by means of plot coverage maps to explain the need for more equipment here; as this is simply an upgrade to existing pavement-based equipment, no searches have been necessary to find alternative sites on other buildings. The need for additional telecom equipment here is therefore considered to be justified.

The applicant has also declared that the equipment will comply with ICNIRP standards on emission levels. There will be no impact on residential amenity in terms of loss of light or outlook or perception of harm to health.

### **Siting and design**

The area is characterised by an array of various small utilitarian structures, albeit all temporary except

for one existing telecom cabinet. The proposed 2 cabinets will adjoin this existing one and will replace the existing very large ES stand next to it. The existing area here is rather messy with these boxes and pole-mounted signage and it is considered that 2 permanently placed small cabinets will not add to street visual clutter here. They will not harm the setting of the railings and the Gardens behind nor obscure or harm any historic fabric. They will not harm the character and appearance of the conservation area here. The size and colour of the cabinets will blend in with adjoining structures and gate piers and will not be bulky or obtrusive in appearance. The cabinets will line along the railings as with other structures and will not project out more than them, so that there will be no harm to pedestrian flows or public safety along the pavement.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

It is considered in this context that the siting and appearance would be acceptable to the Council in terms of its own design policies.

However it has been brought to the Council's notice that the cabinets, both existing and proposed, lie within a safeguarding zone for the new HS2 rail link. Safeguarding Directions were issued and came into force on 16th August 2016 under articles 18(4), 31(1) and 34(8) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 ("the Order"). HS2 advise (see above consultation response) that 'the proposal falls within a Utilities Construction Zone (UCZ), which is congested with major utility diversionary works and therefore any existing assets/plant in this area will need to be diverted or removed'. Furthermore they say that 'the proposed telecommunications cabins will not be able to co-exist with planned HS2 works at its current location and would therefore need to be relocated in the near future'. Accordingly they object to the siting. Factors concerning 'siting' may involve, height of the site in relation to surrounding land, topography of the site and vegetation, openness and visibility of the site, designated areas, the site in relation to existing masts, structures or buildings or proximity to residential property. It is considered that the siting of these cabinets would be premature given that they will not be able to co-exist with planned HS2 works at its current location and would therefore need to be relocated in the near future.

Furthermore the Government procedural advice on handling applications within an area subject to HS2 safeguarding is that, where HS2 Ltd has responded, the LPA will not be bound by that recommendation; however if it does not accept the recommendation, it will be required to notify the Secretary of State for Transport under paragraph 6 of the Safeguarding Directions. Where permission is refused due to a conflict with the HS2 project, the decision notice should include that conflict in the reasons for refusal.

Para 41 of the NPPF relating to Transport states that 'Local planning authorities should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice.'

It is considered that the Council has no option but to refuse the scheme in this instance, given the strict timescales of dealing with Prior Approval schemes, and to advise the applicant to liaise with HS2 further with any future planned works here.

### **Recommendation**

Prior Approval Required – Approval refused on grounds of unacceptable siting conflicting with the HS2 safeguarding directions for the area.