

Delegated Report		Analysis sheet	Expiry Date:	26/04/2019
		N/A / attached	Consultation Expiry Date:	25/02/2019
Officer			Application Number(s)	
Matthew Dempsey			2019/0448/P	
Application Address			Drawing Numbers	
1 - 19 Torrington Place London WC1E 7HB			Refer to decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of 8 x antennas and 2 x 600mm dishes, replacement of existing cabinets (within equipment cabin) with 9 x new cabinets, also; removal of redundant equipment cabin, and; ancillary works.				
Recommendation(s):	i) Prior Approval Required ii) Approval Refused			
Application Type:	GPDO Prior Approval Determination			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	00
Summary of consultation responses:	<p>A resident of Gordon Mansions objected on the grounds that; they are concerned about new technology and potential for radiation. They are also concerned about the height that installation would add to the building.</p> <p>Officer Response: Noted. Please refer to paragraph 2 below.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>The Gordon Mansions Residents Association has raised objections on the grounds that;</p> <ul style="list-style-type: none"> • 5G technology is untested for effects on human health. • 5G masts are not sited near to schools due to possible effect on physical development of children, and therefore should not be sited near their homes. • The position of the masts is too near to residential flats. <p>Should prior approval be granted they have also asked for a strong informative with regards to the use of cranes necessary to facilitate development.</p> <p>Officer Response: Noted. Please refer to paragraph 2 below.</p> <p>Highways and other licenses may be required for the use of any crane on a public highway required to facilitate installation. Had prior approval been granted an informative could have been added to remind the applicant of their obligations in this regard.</p>					

Site Description

The site in question is atop a twelve-storey building, plus basement and existing roof top plant area. Fronting Torrington place, it is close to and between the junctions with Tottenham Court Road and Huntley Street. The host building is of modern design and construction, currently occupied by UCL. The roof top area has existing plant and telecoms equipment in place at this level.

The host property is not listed, however it is directly opposite a Grade II* heritage asset, namely No 2–26 Torrington Place (Also forming 191-199 Tottenham Court Road, Heals and Son's Ltd), and sits within the Bloomsbury Conservation Area. It is also situated within the viewing corridor from Parliament Hill to the Palace of Westminster.

Relevant History

9200983 - Change of use of second to fifth floors inclusive of west wing facing Tottenham Court Road from Class B1 office use to Class D1 educational use within the meaning of the Town and Country Planning (Use Classes) Order 1987 as shown on drawing numbers 0010F028/4 5 6 7 & 8. **Grant full or Outline Perm, with Condit. 12/11/1992.**

PSX0004929 - The installation of 6 antenna, 4 microwave dishes and associated equipment cabin. (as shown on drawing numbers: 30/GLN3067/01B, 90-MIVAN and 2 photographs). **Grant full planning permission. 26/09/2000.**

PSX0205006 - Erection of an equipment cabin on the roof in association with telecommunications equipment, as shown on drawing numbers: 028/563/002, 003, 004, 005, Letter dated 25th September & photomontage. **Telecoms/ Satellite/ GDO – no objection. 21/11/2002.**

2014/7526/P - Installation of plant, in association with ancillary data storage at sub-basement level, comprising enclosure for 6 chiller units, transformers, emergency generators (with brown roof), acoustic screening and cycle parking all in the rear yard, following demolition of existing plant enclosure and sub-basement wall. **Granted. 02/02/2015.**

Relevant policies

National Planning Policy Framework (2019)

Sections 6 (Economy), 10 (Telecommunications), 12 (Well-designed places) and 16 (Historic environment)

The London Plan March 2016

Camden Local Plan 2017

A1 (Managing the impact of development)

D1 (Design)

D2 (Heritage)

E1 (Economic development)

Camden Planning Guidance

CPG1 (Design) March 2018

CPG6 (Amenity) March 2018

CPG (Digital infrastructure) March 2018

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

Bloomsbury Conservation Area appraisal and management strategy (2011)

Assessment

1.0 Proposal

- 1.1 The application has been submitted under Part 16 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended). The GPDO 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 telecommunication equipment.
- 1.2** It is noted that, due to difficulties arranging for a site visit to aid the assessment of this application, it was necessary to arrange for an extension of time to the 56 day statutory decision making timeframe. Initially this was extended to 05/04/2019, but a further extension was agreed following discussions between the applicant and the case officer until 26/04/2019. It was anticipated that the applicant may wish to amend their proposal or withdraw, having been informed it was likely to be refused. However, no further contact has been made and therefore it has been necessary to write up a formal refusal, to avoid permitting the development under deemed approval by default, in accordance with GPDO legislation.
- 1.3** The proposal involves a new telecommunications installation on the rooftop area. It would comprise installation of 8 x antennas and 2 x 600mm dishes, replacement of existing cabinets (within equipment cabin) with 9 x new cabinets, also; removal of redundant equipment cabin, and; ancillary works.
- 1.4** The existing roof level is approximately 38 metres above ground level. The top of the highest proposed mounting pole and attached equipment would result in an overall height from ground level of approximately 42.7m. Other poles and equipment would be positioned slightly lower, rising to an approximate overall height of 42.1m above ground level. The proposed equipment cabinets would be located centrally within the roof space and would sit in an elevated position (39.7m) in comparison to the redundant cabin which is proposed to be removed (39.4m).

2.0 Justification

- 2.1 The proposal is intended to upgrade telecommunications equipment for Hutchinson and EE Ltd and in order to provide enhanced telecommunications coverage for; EE Ltd, ESN and H3G LTE.
- 2.2** The supporting information indicates that the applicant have not undertaken consideration of some alternative sites within the locality due to this being an application to upgrade existing apparatus, rather than an entirely new siting of equipment.
- 2.3** The applicant has indicated that prior to the submission of this application a pre-application consultation was undertaken with the LPA, however; no record or any formal pre-app can be found on the LPA database, as confirmed by the site planning history above.
- 2.4 The applicants have 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. Although the resident objection on health grounds is acknowledged, given the details provided by the applicant, this should not represent a reason for refusal.
- 2.5 Members of the public cannot unknowingly access areas close to the antennas where exposure may exceed the guidelines. Therefore, the equipment is not anticipated to have any direct impact on public health.

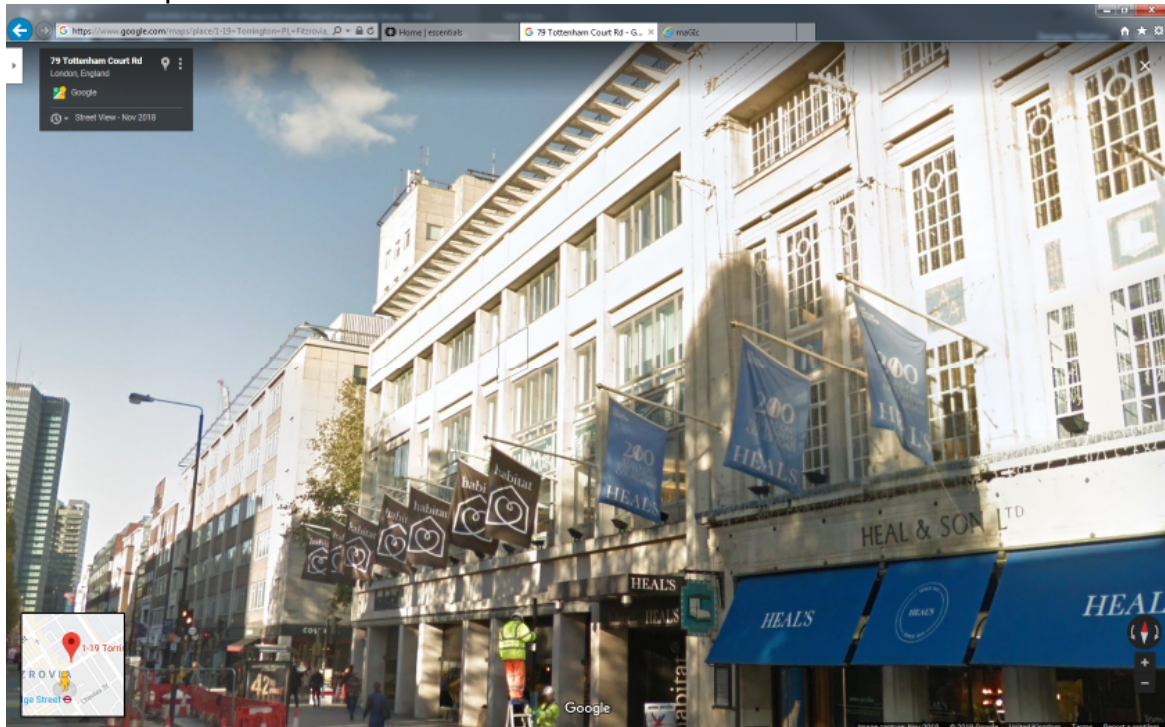
2.6 There would be no impact on residential amenity in terms of loss of light or outlook.

3.0 Siting and appearance

3.1 The host property, although set back from the highway behind a two storey podium, is an imposing local structure and contributes a prominent roof-scape to the local area, standing twelve stories above ground level. It is the tallest building in the immediate vicinity. The highest elements of the roof can therefore be appreciated in long views from various locations, including both directions along Tottenham Court Road, Torrington Place and further afield in longer views.

3.2 When Viewing from Tottenham Court Road the western edge and roofscape of the building is of particular concern as this is also highly prominent in the backdrop to the Gr-II* listed Heals building, as seen in the screen-shot below.

3.3 A sample of the street view from Tottenham Court Road demonstrating the prominence of the roofscape can be seen below:



Note: Existing antennas can be seen at the proposed location at the highest projecting point. The foreground building is the grade II* listed Heal & Sons Ltd building, visible on the right. The proposed antennas would be mounted to a raised frame in a more elevated position and in greater density than the existing apparatus.

3.4 Local Plan Policy D2 (Heritage) states that the Council will resist development that would cause harm to the significance of a listed building through an effect on its setting, and resist development in conservation areas that causes harm to the character or appearance of that conservation area.

3.5 In addition to its proximity to listed buildings the site falls within the Bloomsbury Conservation Area. The proposed telecommunications equipment is considered to cause harm to the character and appearance of the Bloomsbury Conservation Area on account of its prominence in the roofscape, where it would be highly noticeable against the skyline and clearly visible from close and long public views. The antennas would upset the largely uniform and uncluttered roofs when viewed from within the Conservation Area along Tottenham Court Road and Whitfield Gardens open space and would create visual clutter on the roofscape. They would also add further clutter to the roofscape seen in longer views from the new public open space being delivered at Alfred Place.

3.6 Photograph 1. Shows the current arrangements from a lower roof on a neighbouring building to the rear. The proposed antennas would be up to 5m meters above the highest apparatus visible in the photograph below.

Photograph 1:



3.7 Although it is acknowledged that existing plant/ telecoms equipment is already in place on this building, it would appear that little consideration has been made to enhance the host building or wider conservation area, by siting apparatus sympathetically or proposing any sort of camouflage or screening which may have softened the appearance from street level to meet requirements of Section 10 (Telecommunications) of the NPPF (2019).

3.8 It is accepted that telecommunications equipment by the nature of their standardised design style and aesthetic may not blend seamlessly with an existing building, however; It is considered that the location, scale, height and design of the proposed equipment would be harmful to the character and appearance of the host building, local views and the character and appearance of the conservation area.

3.9 With regards to the proposal to install a new equipment cabin and simultaneously remove an existing cabin, it is considered a better solution would have been to utilise the existing cabin. Additionally the proposed new cabin would be positioned in a more elevated position than the existing redundant cabin. Preferably this would have been sunken lower to minimise visual impact.

4 Planning balance

4.1 Considerable importance and weight has been attached to any harm to designated heritage assets, and special attention has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent Rochester 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 (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 the loss of or substantial harm to a designated

heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

4.3 Given the assessment as outlined in sections 1-3 of this report, it is considered that the proposed telecommunications equipment would result in harm to the character, appearance 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 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 (2019) which seeks to preserve heritage assets.

4.4 The proposal would therefore fail to accord with policies D1 and D2 of the Camden Local Plan 2017, and Section 16 of the NPPF (2019), The development would create overly dominant visual clutter on a prominent roofscape, causing harm to the host building, local views from the street and nearby public green spaces and to the character and appearance of the Bloomsbury Conservation Area.

5.0 Recommendation

5.1 Approval Required – Approval refused on grounds of unacceptable location, scale, height and design.