

Delegated Report		Analysis sheet	Expiry Date:	17/07/2018
		N/A	Consultation Expiry Date:	27/06/2018
Officer		Application Number(s)		
Matthias Gentet		2018/2336/P		
Application Address		Drawing Numbers		
Telecommunications Site TEF76052 379 Kentish Town Road London NW5 2TJ		Supplementary Information; Declaration with Clarification Letter (03/03/2017); Cover Letter (18/05/2018); Supporting Technical Information - TEF 76052; General Background Information; [76052] 100 revG, 202 revG, 302 revG; Sketches of 1st Alternative Revision; Basic Sketch Revisions (04/09/2018).		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Retention of 6no antennas and equipment housing on the rooftop, 1no electrical meter cabinet located at ground level and ancillary development.				
Recommendation(s):		Refuse Planning Permission with Warning of Enforcement Action to be Taken		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>A Site Notice was displayed on 08/06/2018 and expired on 29/06/2018.</p> <p>An objection was received, as follow:</p> <ul style="list-style-type: none"> - These are as UGLY AS SIN and should not be allowed. <p><u>Officer's Response:</u> <i>See paragraphs 3.1 to 3.10 in the below report.</i></p>					
Kentish Town Road Action (KTRA)	<p>An objection from the Kentish Town Road Action (KTRA) was received, summarised as follow:</p> <ul style="list-style-type: none"> - The antennas are visible and intrusive from the windows of local houses, and from the street; - They are disproportional in height; - Ugly objects obstructing the skyline. <p><u>Officer's Response:</u> <i>See paragraphs 3.1 to 3.10 in the below report.</i></p>					

Site Description

The site is located on the western side of Kentish Town Road in close proximity to the junction between Kentish Town Road, Highgate Road and Fortress Road, and comprises a five storey end of terrace property with a commercial unit at ground floor level and residential above. The 1st to top floor part of the building is significantly set back from the ground floor façade abutting the pavement. The surrounding area offers a mixture of uses including retail, restaurants and residential.

The site is not located in a Conservation Area and is not a Listed Building. It sits, however, in close proximity to Kentish Town Conservation Area to the east-southeast.

Relevant History

Site History:

No planning history to the proposal.

Enforcement Site History:

EN18/0231 - Alleged breach: mobile phone antennae erected at roof level – on going.

EN16/1269 - Installation of mobile telephone masts on roof – Case Closed on 10/10/2017 (Permitted Development).

Sites in the Kentish Town Area:

2017/0920/P – (refused on 12/05/2017) - The relocation of the existing antenna, to be installed on a new pole mount, the installation of an OMB cabinet, and associated development.

Relevant policies

National Planning Policy Framework 2018

The draft London Plan 2017

Camden Local Plan 2017

A1 – Managing the impact of development

D1 – Design

D2 – Heritage

Camden Planning Guidance (2013)

CPG7 (Transport)

Camden Planning Guidance 2018

CPG1 (Design - updated March 2018) – Chap 2

Kentish Town Neighbourhood Plan (2016)

Policy D3 – Design Principles

Policy SSP1 – Site Specific Policy: Car Wash Site Kentish Town Road

Kentish Town Conservation Area Appraisal (March 2011)

1. Background and Proposal

- 1.1 In November 2016, the apparatus – comprising of roof-mounted tripods with 6 x antennas and associated radio equipment cabinets - was installed on the flat roof of the building on an emergency basis. This was by virtue of Part 16, Class A. (b) of the General Permitted Development Order 2015 (as amended), which permits:
“the use of land in an emergency period not exceeding 18 months to station and operate moveable communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of movable structures on the land for the purposes of that use”.
- 1.2 There is also an element of the proposal that includes the retention of a small equipment cabinet at street level. The retention of the fixtures would render the installation permanent. No robust justification as to why the equipment needs to be retained has been provided.
- 1.3 Under the above legislation the equipment was required to be removed after 18 Months which should have been on or before 28th May 2018. This has not taken place and an enforcement case was opened – reference: EN18/0231 to address breach. [See Relevant History]
- 1.4 Throughout the assessment of the application, some revisions were provided by the applicant trying to address the concerns raised by the officer about the visual impact the development would have on the existing skyline and streetscene due to its highly visible dominant features, and the visual clutter it would create. Some of the advice given by officers included:
(i) relocating the antennas towards the centre of the roof and reducing their numbers
(ii) relocating the equipment cabinets towards the centre of the roof area
- 1.5 Despite attempts by the applicant at finding a suitable revised schemes, the revisions put forward failed to address any of the concerns raised by the Council. For example, the relocation of all roof level equipment to the centre of the roof including a new pole mounted 6no antennas. However, this would result in an even taller structure in order to achieve the same level of coverage and clear the ICNIRP zones. Another attempt which would have seen the installation also relocated towards the centre of the roof but shielded from view by the introduction of a GRP screen that would encircle the entire installation (approximately 24m in length). The area to be screened would be an estimated 25sqm. The GRP screen would in fact project above the flat roof area similar to an extension or added floor, towering further over the adjacent building.
- 1.6 The proposal seeks the retention of 6no antennas and equipment housing on the rooftop, 1no electrical meter cabinet located at ground level and ancillary development. The revisions put forward having been draft proposals only, and not formally submitted to supersede the original proposal, the latter is therefore the subject of this report.

2. Principle of Development

- 2.1 The National Planning Policy Framework (NPPF) requires that applications for telecommunications development should be supported by the necessary evidence to justify the proposed development would not cause interference to other electrical equipment, air traffic services or instrumentation operated in the national interest, including details of pre-consultation with local schools and colleges, a statement that certifies that the development would not exceed the International Commission on non-ionising radiation protection (ICNIRP) guidelines, and evidence that the applicant has explored the possibility of erecting antennas on an existing mast. The NPPF also requires Local Planning Authorities to keep the numbers of radio and telecommunications masts to a minimum consistent with the efficient operation of the

network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified, and, where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

Interference with existing Telecommunications Equipment

2.2 The site is not located close to an aerodrome and the proposed equipment would operate on frequencies which are regulated by Ofcom which would ensure that there is no interference with nationally significant telecommunications or electronic infrastructure.

Consultation with Local Schools

2.3 UK Government Research in the Stewart Report (2000) advocated a precautionary approach to telecommunications development and identified that children are more susceptible to telecommunications radiation. The NPPF does not make reference to the precautionary approach directly, but does carry forward the principle of the consideration of the siting of masts close to local schools through the requirement for developers to pre-consult with local schools.

2.4 No consultations with local schools have taken place.

Impact on Health

2.5 The NPPF states that Local Planning Authorities (LPA) should not determine health safeguards if the proposal meets International Commission guidelines for public exposure provided an ICNIRP certificate has been submitted.

2.6 An ICNIRP certificate (dated 3rd March 2017) has been submitted.

Use of Existing Masts/Site Sharing

2.7 The NPPF requires consideration of siting the proposed equipment on existing masts in the area and requires the overall numbers of masts to be kept to a minimum required for efficient network operation.

2.8 The developer has submitted existing and proposed telecommunications coverage maps which show an existing signal coverage deficiency in the area. These maps show the strength of the coverage from 'Indoor Suburban' (Where there is sufficient signal strength to provide adequate service for indoor use of a hand portable mobile in suburban areas) to 'indoor dense urban' (Where there is sufficient signal strength to provide adequate service for indoor use of a hand portable mobile in urban areas). It is therefore accepted that the development would improve the telecoms signal for mobile devices inside buildings in the area.

2.9 The developer's coverage maps identify existing masts in the wider Camden area on Kentish Town Road, Oseney Crescent and Grafton Road. It is not known whether these are all of the masts in the area, or just those operated by the applicant. However, the developers' supporting information states that the equipment is required to cover the deficiency in the area. It is accepted that these existing sites are outside of the area; however, no technical justification has been given as to why the equipment at these sites cannot be upgraded to enhance the coverage over the required area. Furthermore, the developer has not provided a list of potential/alternative sites within the wider Kentish Town Area. It is therefore concluded that no efforts have been to seek/explore alternative sites.

3. Design & Heritage

3.1 Policy D1 of the Camden Local Plan 2017 states that *'the Council will require all developments, to be of the highest standard of design and will expect developments to consider:*

- *the character, setting, context and the form and scale of neighbouring buildings;*
- *the character and proportions of the existing building, where alterations and extensions are proposed;*
- *the prevailing pattern, density and scale of surrounding development;*
- *the impact on existing rhythms, symmetries and uniformities in the townscape;*
- *the composition of elevations;*
- *the suitability of the proposed design to its intended use;*
- *its contribution to public realm and its impact on views and vistas; and*
- *the wider historic environment and buildings, spaces and features of local historic value.*

Good design takes account of its surroundings and preserves what is distinctive and valued about the local area. Careful consideration of the characteristics of a site, features of local distinctiveness and the wider context is needed in order to achieve high quality development which integrates into its surroundings.'

3.2 Policy D1 further states that *'Developments should not detract from the panorama as a whole and should fit in with the prevailing pattern of buildings and spaces. Development will not generally be acceptable if it obstructs important views or skylines, appears too close or too high in relation to a landmark or impairs outlines that form part of the view.'*

3.3 Policy D2 of the Camden Local Plan 2017 states that *'the Council will resist development outside of a conservation area that causes harm to the character or appearance of that conservation area'.*

3.4 This is also echoed by Policy D3 of the Kentish Town Neighbourhood Plan, reinforcing the Council' standing on design by confirming that *'Proposals must be well integrated into their surroundings and reinforce and enhance local character, and that development must respect the appearance of Kentish Town in order to reinforce rather than detract from its local distinctiveness.'*

Site context

The site is a highly prominent building that terminates a terrace of lower buildings on the west side of Kentish Town Road. The site immediately to the south of the site is the 'Car Wash Site, 369-377 Kentish Town Road' which is identified under policy SSP1 (Site Specific Policies) of the Kentish Town Neighbourhood Plan as a future development plot, which is *'an eyesore for most of the public for many years, its redevelopment as a mixed use building will benefit the community. It is in a very suitable position for restaurant or retail use on the ground floor and will provide much needed residential accommodation above.'* The Car Wash site comprises single storey buildings and fence line which reinforces the prominence of the adjoining application site. The rooftop of the site is visible from many public vantage points around the area and including the views north along Kentish Town Road and south from Fortress Road.

Antennas (6no)

3.5 The 6no antennas have been installed in 3x clusters of 2no antennas: one on the front right hand corner of the roof (north facing), one on the mid rear half and along the edge of roof (south-east facing) and the third one on the rear left corner of the roof (south with the antennas facing west). Each antenna measures approximately 2m in height and is affixed onto a metal

pole projecting above the roof line by approximately 2.4m.

- 3.6 In terms of their size, the fixture would closely match the size – or height in this case – of a roof extension. Suffice to say that their actual location visa-vie their prominence associated with their erection on the edges of the roof, make the installation highly visible, dominant and incongruous features, creating visual clutter with a negative impact on to the surrounding area, in particular the long view from Fortess Road and Kentish Town Road to the south.
- 3.7 As such, the three clusters of 2no antennas would therefore be visually detrimental, blighting the existing skyline and streetscene, and would be detrimental to the character and appearance of the host and surrounding buildings and the adjacent Kentish Town Conservation Area, contrary to policies D1 and D2.

Equipment cabinets on the roof

- 3.8 The equipment cabinets would appear – judging by the details on the roof plan – to be located towards the rear of the roof. However, no rear elevation has been provided to understand accurately how their chosen location in terms of the size, would impact on the rear streetscape. Nevertheless, looking at photographic evidence found online, the 3no cabinet on the roof appear to be very prominent and dominate the upper area of the host building. Their height stand approximately at 1.9m, 1.8m and 1.7m respectively. Similar to the antennas, highly visible, dominant and incongruous features, creating visual clutter with a negative impact on to the surrounding area, in particular the long view from Regis Road to the west.
- 3.9 As such, the equipment cabinets on roof would therefore be visually detrimental, blighting the existing skyline and streetscene, and would be detrimental to the character and appearance of the host and surrounding buildings and the adjacent Kentish Town Conservation Area, contrary to policies D1 and D2.

Equipment cabinet at street level

- 3.10 The single equipment cabinet at street level is located on the pavement directly abutting some timber fencing and adjacent to the shopfront operating from No379 Kentish Town Road, at ground floor level. The fixture would measure approximately 0.4m in width by 0.9m in height and 0.1m in depth.
- 3.11 The cabinet is a very discreet addition which, in terms of its size, design and location, is considered acceptable and in accordance with policies D1 and D2.

4. Amenity

- 4.1 No objections were received on the grounds of loss of light and outlook. Given the nature of the development, it is not considered that the development would result in an amenity impact by reason of loss of light, outlook or noise to neighbours.

5. Transport

- 5.1 The small equipment cabinet sited on the pavement and against the host building, out of the way of the public, and would not obstruct the free flow of pedestrian movement.
- 5.2 The development as a whole would only generate vehicular movements through the occasional maintenance. This would not result in any harmful highway impact.
- 5.3 As such, the small equipment cabinet at street level is considered acceptable and in

accordance with policies A1 and D1.

6. Conclusion

6.1 The proposed retention of the telecommunications antennas and associated equipment cabinet fixtures to roof level, by virtue of their inappropriate siting at the edges of the roof and their excessive scale and bulk, would result in a visually prominent/dominant and incongruous rooftop development which would harm the character and appearance of the host and adjacent buildings, the long views and streetscene and adjacent Kentish Town Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

7. Recommendation

7.1 Refuse Planning Permission.

7.2 That the Borough Solicitor be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended requiring the total removal of the telecommunication equipment located on the roof of the building and at ground floor level and to pursue any legal action necessary to secure compliance, and officers be authorised that in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control

The notice shall allege the following breach of planning control:

The unauthorised installation of 6no antennas and equipment housing on the rooftop, 1no electrical meter cabinet located at ground level and ancillary development.

WHAT ARE YOU REQUIRED TO DO:

1. Totally remove the 6 x antennas and equipment housing located on the roof of the building, 1x electrical meter cabinet located at ground floor level, and all associated ancillary development; and
2. Make good any damage caused as a result of the above works.

PERIOD OF COMPLIANCE: 2 month

REASONS WHY THE COUNCIL CONSIDER IT EXPEDIENT TO ISSUE THE NOTICE:

The proposed antennas and associated equipment cabinet fixtures to roof level, by virtue of their siting, size and design, would result in a visually prominent and incongruous rooftop development which would harm the appearance and character of the host and adjacent buildings, local views, streetscene and adjacent Kentish Town Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.