

Our ref. 50172/SAMO2

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Chief Planning Officer
Camden Borough Council
Camden Town Hall
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Submitted via the Planning Portal

Dear Sir or Madam,

PRIOR APPROVAL APPLICATION FOR THE UPGRADE OF AN EXISTING SITE, COMPRISING THE REMOVAL AND REPLACEMENT OF A REDUCED HEIGHT SAMO CABINET, WITH HUAWEI APM5930 CABINET MEASURING 600 x 480 x 700MM, TO BE LOCATED ALONGSIDE EXISTING EQUIPMENT CABINETS ON THE ROOFTOP, AND ANCILLARY DEVELOPMENT THERETO, AT PORTLAND COURT, 37-38 BELSIZE PARK, HAMPSTEAD, LONDON, NW3 4ED.

We are planning consultants retained by MBNL to submit planning applications on their behalf. This proposal is for the upgrade of the existing MBNL) site.

Enclosed you will find a GPDO planning application prepared on behalf of H3G UK Limited and EE Limited. They have been licensed to provide a Cellular Network based upon the Global System for Mobile (GSM) standard and Universal Mobile Telecommunications System (UMTS) within the United Kingdom.

The development consists of:

"The removal and replacement of a reduced height SAMO cabinet, with Huawei APM5930 cabinet measuring 600 x 480 x 700mm, to be located alongside existing equipment cabinets on the rooftop, and ancillary development thereto."

Enclosed are the following:

- drawings No. CMN004 – 01, 02, 03, 04, 05 – A1
- Application forms
- Supplementary Site Specific Information
- Planning Statement (including design and access statement)

As the application is for the installation of an additional cabinet only, no ICNIRP certificate is required as ICNIRP levels will not be affected.

The requisite fee of £462 will be paid via the Planning Portal service.

We trust you will find the enclosed information sufficient to register and validate the application. If however you require any further information, please contact Victoria Parsons on 0161 956 4123 or victoria.parsons@avisonyoung.com.

Yours sincerely

A handwritten signature in black ink that reads "V. Parsons". The signature is written in a cursive style with a large, stylized 'V' and 'P'.

Victoria Parsons
Planner, Telecoms
Avison Young
For and on behalf of H3G UK Limited and EE Limited

1.1 HISTORY & BACKGROUND

Everything Everywhere is a 50-50 joint venture between Deutsche Telekom and France Télécom and was formed in 2010 through the merger of the T-Mobile (UK) and Orange U.K. businesses.

On 3 September 2010, Everything Everywhere announced that Orange would join Mobile Broadband Network Ltd (MBNL), the joint venture management company formed in December 2007 between T-Mobile UK Ltd and Hutchison 3G UK Ltd (H3G UK).

In 2016, Everything Everywhere were chosen to work in conjunction with the Home Office to deliver the Emergency Services Network (ESN), which will deliver a smarter, better and cheaper communications capability.

This application upgrades the existing equipment.

1.2. DESIGN

1.2.1. The proposal

The host site is a Rooftop site located at Portland Court, 37-38 Belsize Park, Hampstead, London, NW3 4ED. The proposed work comprises the removal and replacement of a reduced height SAMO cabinet, with Huawei APM5930 cabinet measuring 600 x 480 x 700mm, to be located alongside existing equipment cabinets on the rooftop, and ancillary development thereto.

As the site is located within Belsize Park Conservation Area, and the proposal is for the installation of a cabinet measuring less than 2.5 cubic metres, a Prior Approval application is required.

Heritage

The Belsize Park Conservation Area was designated in March 1973 and extended in 1984, 1985, 1988, 1991, 1994 and 2002.

The proposal is for the upgrade of an existing telecommunications site located at Portland Court. The Conservation Area Audit was adopted as Supplementary Planning Guidance on 27th November 2002 and provides guidance on development in the area. It is demonstrated that the proposal complies with this guidance in **Section 1.2.4.**

1.2.2. Design Considerations

The proposal is for the upgrade of the existing site. The proposed additional cabinet will be located alongside the existing cabinets on the centre of the rooftop. This ensures that the cabinet is located away from the rooftop edges and aids in ameliorating its presence from ground level within the Conservation Area.

It is not considered that the proposal will have a detrimental impact on the Conservation Area, or wider surrounding area, as the additional cabinet will be located alongside an established telecommunications site with other equipment cabinets, and permission should not be withheld.

1.2.3 Siting

The site is located on the rooftop of Portland Court. The proposed cabinet is located away from the roof edge. The scheme proposes the least amount of equipment required to upgrade the site. Additionally, due to the narrow streets and the height of the building, it is not considered that the proposal will have a detrimental visual impact on the host building or when viewed from within the Conservation Area, particularly from ground level.

1.2.4. Planning Policy Considerations

Section 54A of the Town and Country Planning Act 1990 (as amended)(now section 38 (6) of the Planning and Compulsory Purchase Act 2004) states that Local Planning Authorities should determine proposals in accordance with development plan policies, unless material

considerations indicate otherwise. Material considerations may include, inter alia, central government guidance, High Court and Inspector's decisions etc.

1.2.5. Local Policy

The Camden Council Local Plan was adopted on 3rd July 2017. It contains no policies directly relevant to the installation of telecommunications equipment within the borough, although paragraph **5.10 Digital Infrastructure**, in relation to **Policy E1 – Economic Development**, does state that the Council recognises the importance of digital infrastructure, including telecommunications. **Policy D1 – Design** and **Policy D2 – Heritage** and **TC2 Camden's centres and other shopping areas** are also relevant.

In relation to **Policy E1 – Economic Development**, the proposal is to improve capacity in an area which has a high footfall and therefore upgrade is necessary to provide the required coverage levels as shown by the coverage plots. This proposal is therefore in compliance with this policy and can contribute to economic development in the area, and also complies with the spirit of the NPPF. The proposal complies specifically with **Part H** of the policy by allowing for the provision of high speed digital infrastructure.

The code of best practice for mobile network development 2016 in paragraph 5.4 states,

"In terms of the wider economic impact of mobile connectivity, research by Deloitte on the economic impact of mobile broadband across a range of countries, showed that a doubling of mobile data use leads to an increase of 0.5 percentage points in the Gross Domestic Product per capita, while another study put the benefit of 4G mobile broadband to the UK economy at £75 billion over a decade."

The improvement in this site will therefore promote economic development in this area.

In relation to **Policy D1 – Design**, the cabinet is sensitively located away from the edge of the rooftop, alongside existing cabinets, to ensure that it is not visually prominent. The main roof level is 14.6 metres with the top of the upper roof level being 18 metres. The replacement of one additional equipment cabinet is not considered to change the skyline to a degree which should warrant a refusal. The location of the cabinet and limited views of it, particularly when viewed from ground level, ensures that the visual changes to the skyline are minimal.

The site is located within a conservation area but is not located on a listed building. Given the fact that the proposal is for the upgrade of an existing telecommunications site, and its careful positioning on the rooftop, it preserves the conservation area. Additionally given the narrow streets and the location of the building adjacent to other buildings, there are very few vistas of the site. Therefore from the majority of viewpoints the additional cabinet will not be apparent.

The upgrade is required to increase capacity in this busy area of London. There are a number of listed buildings in the general area but it is not considered that the additional equipment cabinet will blight the setting of the surrounding listed buildings.

It is considered that the proposal is sympathetic to the conservation area and the surrounding listed buildings and permission should not be withheld.

Policy D2 – Heritage promotes the preservation and enhancement of the conservation area and listed buildings. The principal of cabinets has been established by the granting of the previous permission on this site. The replacement of the cabinet is not considered to blight the conservation area given that the site is viewed in the context of various roofs and therefore complies with this policy.

Policy TC2 - Camden's centres and other shopping areas, this policy promotes successful and vibrant centres to serve the needs of residents, workers and visitors. The provision of a good telecommunications network and good connectivity promotes businesses shoppers and visitors to the area resulting in a vibrant centre which complies with the main aim of this policy.

Belsize Conservation Area Appraisal was adopted in 2003 and should be considered in the determination of this application.

The Conservation Area Appraisal does not list the Portland Court as a building which makes a positive contribution to the area. A precedent for approving telecoms in this area has already been set with the approval of the previous schemes (reference 2015/3776/P; 2015/0468/P; 2004/3594/P).

Digital Camden

The Digital Camden document sets out Camden Council's aims and objectives with regards to the delivery of digital infrastructure in the area. This site will allow for a sufficient level of coverage to be provided within the area by improving coverage, which in turn will allow for better access to mobile technology.

London Plan

The current 2016 Plan is still the adopted Development Plan, but the Draft London Plan is considered to be a material consideration in planning decisions and holds limited weight in the determination of applications.

The 2016 Plan recognises the strategic importance of providing the necessary infrastructure, including modern communications networks that London requires to secure its long – term economic growth.

The Draft London Plan contains Paragraph 1.0.8 which states "Planning for a 'smarter' city, with world-class digital connectivity will enable secure data to be better used to improve the lives of Londoners."

The equipment provides improved digital connectivity which is of a public benefit to both Londoners and visitors to the area.

Paragraph 1.4.11 states "The digital economy, underpinned by world-class digital connectivity, data and digital services is of ever-increasing importance, improving processed, opening up new markets and allowing more flexible working."

The site will ensure that the level of connectivity in the area is sufficient to meet the rising demand of reliable data and digital services by the public. Currently this area suffers from poor coverage levels and therefore users are unable to connect to the network.

Policy SI6 – Digital connectivity infrastructure is split into 4 parts. In relation to the proposed installation the following parts are relevant:

3A) The site will ensure that there will be no reduction in mobile connectivity in the surrounding area as the existing level of capacity and in turn coverage will be improved.

This site will be an integral element in securing the Mayor's vision for the delivery of modern communications networks across London.

London Infrastructure Plan 2050 – Update

Chapter 8 – Digital connectivity states that digital connectivity is vital and essential for businesses and citizens to take part in modern society. This upgraded site will allow for a sufficient level of connectivity to be continued within the area, thus keeping businesses and citizens at a technological advantage.

1.2.6. National Policy

National Planning Policy Framework

This legislation was formally adopted in July 2018 and replaces the previous version which was introduced in 2012.

In relation to this policy the following sections are relevant in determining this application:

Section 6 – Building a strong, competitive economy

Section 10 – Supporting high quality communications

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

The following paragraphs need to be considered in relation to this policy:

Paragraph 80 – “significant weight should be placed on the need to support economic growth and productivity... this is particularly important where Britain can be a global leader in driving innovation.”

Paragraph 112 – “Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.”

In relation to these paragraphs, the Government’s Industrial Strategy sets out a vision to drive productivity improvements across the UK, and sets out a delivery programme to make the UK a leader in “artificial intelligence and big data”. The improvement of telecommunications capacity is imperative to allow for areas to be connected, and is essential for economic growth.

Paragraph 113 – “Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged.”

In relation to this paragraph, no alternative sites were considered as the proposal is for the upgrade of an existing site which utilises an existing building and proposes only one additional cabinet.

Paragraph 114 – “Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

- a) They have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- b) They have considered the possibility of the construction of new buildings or other structure interfering with broadcast and electronic communications services.”

Paragraph 115 – “Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:

- a) The outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
- b) For an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
- c) For a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.

The site is not located within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area. An ICNIRP certificate is not required as the proposal is for the installation of an additional cabinet only and will not impact on ICNIRP levels. No alternative sites have been considered as the proposal is for the upgrade of an existing site.

Paragraph 124 – “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

In relation to this paragraph, the proposal is for the installation of one additional cabinet located alongside existing cabinets away from the edges of the rooftop. It is not considered that the proposal will have a detrimental impact on the surrounding communities.

Paragraph 189 – “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”

In relation to this paragraph, the relevant historic environment records are referred to within this document at **Section 1.2.1** under the sub-section **Heritage**, and the impact of the proposal on their significance is referred to in both **Section 1.2.2** and **1.2.5**.

Paragraph 196 – “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In relation to this paragraph, it is considered that the proposal will lead to less than substantial harm to the significance of a designated heritage asset as it is for the upgrade of an existing telecommunications site which has been sensitively designed in light of the designation.

1.2.7 Site Need and Identification

The proposal is to upgrade an existing site; therefore no alternative sites were considered as the proposal has very little visual impact on the area.

In addition to the above, the site will form part of an improved upgraded network for H3G & EE, which will allow faster downloading and the reduction in call drop outs.

Coverage - The licence granted to H3G & EE demands that strict coverage qualities are met. It is essential that the benefits of mobile telephones are available for all the population. The changing customer use of mobile phones also demands that networks and coverage is available at home, in the workplace, while shopping, enjoying leisure activities or while on the move.

Quality - In order to ensure coverage within buildings such as homes, shops, offices etc. the radio signal has to be of sufficient strength to penetrate walls. In urban and suburban areas a dense network of base stations is therefore required, some less than 1km apart.

Capacity - As the use of and demand for mobile phones has increased the number of sites required to provide Network capacity has increased. Each cell or base station can only handle a finite number of calls so in areas of high use additional cells are required to meet demands on the network and thus avoid existing cells going into congestion.

The radio implication of the site: Radio signals are transmitted through the network by using fixed links at such frequencies that necessitate an uninterrupted line of sight. To achieve this, the installation must reach a sufficient height above surrounding buildings and trees. The installation must also be in a position to provide good in building radio coverage to the target area.

The planning tool identifies deficiencies in the network and predicts the location from which the optimum coverage will be provided. This area is referred to as the search area or cell centre.

It is for these reasons that it is important to achieve a service of quality for mobile users. The main complaints received by mobile telephone operators about their service relate to the problems associated with dropped calls and no service. As more and more people are using tablets and smart phones there is a need to ensure that existing sites can meet this demand. This is one such site as due to the location of the site there is a high level of traffic to the site.

1.2.8 Health and Safety

The proposal for this site has been designed within International Commission on Non-Ionising Radiation Protection (ICNIRP) public exposure guidelines and therefore Health and Safety concerns should not be a planning consideration.

An ICNIRP certificate is not required as part of this application as the proposal is for the installation of an additional equipment cabinet only, which will not alter ICNIRP levels.

2 CONCLUSION

This is an upgrade of an existing site and comprises the swapping out an existing cabinet with a smaller cabinet it is not considered that the proposal will have a noticeable impact on the Conservation Area or wider surrounding area. This view has previously been taken by the LPA who have previously permitted telecommunications on this site.

We hope the above information is sufficient for you to consider this application favourably.