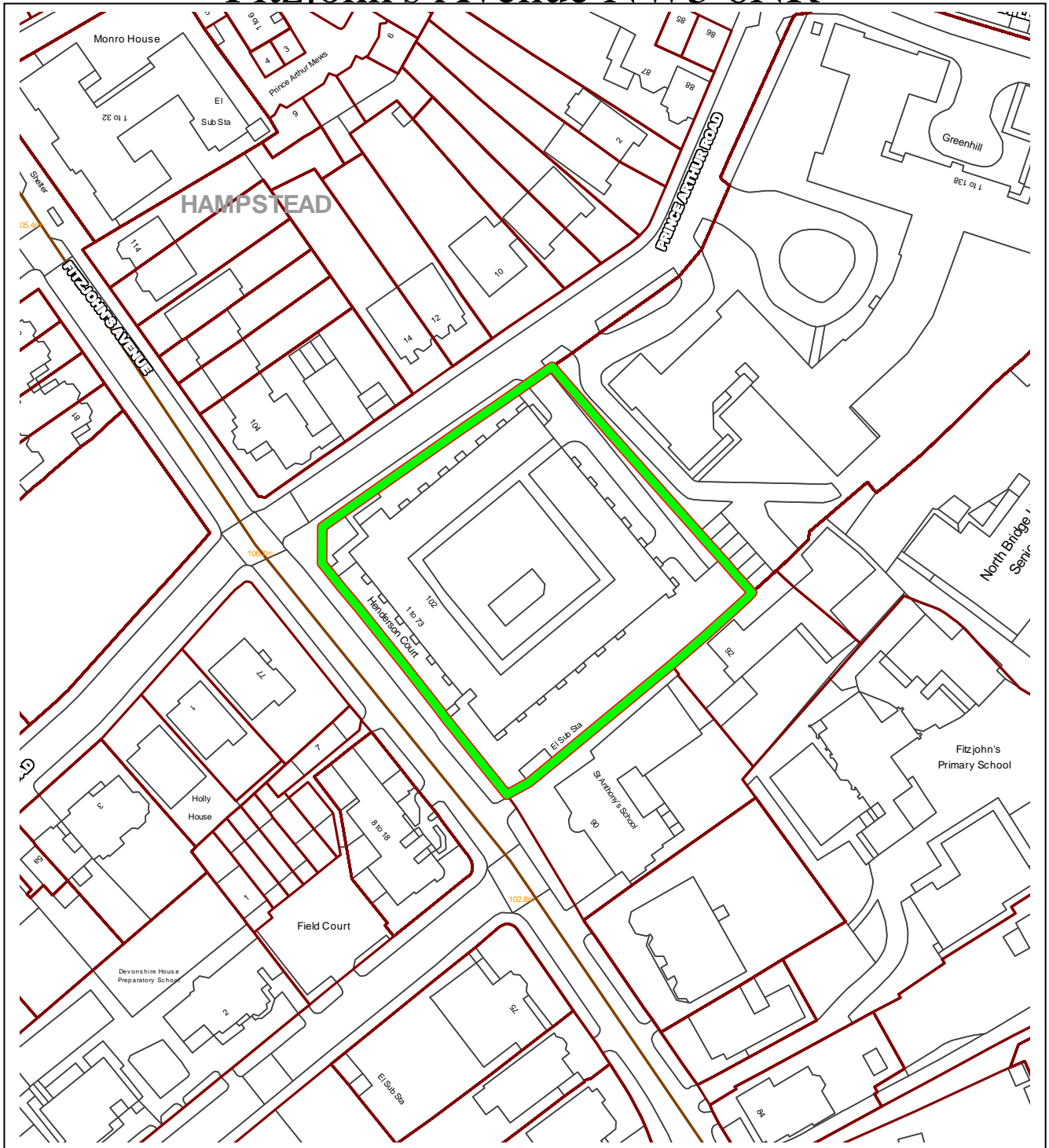


2017/0969/P - Henderson Court, 102 Fitzjohn's Avenue NW3 6NR



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2017/0969/P - Henderson Court, 102 Fitzjohn's Avenue, NW3 6NR



1) General view along Fitzjohn's Avenue



2) General view along Prince Arthur Road



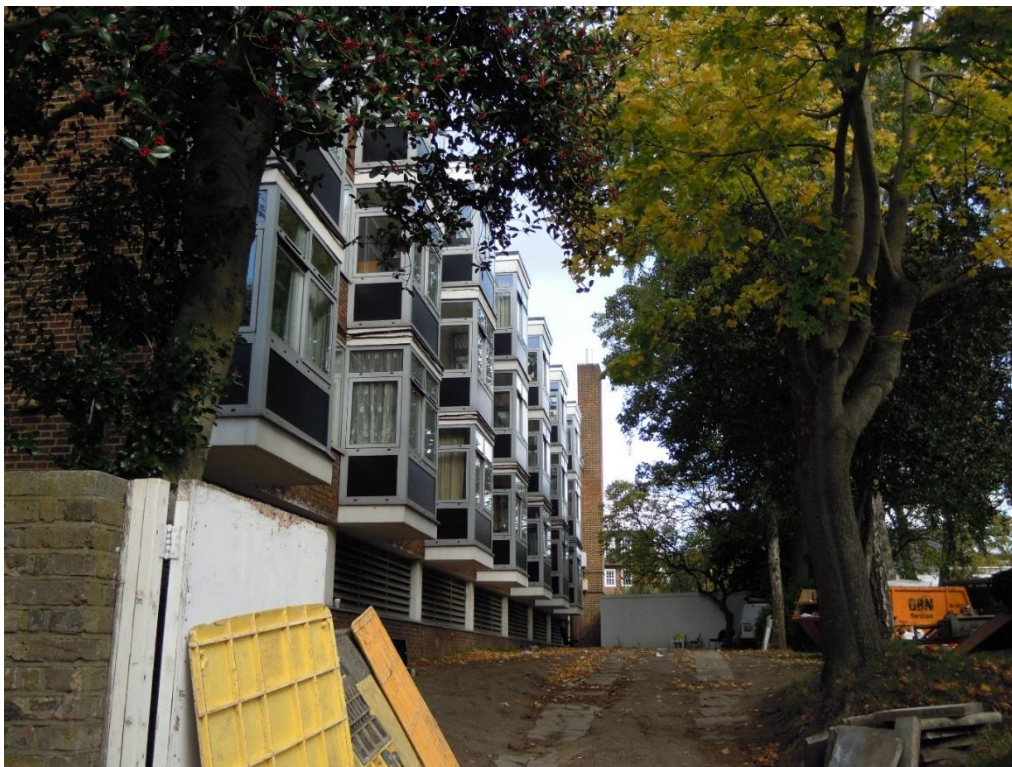
3) View of chimney tower along side access road from Prince Arthur Rd



4) View of plant room tower from Prince Arthur Rd



5) View of plant room tower from Fitzjohn's Avenue



6) View of chimney tower from Fitzjohn's Avenue



7) Photomontage of proposed antennas on corner tower



8) Photomontage of proposed antennas on chimney tower

Delegated Report		Analysis sheet	Expiry Date:	01/09/2017
(Members Briefing)		N/A	Consultation Expiry Date:	03/08/2017
Officer			Application Number(s)	
Charles Thuaire			2017/0969/P	
Application Address			Drawing Numbers	
Henderson Court 102 Fitzjohn's Avenue London NW3 6NR			See decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of telecommunications equipment, including 4 antennas and 6 amplifier radio units on 3 facades of chimney on eastern corner, 2 antennas and 3 amplifier radio units on 2 facades of plant room on western corner, 4 equipment cabinets on roof of northeast wing plus associated walkway with handrails across roof, and one cabinet on ground in front of southwest elevation.				
Recommendation(s):	Grant planning permission			
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	52	No. of objections	51
Summary of consultation responses:	<p>Site notice displayed 12/07/17 to 02/08/2017 Press advert published 13/072017 to 03/08/2017</p> <p>The following objections were received:</p> <p><u>Fitzjohns Primary School, 86a Fitzjohns Avenue-</u> (2 representatives) inappropriate design, bulk and height in Hampstead Conservation Area; mast close to 4 primary schools, research on impact of radiation on small children is insufficiently comforting and long term effects not known; sample sizes in studies so far too small to be conclusive; some evidence that people with neurological problems suffer side effects from electromagnetic fields; other sites available which will not impact a large group of children.</p> <p><u>St Anthony's School for Boys, 90 Fitzjohn's Avenue-</u> amount, siting and prominence of telecom equipment harmful to Conservation Area and building; roof plant is utilitarian and incongruous in area which has uncluttered rooflines; equipment near edge of roof is prominent, handrail is extremely prominent; very harmful to have so much electrical antennas close to a prep school.</p> <p><u>North Bridge House Senior School, 65 Rosslyn Hill-</u> fails to comply with NPPF guidance, Local Plan policies and CAS guidance; location, height and setting of telecom equipment on res building is intrusive and inappropriate on this rooftop, more suitable locations exist elsewhere; harms streetscene and Conservation Area; sets unwelcome precedent; risk to health- there are both actual and perceived health effects from masts, Stewart Report 2001 in paragraph 6.68 recommends a precautionary approach and states clearly that masts should not be near schools, near the homes of children or other vulnerable people.</p> <p><u>47 individuals (including neighbours and at least 25 parents of local schoolchildren)-</u> 2 issues of impact on townscape and health- 'Unhealthy, unsightly and unjustified'.</p> <p>Unsuitable for conservation area (CA) and will not enhance it; handrail will alter view from top floors of neighbouring property and not in keeping with architecture; equipment looks directly into bedroom of property opposite; mast not in keeping with area or centre of Hampstead; buildings here are devoid of rooftop clutter- height and size of masts, cabinets and handrails create clutter and harm streetscene; does not comply with local plan and design guidance; unsightly phone masts are a blight on CA and should not be allowed; inappropriate design, bulk and height in Hampstead CA; will be visible from street level as Henderson Court is not tall building.</p> <p>Reckless that it is proposed near 3 schools and on top of old peoples home; potential health risks from radiation with no conclusive evidence that there</p>					

will be no harm; long term effects of masts on children and elderly not known; impact on health of school children who attend nearby schools; more info needed on health impact and why other locations cannot be used; mast close to 4 primary schools; research on impact of radiation on small children is insufficiently comforting and long term effects not known; sample sizes in studies so far too small to be conclusive; some evidence that people with neurological problems suffer side effects from electromagnetic fields; other sites available which will not impact a large group of children; children go to schools in most polluted streets of Hampstead and do not need further exposure to harmful substances; antennae on SE corner (chimney tower) look directly over school blocks and yard which will be hit first by radiowave beams.

‘According to the World Health Organisation’s website, it is cited that “IARC has classified radiofrequency electromagnetic fields as possibly carcinogenic to humans (Group 2B), a category used when a causal association is considered credible, but when chance, bias or confounding cannot be ruled out with reasonable confidence.” Thus a precautionary approach has been recommended by Sir William Stewart of the UK's own Health Protection Agency. The Stewart Report also discusses ‘sensitive’ groups that may be more susceptible to radiation absorption. These groups include schoolchildren, who are more vulnerable to potential health effects due to longer cumulative radiation exposure and thinner skulls, and the elderly. Hampstead Village has a large concentration of primary and secondary schools with some schools located within minutes of Henderson Court. With the World Health Organisation stating mobile radiation as a possible carcinogen, telecom antennas cannot be guaranteed to be safe over long periods of time. No guarantee there will be insurance compensation should long term radiation exposure begin to affect the health of Hampstead residents. It is unfair for the community of Hampstead to be exposed to potentially carcinogenic radiation whilst companies stand to benefit from financial profits’.

No consultation with local schools, contrary to the Code of Best Practice on Mobile Network Development in England; concerns at lack of consultation and sneaky tactics of application’s submission over school summer holidays when most people are away; Council may not consider case in unbiased way here as, being landlord, it will profit from antennas.

1 individual supports.

Officer comment-

See para 2.1 on justification for proposals; para 2.2 on applicants’ site searches and public consultation; section 3 on design; section 4 on amenity.

<p>CAAC/Local groups* comments: *Please Specify</p>	<p><u>Hampstead CAAC</u> object- concerned with the Health & Safety implications of these proposals as well as the visual problem on the main building relative to the Conservation Area; building does not seem the best location for the proposed masts, being low relative to the immediate environment and taller buildings; disappointed that such a development as the Hyelm site could not be made available for a base; recommend that if possible all tall buildings should be required to afford such with safeguards in radiation-insulation; assumes that Camden will exercise full duty of care in managing this proposal.</p> <p><u>Church Row and Perrins Walk Neighbourhood Forum</u> object- Visual prominence of handrail is harmful to building and Conservation Area; mast on NE corner is directly above a bedroom- should assess important biological effects on elderly which are not taken account of by ICNIRP guidelines.</p> <p><u>Officer comment-</u> <i>See para 2.1 on justification for proposals; para 2.2 on applicants' site searches and public consultation; section 3 on design; section 4 on amenity.</i></p>
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Site Description

The site has a postwar 3 storey brick block at the corner of Prince Arthur Road and Fitzjohns Avenue. It is square shaped arranged around a central courtyard. It has a flat roof with a tall chimney tower on the eastern corner at the site's rear and a projecting plant room tower on the western corner at the site's road junction; the latter tower has a number of satellite dishes on its inward face. The block is a Council-owned old peoples' home.

The site is in Fitzjohns Netherhall conservation area and is identified as being a 'positive contributor' building.

Relevant History

Planning permissions granted-

22.6.63- erection of an old peoples home.

20.11.01- ref PWX0103692- Provision of wheelchair access ramp to Prince Arthur Road.

23.1.03- ref PWX0202831- Installation of replacement aluminium windows and spandrel panels on the whole block.

11.5.18- ref 2017/6127/P- Erection of single storey pavilion in the central courtyard to provide additional communal facilities for the residents and Age UK; new landscaping in the courtyard; and alterations to the main entrance on Fitzjohns Avenue.

Relevant policies

National Planning Policy Framework 2019

London Plan 2016

Camden Local Plan 2017
A1 Managing the impact of development
D1 Design
D2 Heritage

Hampstead Neighbourhood Plan (adopted October 2018)

DH1 design

DH2 conservation areas and listed buildings

DH3 urban realm

Camden Planning Guidance

CPG Design 2019

CPG Amenity 2018

CPG Digital Infrastructure 2018

Fitzjohns Netherhall Conservation Area Statement - March 2001

Assessment

1. Proposal

1.1 The proposal is for new telecom equipment on the flat roof and towers, comprising the following- 4 antennas on 2 outer and 1 inner facades of the chimney on eastern corner (at rear of site); 6 amplifier radio units plus cable tray going up on its inward facing side; 2 antennas on the southwest facing side of the plant room tower on western corner (at road junction facing Fitzjohns Avenue); 3 amplifier radio units on its inward facing side alongside existing satellite dishes; 4 equipment cabinets approx. 1.8m high on the flat roof on its northeast side; walkway set back on both northeast and northwest sides of roof including 1.1m high handrails and cable trays, connecting the cabinets with both the towers; a 1m high meter cabinet based on ground level on southwest elevation facing Fitzjohns Avenue. The rooftop cabinets and radio units are coloured light grey, the ground based cabinet is coloured green.

1.2 The plans were revised in Feb 2018 to show- the walkway with handrail on the NW side set back further from the Prince Arthur Rd frontage; radio units relocated downwards on both towers; antennas painted to match background colour.

2. Background

2.1 The equipment is to improve 2G and 3G as well as provide new 4G coverage. The equipment is a site-sharing exercise between Telefonica and Vodafone. Coverage plots have been provided which show that the area around the site including north Hampstead up to the tube station has poor phone reception compared to the adjoining areas to the west and east- currently the area only has 'indoor suburban' phone reception compared to surrounding 'indoor dense urban'. The new equipment will enable provision of 'dense urban' coverage in line with the adjacent areas. Thus it is clear that the proposed installation will fill a substantial coverage gap in this area of Camden.

2.2 According to the applicant's supporting statement, an open meeting with residents of Henderson Court was held by Camden Council on 7 February 2017. Ten local schools and colleges were also consulted by the operators in December 2016. They received one objection from a representative of 2 schools who objected to the proposal on health, visual and disruption grounds. 5 alternative sites (63, 79 and 102 Fitzjohns Avenue; Madescro House, Akenside Road; 11 Lyndhurst Terrace) were investigated in the locality and landowners approached but no responses were received. An ICNIRP certificate has been provided (see para 4.2 below for more information on this).

2.3 NPPF guidance in para 45 states that- *Applications for telecommunications development... should be supported by the necessary evidence to justify the proposed development. This should include-*
- *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;*
- *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.*

2.4 It is clear that public consultation and alternative site searches have been undertaken in

accordance with legislation and guidance. Adequate justification has been provided as to why this building is the only one available and suitable and why new phone antennas are required to improve deficient radio coverage in the area.

3. Design

3.1 The new antennas will be relatively slimline features, about 2m long and 200mm thick, placed against the brick walls of the 2 projecting towers at their upper levels. They will not project above their rooflines. Furthermore according to the agents, they can be painted by specialists to match the brickwork rather than simply colouring them brown. The 4 antennas on the chimney will be barely visible in public views from both street frontages due to the chimney being at the rear of the site and only visible through narrow gaps on the building's NE and SE boundaries. Although the antenna projections will result in bulges to the narrow chimney's top in both views, these would be in the long distance and will not materially harm its form or appearance in these long views. The 2 antennas on the plant room tower will be clearly visible from Fitzjohns Avenue due to the prominent position of this tower at the road junction. However the brick tower has no special architectural merit and the antennas will be coloured to match the brickwork so that they will blend into the background and appear as very discreet features strapped against the tower's wall with no projections above the roofline.

3.2 Photomontages have been provided to demonstrate how much these antennas will appear almost invisible in casual views from ground level here due to their design and camouflage. Even if the antennas cannot be precisely matching in colour and texture to the brickwork, it is still considered that 2 antennas in brown colour on the front corner tower would not be obvious or prominent features in the streetscene and would only appear as vertical bulges on a blank brick facade of this postwar building. Accordingly it is considered that the antenna are acceptable and will not have any harmful impact on the character and appearance of the building or streetscene.

3.3 The radio amplifier units are very small features, about 500mm square, again strapped against the 2 inward facing tower walls, ie. those facing the flat roof. They are coloured grey and cannot be camouflaged like the antennas. However, as revised, the units will be on the lower parts of the 2 towers such that, due to the location and sightlines, they will not be visible in short or long views.

3.4 The cabinets on the flat roof, coloured grey to blend in with the sky, are set back by about 7m from the NE side and over 11m from the NW street frontage. Although they are no higher than 2m, they will be barely visible if at all from Prince Arthur Rd due to their setback location, the sightlines available and the dense tree cover preventing any clear views across the neighbouring property at Greenhill. The walkway handrails at 1m high are also similarly well set back about 7m from both frontages and will not be visible. The ground cabinet, coloured green to blend in with the landscape, will be hidden behind a high boundary wall on Fitzjohns Avenue. Due to their location and size, it is considered that these features will not be visible from the public realm at ground level.

3.5 Although 2 of the new antennas would have some visibility from the street, all the antennas have been designed to reduce their prominence- they would be against the brick walls of the towers, camouflaged to match the brickwork colour and pattern, and not projecting above the rooftops. The radio units and cabinets are virtually hidden from view due to their location. Overall the new equipment will not create any extra visual clutter on this otherwise unaltered roofline. It is therefore not considered that the equipment would bring about unacceptable harm to the character and appearance of the host building, streetscene and this part of the Fitzjohns Netherhall Conservation Area.

3.6 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.

3.7 NPPF guidance in para 43 states- *Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.*

3.8 CPG on Digital Infrastructure, which covers telecom equipment, states in paras 12 and 13- *In line with the NPPF, the Council will support the expansion of electronic communications networks, including telecommunications and high speed broadband. In particular, the Council will aim to keep the numbers of radio and telecommunications masts and the sites for such installations 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 demonstrated to the satisfaction of the Council. Where new sites are required, equipment should be sympathetically designed and appropriately camouflaged where possible.*

3.9 As discussed above, it is considered that this proposal complies with this guidance.

4. Amenity

4.1 Para 45 of the NPPF states that applications for telecommunications development should be supported by the necessary evidence to justify the proposed development. This should include a statement that self-certifies that, when operational, International Commission guidelines (on non-ionizing radiation protection) will be met.

4.2 Para 46 states that *local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure. [emphasis added]*

4.3 The application submitted an ICNIRP Declaration which certifies that the equipment is designed to be fully compliant with the precautionary guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). This is an independent body of scientific experts established by the International Radiation Protection Association. The guidelines were developed following a thorough review of the science and took into consideration both thermal and non-thermal effects. The guidelines are made up of two parts: the first is based on established and proven science; the second part incorporates a safety factor meaning that the guidelines come with a built-in precautionary element.

4.4 It is noted that a high number of objections have been received to the proposed telecommunications equipment on health grounds, some of which have cited academic and international research which concludes that antennas can be harmful. As noted above, the NPPF does not give scope for the local planning authority to determine health safeguards beyond compliance with ICNIRP and that consultation should take place with schools in close proximity.

4.5 There is further advice available on health issues which shows conclusively that, following research undertaken since the Stewart Report, mobile phone base stations do not pose any health risks to people including children. A NRPB report dated Jan 2005 stated that there is no scientific basis for siting base stations away from schools. Later a research programme (MTHR) was undertaken in response to the Stewart Report (2000) to address uncertainties on mobile phone base stations and health. Its report in Feb 2014 noted that research conducted found no evidence of biological or adverse health effects from radio waves produced by mobile phones or their base stations. Since 2000 over 30 studies have been undertaken which conclude that overall the possibility of adverse health effects from such technology remains unproven. An independent report in 2012 by Advisory Group on Non-ionising Radiation (AGNIR) concluded that *“although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children.”* More recently, a 2015 report ‘Recent Research on EMF and Health Risk - Tenth report from SSM’s Scientific Council on Electromagnetic Fields’ notes that *“new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters”*.

4.6 Furthermore, in response to the objections raised with regard to the proximity to schools and the use of Henderson Court as a home for the aged, the agents have provide further advice on health issues in the following 3 paragraphs-

4.7 Telefónica and Vodafone's sites transmit nothing other than ordinary radio waves that have been common in our environment for over eighty years. Radio waves are electromagnetic waves that are the same entity as visible light but at a lower frequency and longer wavelength that cannot be perceived by the eye. Radio waves are non-ionising and should not be confused with the ionising radiations such as X- rays and gamma rays that occur above visible light in the spectrum and that are of course known to be harmful (as well as beneficial in certain medical applications).

4.8 The World Health Organisation on its website has an extensive article on electromagnetic fields, and the research findings over 30 years. In particular two paragraphs state:
"In the area of biological effects and medical applications of non-ionising radiation approximately 25,000 articles have been published over the past 30 years. Despite the feeling of some people that more research needs to be done, scientific knowledge in this area is now more extensive than for most chemicals."
"Despite extensive research, to date there is no evidence to conclude that exposure to low level electromagnetic fields is harmful to human health."

4.9 The ICNIRP guidelines, with which this base station complies fully, are in place to protect all members of the public, be they children or adults, wherever they are in relation to a base station 24 hours a day. It is understood that the maximum radio wave intensity for this base station (at any point) has been calculated at less than 1% of the ICNIRP public exposure limit.

4.10 It is therefore considered that there is no clear evidence available to justify refusing the scheme on health grounds arising from actual or perceived harm from mobile phone antenna radio waves.

4.11 There will be no impact from the various structures and units on daylight, sunlight, privacy or outlook to neighbouring premises. It is thus concluded that there will be no adverse impact on residential amenity or public safety of adjoining residential occupiers.

5. Recommendation

Grant planning permission

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5th August 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2017/0969/P
Contact: Charles Thuairé
Tel: 020 7974 5867
Date: 30 July 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
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WC1H 9JE

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West Byfleet
KT14 6RA

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Henderson Court
102 Fitzjohn's Avenue
London
NW3 6NR

DECISION

Proposal: Installation of telecommunications equipment, including 4 antennas and 6 amplifier radio units on 3 facades of chimney on eastern corner, 2 antennas and 3 amplifier radio units on 2 facades of plant room on western corner, 4 equipment cabinets on roof of northeast wing plus associated walkway with handrails across roof, and one cabinet on ground in front of southwest elevation.

Drawing Nos: 100E, 200C, 201G, 300C, 301E, 302A, 303B, 304A, 305B, 306A, 307B;
Photomontages refs 148399 1.1, 2.1, 3.1, 4.1, 5.1, 6.1, 7.1; SDD2013B, SDD2034B,
SDD2920A, SDD2660D, CVV2NPX308.208R-L, RVVPX308.14R3-L; Coverage plots for
Telefónica and Vodafone; Site Specific Supplementary Information document ref 148399;
ICNIRP declaration by CTIL dated 17.2.17.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans- 100E, 200C, 201G, 300C, 301E, 302A, 303B, 304A, 305B, 306A, 307B; Photomontages refs 148399 1.1, 2.1, 3.1, 4.1, 5.1, 6.1, 7.1; SDD2013B, SDD2034B, SDD2920A, SDD2660D, CVV2NPX308.208R-L, RVVPX308.14R3-L; Coverage plots for Telefónica and Vodafone; Site Specific Supplementary Information document ref 148399; ICNIRP declaration by CTIL dated 17.2.17.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The apparatus hereby approved shall be removed from the building as soon as reasonably practicable when no longer required.

Reason: In order to minimize the impact on the appearance of the building and local environment in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 The colour of the proposed microwave antennas shall match as closely as possible the parts of the building to which they are attached. The supporting mounts and associated cable tray on chimney tower shall be designed to be as unobtrusive as possible, and should be painted the same colour as the antennas.

Reason: In order to minimize the impact on the appearance of the building and local environment in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DECISION