

<b>Delegated Report</b> (Refusal)		<b>Analysis sheet</b>		<b>Expiry Date:</b>	12/06/2020
		N/A / attached		<b>Cons. Expire:</b>	16/03/19
<b>Officer</b>			<b>Application Number(s)</b>		
Jaspreet Chana			2020/1796/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
1-44 Grasmere Osnaburgh Street London NW1 3QL			<i>See draft decision</i>		
<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 telecommunications equipment comprising 6 antennas, 3 dishes and 3 cabinets on the rooftop level, 1 meter cabinet at ground floor level and associated works					
<b>Recommendation(s):</b>		i) Prior approval required ii) Prior approval refused			
<b>Application Type:</b>		GPDO Prior Approval Determination			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	0	No. of responses	35	No. of objections	35
Summary of consultations:	Two site notices were displayed, one to the front of 1-44 Osnaburgh Street and one on the Robert Street end of the site on 01/05/20 (consultation end date 25/05/20); the deadline was further left open until the 29 <sup>th</sup> May for further comments as residents needed additional time.					
Summary of consultation responses:	<p>3 objections were raised by residents which are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Camden Council did not erect the site notices close enough to the subject site and residents requested further time to make all residents aware and make comments.</li> <li>• Residents have not received any consultation letters from the agents despite agents saying they were sent out.</li> <li>• Camden Council have a positive duty to safeguard the health and safety of its residents. The health documents produced by the applicants is incorrect and they must be aware that their equipment is detrimental to the health of the residents.</li> <li>• There are schools in close proximity to the site, Netley Primary School/Centre for Autism; documents state that the schools were consulted but no response was had but as it is lockdown most schools have been shut. Children that attend these schools would be vulnerable to the impacts caused by this proposal.</li> <li>• Since height seems to be a criteria, there are at least 3 other buildings which are taller than Grasmere. Have they been considered?</li> <li>• Proposed equipment is harmful to public health and will cause pain and suffering to residents especially as there are many elderly residents and families with young children.</li> <li>• Object on the grounds that the equipment would be highly visible from key views and form clutter on the flat roof.</li> <li>• Residents of the top floor flats have raised concerns with regard to close proximity of the equipment to their terrace areas.</li> </ul> <p>32 residents (Flats: 2, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 27, 28, 29, 31, 33, 34, 35, 36, 38, 40, 41, 42, 43) out of 44 of Grasmere have signed the petition objecting individually to the proposal.</p>					

## Site Description

The application site is 11 storey block of flats located to the north of Roberts Street and west of Osnaburgh Street. The building is in residential use and owned by Camden Council; it sits within Regents Park Estate, resulting in the wider setting being prominently residential. The building is not located within a conservation area but is relatively near Regents Park conservation area.

The building's roof is flat and uncluttered and currently has no telecoms equipment present.

## Relevant History

No relevant planning history

## Relevant policies

**National Planning Policy Framework (2019)** – Chapter 10 Supporting high quality communications

**The London Plan (2016) intend to publish London Plan 2019**

### Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design

### Camden Planning Guidance:

- CPG – Design (March 2019)
- CPG – Amenity (March 2018)

## Assessment

### 1. Proposed development

1.1 The application has been submitted under Part 16 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GDPO) 2015 (as amended).

1.2 Planning permission is sought to install new telecommunications equipment in the middle of the existing rooftop area of the subject building. This would comprise:

- 6 antennas on support poles
- 3 x 300mm dishes
- 3 Cabinets at roof level
- 1 meter cabinet at ground level
- Metal frame, handrail and raised platform

1.3 The principle considerations in the determination of this application are: Justification, Siting & Design and Amenity.

1.4 It should be emphasised that the applicant is seeking prior approval for the siting and appearance of the equipment only. As a result, as required by legislation, it is not possible for objections to be raised on any other grounds, such as health.

### 2. Justification

2.1 The proposals are associated with Telefonica to provide a new and improved 2G, 3G, 4G and 5G coverage for Telefonica in the area. The installation would provide improved localised coverage and link with neighbouring mobile networks to form part of the national networks. It would improve coverage from 'in car' and 'indoor suburban' to 'dense urban'.

2.2 The applicant's submission states that the site is identified as the most suitable option that balances operational need with local planning policies and national planning policy guidance. It will deliver public benefit in terms of telecom/mobile services it will provide. The coverage plots show existing deficiency in the area for network coverage and the improvement predicted to fill a substantial coverage gap within Regents Park area, i.e. the coverage will be upgraded to 'dense urban' instead of 'in car' and 'dense suburban'. The

applicant has shown that 8 alternative sites were considered but deemed inferior or unfeasible on technical and visual grounds.

2.3 The applicants have declared with the 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 residents' objections on the health grounds are acknowledged, given the details provided by the applicant and Government advice on health issues regarding mobile phone masts, this cannot constitute a reason for refusal.

2.4 The antennas are not anticipated to have any direct impact on public health. Furthermore, they are sufficiently far away from residential properties on all sides so as to not add to a perception of risk to health.

### **3. Siting & Design**

3.1 Policy D1 of the Camden Local Plan seeks to secure high quality design in development; specifically requiring development to respect local context and character; preserve or enhance the historic environment and heritage assets in accordance with Policy D2; and preserve strategic and local views.

3.2 Policies D1 are supported by the Council's Design CPG and Digital Infrastructure CPG.

3.3 The NPPF requires Local Planning Authorities to keep the number of radio and electronic communications masts, and the sites for such installations to a minimum, consistent with the needs of consumers, the efficient operation of the network and to provide reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflages where appropriate.

3.4 It is noted that the siting of telecoms equipment on the roofs of residential tower blocks is common and regarded acceptable due to their height and their limited visibility where positioned correctly. However the proposed works are not considered acceptable in this instance. The application site is a relatively high residential block of 11 storeys which is surrounded by a mixture of low, medium and high rise blocks and houses. As a result of this contrast between the height of the host property and the lower level neighbouring properties, as well as the topography of the area, the roof of 1-44 Grasmere is clearly visible in long and short views from a variety of vantage points. Although the equipment is to be placed in the middle of the roof, it would be placed on a raised platform with handrails, creating a high central feature of technological clutter with 2m high antennas on poles above the flat roofline. They are considered to create unwelcome prominent visual clutter on the roof and would harm the clean uncluttered roofline of this modern building and cause unacceptable visual harm to the area.

3.5 The proposed 3 equipment cabinets would be arranged together within the framework in the centre of the roof set in from the edges of the roof on the raised platform. The submitted information only shows the cabinets on the floor plan and there is no indication of these on the one east elevation provided. In the absence of sufficient plans demonstrating the size and appearance of the cabinets, they are considered unacceptable in terms of their visual impact. A meter cabinet is proposed on the ground level placed near the entrance of the building. This cabinet is of a modest size and scale and is set over 8m from the road and therefore would be considered acceptable.

3.6 The 6 antennas would be placed on a steel frame on a raised platform towards the centre of the building and placed on the edge of the metal frame facing towards the east and west elevations of the building; the 3 new dishes will also be placed towards the west elevation of the building. The number, height and location of these antennas will make the equipment very prominent and clearly visible in long and short range views from Redhill Street, Augustus Street, Varndell Street and Cumberland Market.

3.7 The number of antennas and dishes on poles, steel frame and raised platform would result in a proliferation of visual clutter at the roof level. There are higher buildings within the vicinity of the site where this type of equipment would be more appropriate and less visible within the street scene but those have been ruled out due to technical grounds and no reasonable justification has been provided.

3.8 The development would result in harm and, although there would be some public benefits (from the enhanced network coverage), this would be modest and would not outweigh the impact on the character and appearance of the building or nearby conservation areas.

3.9 Given the above, it is considered that the proposed antennas and equipment, by virtue of their number, height and their prominent siting, would result in a proliferation of harmful visual clutter which would be unattractive and over-dominant on the host building and would cause harm to the character and appearance of the wider townscape.

#### **4. Amenity**

4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered.

4.2 The subject building is taller than most buildings to the south and east and west, and similar heights as those on the west, so the proposed plant would not cause a loss of outlook or daylight to adjoining occupiers. It is noted that residents of the top floor flats have raised concerns with regard to close proximity of the equipment to their terrace areas. However, the size and location of the proposed equipment is not considered to have any significant impact on the amenity of neighbouring residents in terms of loss of light, outlook or privacy.

4.3 The NPPF in para 45 requires applications for telecommunications development to 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 the 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.

4.4 The applicant has provided supplementary information, within which they have stated that they have consulted 5 schools and nurseries; however no response was received from any schools confirming this. The site is not located within 3km of an aerodrome or airfield and as such the Civil Aviation and Secretary of State have not been notified. A declaration of conformity with ICNIRP Public Exposure Guidelines has been submitted.

4.5 Para 46 of the NPPF 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'. Thus the NPPF does not give scope for the local planning authority to determine health safeguards beyond compliance with ICNIRP and a requirement for consultation with schools in close proximity. 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.

#### **5. Recommendation**

5.1 Prior Approval Required – Approval refused on grounds of unacceptable siting and design, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017.