

Delegated Report		Analysis sheet	Expiry Date:	21/08/2020
		N/A / attached	Consultation Expiry Date:	15/08/2020
Officer			Application Number(s)	
Charlotte Meynell			2020/2942/P	
Application Address			Drawing Numbers	
Pavement on east side of Spaniards Road E:526393 N:186679 London NW3 7ET			Refer to draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of 15m high telecommunications monopole with wraparound cabinet at base and 3 x equipment cabinets on the public footpath, and removal of 1 x existing equipment cabinet.				
Recommendation(s):		Prior Approval Required – 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	00	No. of objections	00
Summary of consultation responses:	<p><u>A site notice was displayed on 22/07/2020 and expired on 15/08/2020.</u></p> <p>No responses were received from neighbouring occupiers.</p>					
Hampstead Neighbourhood Forum comments:	<p>In response to the proposal, the Hampstead Neighbourhood Forum objected on the following grounds:</p> <ul style="list-style-type: none"> • The Hampstead Neighbourhood Forum objects to the proposal for this 15m telecommunications monopole, noting that its size and siting make it unacceptable in terms of both appearance and impact on the chosen location, contrary to DH1 and DH2 of the Hampstead Neighbourhood Plan. It also would be contrary to NE1: Local Green Spaces. This policy, which considers the Heath as an important LGS for purposes of the Plan, states that development that causes harm to Local Green Spaces will not be permitted, except in very special circumstances. • Location: At 15m, the pole would tower over the existing trees, spoiling views looking both south across the Heath and north toward the Heath extension, particularly as the resulting land falls away to either side of Spaniards End. This road provides a verdant tunnel of vegetation out of which this mast would arise undisguised by any other structure, a purely man-made structure contrasting and degrading the natural landscape around it. • Appearance: This pole towers above all other structures, man-made or otherwise in the area, standing 50% higher than the existing telecommunication pole. The top-heavy design of the pole would make it even more noticeable and incongruous and therefore damaging to this important part of Metropolitan Open Land. There are currently two other monopoles in this location. Adding a third will create a forest of poles lining Spaniards Way and an additional unsightly clutter of cabinets next to the Heath. • For these reasons, we believe that there are no small modifications that could ameliorate the damage of this application and believe it should be refused. 					
Heath and Hampstead Society comments:	<p>In response to the proposal, the Heath and Hampstead Society objected on the following grounds:</p> <ul style="list-style-type: none"> - This application proposes to double the telecommunication cabinets at ground level, keep the existing large 9.7 meter high `pole` and add an extremely tall 15 meters high antenna mast - the top 4.5 meters of which widens out to accommodate more equipment. The actual diameter at the top is not specified but appears to be 0.75 m. diameter. - Metropolitan Open Land (MoL): The boundary of MoL is unclear, 					

but certainly the site is surrounded by MoL and the proliferation of telecommunication equipment and in particular the high top heavy `antenna` detracts from the openness of MoL.

- **Fringe of the Heath:** Camden`s Local Plan is clear in not supporting any building or construction which affects the fringe of Hampstead Heath. The proposed site is on a road which runs through the Heath and is not just on the fringe but surrounded on all sides.

As the application notes (Site Specific Supplementary Information), "the area is rural/greenspace in nature". This is an understatement. Spaniards Road itself has a rural feel, lined as it is with mature trees and grassy verges. This mast would take away that rural feel, a rarity in London.

Even more important, the mast would intrude on the historic Hampstead Heath which abuts each side of Spaniards Road. This was one of the first open spaces created in London, and is protected by the 1871 Hampstead Heath Act. It was created as a health-giving space for the benefit of the people of London, and currently welcomes 11 million people each year. The mast would contravene the Act's call to preserve the "natural aspect and state of the Heath", and spoil the Heath for its many visitors. Hampstead Heath is not a park with urban features where such a tower might not be out of place. The nature of the Heath is that it is an oasis of countryside in the city.

- The extra cabinets, and, particularly, the top-heavy 15 meter high `antenna`, are not acceptable in this location. **Surely a more appropriate place could be found. PLEASE REFUSE.**

Site Description

The application site comprises of an area to the back of the footway on the eastern side of Spaniards Road, close to Heath House and the junction of Whitestone Walk, Heath Street and North End Way. The site is immediately adjacent on both sides of the highway to Hampstead Heath, which is designated Metropolitan Open Land (MOL). The site is located just south of an existing 9.7m high monopole and series of associated equipment cabinets. The existing monopole is situated on the grass verge, and is the second monopole up from the junction with North End Way and Heath Street.

The application site is not situated within a conservation area, and there are no listed buildings within close proximity.

Relevant History

Site history:

Pavement on east side of Spaniards Road, London, NW3 7ET

2020/2725/INVALID – Pre-application advice for the installation of telecommunications equipment.

Application withdrawn and no pre-application advice given as required fee was not received.

2012/4620/P – Retention of 9m high telecommunications mast and 4 associated equipment cabinets.

Planning permission granted 26/10/2012

2012/3166/P – Prior approval for installation of telecoms equipment cabinet. **GPDO Prior Approval application withdrawn 01/08/2012** as cabinets were installed before the application was decided, thereby invalidating the GPDO application. This planning breach was regularised through the granting of planning permission for the equipment in the above planning application ref. 2012/4620/P.

Neighbouring sites:

Pavement on east side of Spaniards Road facing Heath House:

2004/3422/P – Installation of 1 additional equipment cabinet to be sited adjacent to pole and cabinet

granted planning permission on 28.5.04 (ref 2004/0358). **Planning permission granted 24/09/2004**

2004/0358/P – Erection of a 10m high pole containing telecommunications antennae and 2 ancillary equipment cabinets, located on grass verges adjoining the pavement. **Planning permission granted 28/05/2004**

Site on Spaniards Road near junction with North End:

2004/1220/P – Erection of a 10m high pole containing telecommunications antennae and three equipment cabinets, located on grass verges adjoining pavement. **Planning permission granted 21/05/2004**

2006/1904/P –Replacement of existing telecommunications monopole by a 15m high monopole with 6 integral antennae located on grass verge adjoining the pavement. **GPDO Prior Approval refused**

Reason for refusal:

- The proposed replacement pole, by virtue of its siting adjoining a open section of the Heath, and its design incorporating a bulge and an excessive height in relation to surrounding street furniture, would be detrimental to the visual amenity of the streetscene, the character and appearance of the adjoining conservation area, and the character and setting of the adjoining Hampstead Heath open space, contrary to policies S1 and S2 (strategic policies), B5 (Telecommunications), B7 (Conservation areas), B9 (Local views), N1 (Metropolitan Open Land) and N2 (Protecting Open Space) of the London Borough of Camden Replacement Unitary Development Plan 2006.

Relevant policies

Part 16 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2016

National Planning Policy Framework (2019)

London Plan (2016)

Intend to publish London Plan (2019)

TfL's Pedestrian Comfort Guidance for London (2010)

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open space

C6 Access for all

D1 Design

T1 Prioritising walking, cycling and public transport

Hampstead Neighbourhood Plan (2018)

DH1 Design

NE1 Local Green Spaces

Camden Planning Guidance

CPG Amenity (2018)

CPG Design (2019)

CPG Digital Infrastructure (2018)

CPG Transport (2019)

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 order permits the Council to only consider matters of siting and appearance in determining GPDO prior approval applications. As a result, it is not possible for objections to be raised on any other grounds, such as health.
- 1.2 The proposal involves the erection of a 15m high monopole with a total width of 0.8m, incorporating a large wraparound cabinet at its base and the installation of 3 other cabinets on the public footpath on the eastern side of Spaniards Road. One existing cabinet at the site would also be removed as part of the proposal.
- 1.3 The base station cabinet of the monopole would measure 0.7m deep x 1.6m wide x 1.6m high. The other cabinets would be 0.7 deep x 1.9m wide x 1.7m high; 0.5m deep x 0.6m wide x 1.6m high; and 0.5m deep x 0.6m wide x 1.2m high. The cabinet to be removed measures 0.5m deep x 1.3m wide x 1.0m high.
- 1.4 A decision is required to be made within 56 days of the application's receipt (2nd July 2020). Thus, if the applicant does not receive the Council's decision by 21st August 2020, the proposals will have deemed approval by default according to the GPDO legislation.

2.0 Applicant's Justification

- 2.1 The new monopole would provide enhanced coverage for EE Ltd, the Emergency Services Network (ESN) and H3G LTE. This would include 5G coverage as well as 2G/3G/4G coverage to support the existing network. There is already an existing monopole at this site, and the applicant has not submitted any plot coverage maps to demonstrate the need for an additional mast. The applicant states that the new monopole is required in addition to the existing monopole at the site in order to maintain the current service without disruption to existing network users.
- 2.2 The supplementary information document provided states that the site was selected as it is an existing telecommunications site, and that the proposals should therefore be considered as simply an upgrade to add a second monopole. The applicant considers that the presence of the existing monopole at the site indicates that the principle of the proposal is acceptable in terms of siting, and as such, no alternative site options were investigated. This reasoning is not considered to be sufficient justification for the installation of a new additional monopole at this location. The applicant states that there are no other viable alternative options; however, no further evidence has been provided to support these claims.

3.0 Siting and Design

Impact on surrounding area

- 3.1 The application site is bordered on both sides by Hampstead Heath, which is designated Metropolitan Open Land (MOL). This is open space of London-wide significance that provides a break in the built-up area and receives the same presumption against development as green belt land. As such, the impact of the proposals on the MOL is a material planning consideration.
- 3.2 Local Plan Policy D1 (Design) aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 3.3 Furthermore, the Hampstead Neighbourhood Plan Policy DH1 (Design) requires development proposals to demonstrate how they respect and enhance the character and local context of the

relevant character area, and states that development proposals that fail to respect and enhance the character of the area will not be supported.

3.4 CPG Digital Infrastructure states that ‘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.’ This is consistent with the guidance on telecommunications infrastructure set out in paragraphs 113 and 115 of the NPPF.

3.5 Local Plan Policy A2 (Open space) states that in order to protect Camden’s open spaces, the Council will resist development which would be detrimental to the setting of designated open spaces, give strong protection to maintaining the openness and character of Metropolitan Open Land (MOL), and preserve and enhance Hampstead Heath through working with partners and by taking into account the impact on the Heath when considering relevant planning applications, including any impacts on views to and from the Heath. The Council will protect the openness and character of MOL spaces in accordance with London Plan policy 7.17 and policy guidance in the National Planning Policy Framework (NPPF) on Green Belts. Hampstead Neighbourhood Plan Policy NE1 (Local Green Spaces) further emphasises that development that causes harm to Local Green Spaces, including Hampstead Heath, will not be permitted except in very special circumstances.

3.6 NPPF guidance on Green Belts emphasises the importance of Green Belts to keeping land permanently open. Paragraph 143 of the NPPF says that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’ Paragraph 144 of the NPPF goes on to say that ‘When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’

3.7 Spaniards Road is shielded on either side by mature trees and punctuated along the carriageway by lampposts and masts. The existing 9.7m high monopole at the site is located on the green verge alongside the carriageway and is level with surrounding trees and effectively totally screened by them in long views from Hampstead Heath. The existing monopole has a relatively slender design and a small top bulge where the antennas are located beneath a shroud, and its black colour helps it blend into the trees and landscape. Given the screening and existing street furniture along this stretch of the road, it was considered in application ref. 2012/4620/P (see ‘Relevant history’ section above) that the existing monopole would preserve the character and appearance of the surrounding area, and planning permission was subsequently granted for its retention.

3.8 The proposed monopole would be over 5m higher and double the diameter of the existing slim line monopole and surrounding lampposts. The top 4.6m of the mast would accommodate the proposed antennas, and would extend the diameter of the mast further still. It is considered that the design and size of the proposed monopole would be unattractive and incongruous, as it would tower above all existing street furniture along this stretch of Spaniards Road, and would protrude above the mature tree line which screens the existing mast from longer views from Hampstead Heath. It would appear very visible and dominant both up close and in longer views along Spaniards Road, and it would appear as a prominent discordant feature in the unobstructed views from Hampstead Heath. Consequently, the proposal would impede upon and harm the setting of the MOL of Hampstead Heath, and would appear as an obtrusive piece of street furniture which would degrade the visual amenity of the area and the character and appearance of the streetscene. The proposal is therefore considered to be inappropriate development which would harm the openness and character of the MOL of Hampstead Heath.

3.9 Considerable importance and weight have been attached to the harm arising to the openness and

character of the MOL of Hampstead Heath, as per the above local and London Plan policies and NPPF guidance on Green Belts. Whilst the submission documents note that the application site is located within the Open Space of Hampstead Heath, the applicant states that they consider that the designation of the land will not be a material planning consideration, and therefore no consideration has been given to the harm that the proposal would cause to the openness and character of the MOL.

3.10 The need for the mast and any benefits that it would bring have to be balanced against the impact of the proposed monopole on the wider surroundings. It is clear from CPG Digital Infrastructure guidance that new ground-based masts should be treated as a last resort option when all other alternative sites have been fully investigated and discounted. As highlighted in the 'Applicant's Justification' section above, the applicant has failed to investigate any alternative site options. The technical need for an additional mast at this site has also not been substantiated with evidence. No details of the colour of the monopole or of the number or specific appearance of antennas proposed have been provided, and it appears from the submission documents that there has been no attempt at sympathetic design or camouflage of the proposals into the surroundings. As such, the evidence provided to justify the need for and public benefit of the proposals is insufficient to meet the requirements of CPG Digital Infrastructure, and to warrant 'very special circumstances' in the context of the NPPF guidance on inappropriate development to Green Belt land. It is therefore considered that the damage to the openness and character of the MOL of Hampstead Heath would be severe and that this would not be outweighed by any other considerations.

3.11 The 3 x proposed equipment cabinets would be located immediately south of and in line with the proposed monopole and existing equipment cabinets, on the back edge of the grass verge alongside the MOL of Hampstead Heath. The proposed cabinets would be of a similar size and scale to the existing cabinets, and would be screened from longer views along Spaniards Road by shrubbery. The additional cabinets would therefore be considered acceptable and appropriate in this location as ancillary highway structures. If the overall scheme had been considered acceptable, a condition would have been attached to the grant of prior approval to ensure that the proposed equipment cabinets were painted black to match the existing cabinets.

Transport

3.12 The application site is located on the back edge of the pedestrian footpath on the eastern side of Spaniards Road, in line with the existing cabinets. The proposed cabinets and monopole would not project any further into the footway than the existing equipment, and would allow in excess of the 1.8m minimum unobstructed 'clear footway' width as required by Appendix B of TfL's Pedestrian Comfort Guidance and section 3.01 of Camden's Streetscape Design Manual. As such, the siting of the proposal would be considered acceptable in terms of transport impacts.

Amenity

3.13 There are no properties within close proximity of the application site and so there would be no impact on residential amenity in terms of loss of light or outlook.

3.14 The applicant has declared that the equipment would comply with International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards on emission levels in accordance with government guidelines. Consequently, there are no direct public health concerns regarding this proposal.

4.0 Conclusion

4.1 The development would result in visual street clutter which would detract from the character and appearance of the streetscene, and little justification has been provided for its need in this location or that alternative sites have been explored. The 15m height of the monopole is considered excessive and no justification has been provided for the pole's height, which significantly dwarfs

the existing monopole and lampposts, and the adjacent line of mature trees. The monopole's height would result in the development being very prominent in views from Hampstead Heath, which would cause harm to the setting and the openness and character of the MOL.

5.0 Recommendation

6.1 Prior Approval Required – Approval refused on grounds of unacceptable siting and design.