
From: Robert Garden [REDACTED]
Sent: 16 September 2020 15:49
To: Dempsey, Matthew; Gael Hardie
Cc: Ashley Damiral
Subject: RE: [EXTERNAL] RE: Planning Application with reference 2020/2015/P
Attachments: 240295 APPEAL DECISION 3246710 Eton(644678169_1).PDF

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Matthew,

Thank you for the update, and please do treat this as a further comment to be taken into account before the decision is issued.

The Applicant's response continues to demonstrate the confusion in their approach to site selection and justification as they refer to providing infrastructure "on Albion House". Our objection relates to Application 2020/2015/P which relates to Central Saint Giles (at the Matilda Apartments), and the Applicant's response does not justify (or appear to attempt to justify given the reference to Albion House) the installation of any infrastructure at Central Saint Giles.

The Planning White Paper which the Applicant purports to rely upon carries no weight: it is a consultation document that is still subject to its first consultation. The Applicant's purported reliance on COVID-19 guidance also carries no weight. As the Applicant states themselves: "the circumstances here are clearly not comparable".

The Applicant has failed to bring attention to paragraph 12 of the attached appeal decision. This states: "*In support of the appeal application, the appellant submitted a list of alternative sites investigated, which included existing streetworks, alternative rooftops and greenfield locations, **but all were discounted**. Having reviewed the information provided, **I find that the sequential approach follows accepted best practice and policies contained within the Framework** and, **as a result, provides sufficient justification** to support the need for the development. On this basis, **I have no evidence to suggest that there is a more viable option** than the appeal site for the required facility."* This then weighs into the key section at paragraph 15, which is where the Inspector identifies the absence of alternative sites as a key element of the planning balance.

Here, there is no evidence to demonstrate that there are no alternative sites. Indeed, Albion House is an alternative site to Central Saint Giles and so this Application must be refused. Following the Inspector's approach within paragraph 12:

1. The Applicant has not discounted alternative sites: it has erroneously discounted alternative sites, such as Albion House, that it has subsequently sought planning permission for.
2. The Applicant has not followed its own sequential approach to site selection and has not followed best practice.
3. As a result, there is not sufficient justification to support the need for the development.
4. The Council has evidence in front of it that there is a more viable option on the Applicant's own case, being Albion House.

Regards,

Rob

Robert Garden
Senior Associate



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From: Dempsey, Matthew <Matthew.Dempsey@Camden.gov.uk>

Sent: 16 September 2020 12:26



Subject: RE: [EXTERNAL] RE: Planning Application with reference 2020/2015/P

Dear Robert,

Thank you for your e-mail. I can confirm receipt of some comments from the application following consultation responses. Please see text copied below / attachments which they have provided.

A redacted version of their e-mail and the attachments shall be placed within the online file asap.

You may note the applicant has request that I should proceed to determination asap, which I intend to do. I need to have final discussion with senior colleagues prior to making a final recommendation. I will keep you informed once the decision is drafted. FYI, from the point of a decision being drafted onwards, I would seek sign off from my senior colleagues and then issue the decision notice to all interested parties and publish this online as part of the statutory record.

Please also be advised, I anticipate being in a position to draft the decision next week, although this is already a bit a late; I'm afraid I have other cases which I must deal with in date order. Apologies for the delays in the process.

I would also add, as is usual; we will accept any further comments up and until the decision is drafted, should any arrive.

Copied Text: e-mail form applicant's agent.

"I've spoken to my client's structural engineer in respect of the comments made in respect of the "flying carpet". We do not intend to fix to the 'flying carpet'. Instead we are looking to fix to the steel columns and beams the 'flying carpet' is fixed to.

In response to your concerns and representations made we consider we have put forward robust arguments supporting site selection, design and need for site which were included with application. We have the best design we can do here, on the most appropriate site in the area.

The Camden Local Plan, which is the local policy document planning applications are assessed against, 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, states that the Council recognises the importance of digital infrastructure, including telecommunications. It does explicitly recognise under paragraph 2.5's key priorities for harnessing the benefits of growth the need for '*securing the infrastructure and services to meet the needs of our growing number of residents, workers and visitors*' with infrastructure needs including digital infrastructure requirements then identified in Appendix 1 which in turn references the Camden Digital Strategy 2014, again demonstrating the participation of the planning process in

supporting digital connectivity via *'Improved internet access through the acceleration of high speed connectivity, including public wireless systems.'*

The National Planning Policy Framework sets out in para 112 that *'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.'* Para 113 advises that use of buildings should be encouraged, and new sites should be sympathetically designed and camouflaged where appropriate. And in relation to heritage assets in para 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.'* These priorities are reflected in the current and draft London Plan.

The COVID-19 outbreak, over a very short period of time, has significantly changed how we live and work, with far-reaching social and economic implications for every community and all parts of the economy across the UK. The Covid-19 pandemic has exacerbated demand and pressure on the Appellant's and Telefónica's networks.

For the first time in history, all mobile networks sent out a government message to their customers with details of the new shutdown measures. The message from 24 March 2020 reads:

'GOV.UK CORONAVIRUS ALERT. New rules in force now: you must stay at home. More info and exemptions at gov.uk/coronavirus Stay at home. Protect the NHS. Save lives'. Even the World Health Organisation launched a WhatsApp chatbox allowing people to get instant information about the coronavirus through the smartphone messaging application. None of this would be possible without the physical infrastructure such as masts, antennas, microwave dishes and cabinets which together provide the coverage and capacity to keep people in touch and working. This highlights the role that high quality communications infrastructure plays in supporting economic growth and more accessible, inclusive communities.

More importantly, the significance of mobile connectivity during the pandemic was reinforced by DCMS in succinct advice to local authorities and operators published on 02nd April 2020^[1]:

*'Government recognises the ongoing importance of the telecommunications industry at this critical time. Now, more than ever, the country is reliant on fixed line and mobile communications networks. **Telecommunications has therefore been included as one of the critical sectors** in new government regulations and legislation in response to dealing with the COVID-19 outbreak.'* (emphasis added)

The advice sets out (albeit in relation to emergency access provision) that:

'Fully operational telecommunications infrastructure is needed to support mass homeworking and critical connectivity to emergency services and hospitals. Network operators must be able to rectify network outages promptly and to mitigate any effects of network degradation over the duration of this emergency period.'

Whilst the circumstances here are clearly not comparable, what is clear is that Government supports fully operational telecoms infrastructure, which is critical infrastructure, and wants to avoid network outages and degradation with the intention of obtaining reliable mobile digital connectivity.

On 13th May 2020, MHCLG^[2] advised that:

'site visits and the use of digital technology and virtual meetings should become the norm in planning casework.'

Lord Greenhalgh clarified:

'Local planning authorities and the Planning Inspectorate drive the planning process forward and should ensure that it continues to operate effectively to support economic recovery. Moving to digital events and processes will be critical. This means adapting to working virtually, including virtual hearings and events (such as using video-conferencing and/or telephone) and making documents available for inspection online.'

'The Government expects everyone involved in the planning process to engage proactively.'

Given the increasing extent of mobile only online access in households across the UK^[3], the importance of continued mobile connectivity is highlighted to enable public participation in planning committees and other online activities, for example.

Planning is expected to play a key role in United Kingdom's economic and social recovery from COVID-19. The MHCLG published the 'Planning for the Future'^[4] White Paper on 06th August 2020. The consultation notes that the 'outbreak of COVID-19 has affected the economic and social lives of the entire nation'. The consultation proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.

It is noted that much of the proposed streamlining and modernisation will be based on greater use of digital technology. Without the relevant infrastructure in place such as the proposal in front of you this will not be possible.

In order to assist with social and economic recovery, the MHCLG have through the White Paper revitalised the presumption in favour of sustainable development. This will give greater weight to the contribution that development makes to meeting the country's social, environmental and economic objectives. The appeal proposals meet all three objectives of sustainable development identified in Paragraph 8 of the NPPF as well as the 'Sustainability Test' set out in the White Paper.

This clearly further demonstrates the Government's perspective that mobile communications infrastructure is critical infrastructure and needs to be fully operational to respond to COVID-19 and to contribute to achieving social, environmental and particularly economic objectives. Providing replacement infrastructure on Albion House, fully corresponds with the priorities identified by Government as part of an effective response in dealing with COVID-19 and ensuring sustainable development.

Moreover, it is noted that Camden added £29.1 Bn to the national economy in 2017, an increase of 91% on 2008. Camden is the 4th highest contributor to GVA in London, contributing 6.8%, while its share of UK GVA of 1.6% is up from a revised 1.07% in 2008. Camden is home to the second highest number of businesses in London and is 3rd highest in the UK, with over 36,000 enterprises registered in Camden in 2019. There were 6,765 business 'births', new enterprise start-ups in Camden in 2018, the 2nd highest business births figure in London.

To protect and promote this important economy, Camden has its Digital Camden (2014) initiative which sets out a series of actions to support the uptake of high quality, next generation connectivity. In its UK Digital Strategy A new approach to digital change for our borough (2016), Camden set out the aim to create the conditions for and harnessing the benefits of economic growth, such as by incubating the rollout of next generation mobile and telecommunications connectivity to enable ubiquitous access to the internet and greater competition, for example with Camden's digital rooftops initiative. With regard to Smart Cities, it says '*Alongside this a whole new wave of service innovation is being driven through the digitisation of our lives with cars, health monitors and mobile phones providing vast amounts of information that offer fundamentally different and disruptive ways of delivering services.*' The Camden Vision 2025 lead to the overarching Our Camden Plan 2018-2022, which promotes strong growth and access to jobs with an emphasis on digital and data sectors amongst others, and reinforces that Camden will continue to prioritise digital transformation to benefit from the opportunities modern digital developments bring.

For the UK to become a leader in connectivity is a strategic priority of central government given it is a huge economic and social driver, as set out in the Future Telecoms Infrastructure Review and many other central government publications. More recently, the PIM announced on 30/06/20 'Project Speed', an initiative to boost post

Covid economic recovery by investing in and accelerating infrastructure across the UK, referring specifically to digital connectivity. As set out above, this priority is reflected in the National Planning Policy Framework, the current and draft London Plan and at local level in Camden planning and other policy documents, and thus needs to be taken into consideration when assessing applications for the infrastructure which underpins connectivity.

It is therefore clear that without this replacement infrastructure businesses, including startups, will be detrimentally affected should reliable coverage and capacity not be available. As an example, Ofcom in its Online Nation 2020 report states that a shift in consumer behaviour regarding business-focused video calling services has occurred since lockdown, with these 'perceived to provide a better replacement for face-to-face interaction, whereas previously it was mainly used to communicate with friends or family abroad or far away.' Those continuing to work from home in the area and those businesses already operating or about to re-open for face to face contact, and using the Vodafone or O2 networks or their MVNOs, will all benefit from permanent reliable coverage and capacity; mobile provision is recognised as an essential part of the recovery of the economy. At least 53% of individuals and businesses in the area will not have reliable mobile coverage and good capacity should the site not be built.

I am attaching two publications from Cornerstone publications setting out the public benefits of reliable connectivity.

Also, notably in July 2020 the decision of Royal Borough of Windsor and Maidenhead to refuse planning permission for a roof based telecommunications base station was overturned by the Planning Inspectorate at APP/T0355/W/20/3246710 Intersystems House, 70 Tangier Lane, Eton SL4 6BB. Within the decision notice, the Inspector stated:

'Taking all of the above public benefits, in particular the support given within the Framework for the delivery of mobile technology and the absence of suitable alternative sites within the vicinity and applying the balancing test of paragraph 196 of the Framework, I am of the view that taken together, these provide a clear and convincing justification to outweigh the considerable importance and weight to the desirability of conserving the heritage asset, which in this case is the Eton Conservation Area'.

Please go ahead and determine the application. " <end of copied text>

Kind regards,
Matthew

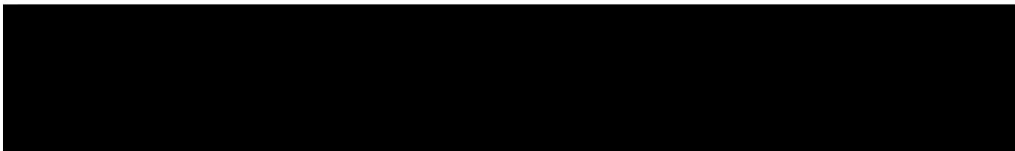
Matthew Dempsey
Planning Technician

Telephone: 0207 974 3862



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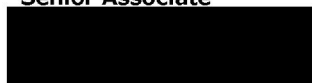
Hi Matthew,

I would be grateful if you could provide me with an update on this matter, and whether the application has been refused. If the applicant has submitted any representations, or if a report is available, please can you provide those documents?

Regards,

Rob

Robert Garden
Senior Associate



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From: Robert Garden

Sent: 01 September 2020 12:27



Subject: RE: [EXTERNAL] RE: Planning Application with reference 2020/2015/P

Hi Matthew,

I hope that all is well and that you have had a good break.

Please can you confirm whether there have been any further representations from the applicant on this matter and when you will be preparing your report and recommendation?

Regards,

Rob

Robert Garden
Senior Associate





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From: Robert Garden [Redacted]

Sent: 05 August 2020 11:31

Subject: RE: [EXTERNAL] RE: Planning Application with reference 2020/2015/P

Dear Matthew,

Thank you for the update, which is much appreciated.

We will continue to monitor the planning portal for any responses from the applicant.

I hope that you have a good break when it comes.

Regards,

Rob

Robert Garden
Senior Associate



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Dear Robert,

Thank you for your e-mail. Apologies, I have been a bit delayed by IT issues amongst other things, however I have now corresponded with the application agent to advise; I am minded to recommend refusal of the proposed scheme ref: 2020/2015/P (1 St Giles High Street). For your information I have also advised the same agent in relation to 2020/1649/P (55 New Oxford Street).

I have given them the opportunity to respond to objections raised and will publish any response they provide.

If I do not hear back from them by the end of this month, I will prepare a report to recommend refusal of the application(s).

If they do provide a response I will consider any additional information they provide and will also give interested parties the opportunity to comment on this.

Please note, I will be on leave from 10/08/2020. I shall return to work from 01/09/20.

Kind regards,
Matthew

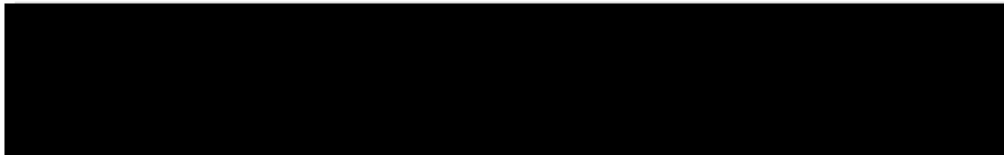
Matthew Dempsey
Planning Technician

Telephone: 0207 974 3862



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Hi Matthew,

I hope that all is well.

Please can you confirm whether there are any updates on this application, and whether a decision is expected this week?

Regards,

Rob

Robert Garden
Senior Associate





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From: Dempsey, Matthew <Matthew.Dempsey@Camden.gov.uk>

Sent: 17 July 2020 08:15

To: Gael Hardie <Gael.Hardie@cms-cmno.com>

Cc: Robert Garden <Robert.Garden@cms-cmno.com>; Ashley Damiral <Ashley.Damiral@cms-cmno.com>; Khanum, Jusna <Jusna.Khanum@camden.gov.uk>

Subject: [EXTERNAL] RE: Planning Application with reference 2020/2015/P

Dear Gael,

Many thanks for your e-mail. Apologies for the delay to respond to you.

The application is still undecided, I am due to collate all response and discuss these with the applicant either later today or early next week.

I shall then have final discussions with colleagues and shall be making a recommendation to either approve or refuse, at which point all interested parties shall be informed, i.e.) anyone who has commented.

Any recommendation to approve these works would need to be ratified by a panel of members, for which I would need to prepare a report. If the recommendation is to approve the scheme, I will also let interested parties know when this is published.

Please note, I will also have to arrange for a slot in the Members' Briefing panel diary and so in terms of timeframe, it is likely to be at least 2 weeks until any decision is made.

I hope this all makes sense, however you are welcome to call me to discuss should you wish to.

Kind regards,
Matthew

Matthew Dempsey
Planning Technician

Telephone: 0207 974 3862



From: Gael Hardie <Gael.Hardie@cms-cmno.com>

Sent: 07 July 2020 15:10

To: Dempsey, Matthew <Matthew.Dempsey@Camden.gov.uk>

Cc: Robert Garden <Robert.Garden@cms-cmno.com>; Ashley Damiral <Ashley.Damiral@cms-cmno.com>; Khanum, Jusna <Jusna.Khanum@camden.gov.uk>

Subject: RE: Planning Application with reference 2020/2015/P

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Hi Matthew

I hope that you're keeping well.

Further to our correspondence below on planning application 2020/2015/P, we'd be grateful if you could please provide an update with regards the status of the application?

The application still appears to be pending, and it would be good to understand the timeframe for a decision.

We look forward to hearing from you.

Kind regards

Gael

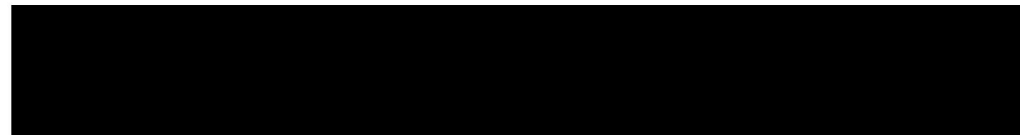
Gael Hardie
Associate



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Subject: [EXTERNAL] RE: Objection Letter to planning application with reference 2020/2015/P

Dear Gael,

Thank you for your e-mail. Please accept this message as a confirmation of receipt.

Your objection to planning application 2020/2015/P has been logged, and a redacted version shall appear online in due course.

All comments will be considered as part of the application process.

Should you have any queries, please contact me. Thank you.

Kind regards,
Matthew

Matthew Dempsey
Planning Technician

Telephone: 0207 974 3862



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Where possible please now communicate with us by telephone or email. We have limited staff in our offices to deal with post, but as most staff are homeworking due to the current situation with COVID-19, electronic communications will mean we can respond quickly.

Subject: FW: Objection Letter to planning application with reference 2020/2015/P

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Dear Sirs

Objection Letter to planning application with reference 2020/2015/P

We received a bounce back to the initial email circulated below.

Please find the correspondence attached marked for your attention.

Please confirm receipt.

Kind regards

Gael Hardie
Associate



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From: Hardie, Gael

Sent: 10 June 2020 16:25

Subject: Objection Letter to planning application with reference 2020/2015/P

Dear Sirs

Objection Letter to planning application with reference 2020/2015/P

Please find the correspondence attached marked for your attention.

Please confirm receipt.

Kind regards

Gael Hardie
Associate



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^[1] <https://www.gov.uk/guidance/covid-19-guidance-for-telecommunications-infrastructure-deployment-in-england>

^[2] <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

^[3] <https://www.ofcom.org.uk/research-and-data/multi-sector-research/infrastructure-research>

^[4] <https://www.gov.uk/government/consultations/planning-for-the-future>