

Delegated Report (Refusal)		Analysis sheet	Expiry Date:	14/12/2020
		N/A / attached	Consultation Expiry Date:	09/02/2021
Officer			Application Number(s)	
Matthew Dempsey			2020/5822/P	
Application Address			Drawing Numbers	
Matilda Apartments 4 Earnshaw Street London WC2H 8AJ			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of 6 x antenna apertures, 2 x transmission dishes and 8 x equipment cabinets & ancillary works.				
Recommendation(s):	i) Prior Approval Required ii) Prior Approval Refused			
Application Type:	GPDO Prior Approval Determination			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	12	No. of objections	12
Summary of consultation responses:	<p><u>A Site Notice was displayed from 23/12/2020, which expired 16/01/2021.</u></p> <p>Twelve consultation response were received from local residents and interested parties. All responses objected to the proposed installation. Concerns raised can be summarised as follows:</p> <ul style="list-style-type: none"> • Objections to repeated applications for the same or similar works at the same site which have already been rejected by the local planning authority without addressing reasons for refusal. • Objectors request that their previous objections to similar schemes should be taken into account. • Negative impact on a landmark building and street scene. • Highlighting the iconic design of the host building and the Architect Renzo Piano. • Concerns about 5G installation and public health. • They state that current telecommunications signals in the vicinity are already excellent. • Suggest siting equipment on non-residential buildings nearby. <p>Of note, within the consultation responses, is an objection from the representatives of the site freeholder (CMS Cameron McKenna Nabarro Olswang LLP, on behalf of Central Saint Giles General Partner Limited).</p> <ul style="list-style-type: none"> • The application is substantially similar to previous applications which have been refused recently. • They wish their previous objections to be taken into account. • They state that this type of application (prior approval) is not lawful for the proposed development as described. • They highlight conditions attached to the planning permission (2005/0259/P) for the construction of the host site restricting installations without consent of the local planning authority, also citing case-law (Dunnett Investments Ltd v SS Communities and Local Government [2017] EWCA Civ 192 Dunnett). • They object to the vagueness of some proposed works, which the applicant refers to as ancillary development, and state that this does not fall within the remit of GPDO prior approvals. • The site is not controlled by the would be developers. • Lack of compliance with the electronic communications code. • Incorrect serving of the Developers Notice. • Siting and Appearance of the proposed installation. • The host site is of award winning architectural merit and proposed installations would harm the appearance of the host building. • The installation would harm the character and appearance of adjacent conservation areas. 			

**CAAC/Local groups*
comments:**
*Please Specify

The Bloomsbury Association objected on the grounds of;

- Negative impact on heritage assets.
 - Listed buildings, Conservation Areas and wider city-scape.

The Covent Garden Community Association objected on the grounds of;

- Harmful impact on three adjacent conservation areas.
- They consider the proposed equipment to be unnecessarily unattractive.
- They do not consider this to be a replacement installation given that the existing installation is at Castlewood House (to north of the site).
- They support the CMS objections.
- The proposals are more obtrusive than the previously refused scheme.
- Harm to residential amenity.
- Lack of consideration of alternative sites.

The Matilda Apartments Residents Committee objected to a repeat application and would like previous concerns to be taken into account.

Site Description

The host building and surrounding development was designed by Renzo Piano in collaboration with Fletcher Priest Architects between 2002 and 2010. The Matilda Apartments building is one of the tallest of the distinctive modern towers surrounding Central St Giles Plaza, adjoining No.1 St Giles High Street and fronting on to Earnshaw Street. The Earnshaw Street and Bucknall Street elevations are clad in an orange colour, with internal elevations facing the Plaza clad in a light grey colour. The subject building (where the proposal would be located) is fifteen storeys in height.

The property is not within a conservation area, however it is surrounded by the Denmark Street Conservation Area, the Bloomsbury Conservation Area, and; the Seven Dials (Covent Garden) Conservation Area. To the west of the site, the nearest neighbours are the Centre Point Complex – including Centre Point Tower, Centre Point Link and Centre Point House, which are grade II heritage assets, and to the south of the Central St Giles Plaza is the Church of St Giles in the Fields (1731) which is listed grade I. There are several other listed buildings within close proximity.

The application which is the subject of this report relates to proposed installations at roof level. The main roof is approximately 44m above the ground level. There is an existing grillage structure upon the main roof at approximately 46.5m above ground level. There are no existing rooftop installations to the host building.

Relevant History

Host site (Central St Giles)

2005/0259/P - Redevelopment of site for mixed use development comprising office (class B1), retail (class A1), food and drink (class A3), community (class D1) and residential (class C3) uses, new public courtyard and new pedestrian routes across the site. **Granted Subject to a Section 106 Legal Agreement 04/10/2006.**

2019/5697/PRE - Installation of telecoms equipment. **Advice issued 04/02/2020.**

2020/1647/P - Installation of 10 no. antennas (top height of masts 52.10m AGL), 2 no. transmission dishes, equipment cabinets and ancillary development thereto. **Withdrawn by applicant 04/05/2020.**

2020/2015/P - Installation of 10 antennas, 2 transmission dishes, 5 equipment cabinets and ancillary development thereto. **Refused 05/10/2020.**

Castlewood House (77-91 New Oxford Street), adjacent development:

2006/5234/P - Installation of three antenna, two microwave dishes, six equipment cabinets and associated ancillary development in connection with the development of a mobile telecommunications base station at roof level to existing office building (Class B1). **Granted 13/02/2007.**

2011/4036/P - Installation of three radio antennas, three 600mm dish antennas, and two equipment cabinets to the rooftop of office building. **Granted 27/09/2011.**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

The London Plan (intend to publish) 2019

Camden Local Plan (2017)

- A1 Managing the impact of development
- D1 Design
- D2 Heritage

Camden Planning Guidance:

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

Code of Best Practice on Mobile Network Development (November 2016)

Bloomsbury Conservation Area appraisal and management strategy (2011)

Denmark Street Conservation Area appraisal and management strategy (2010)

The Seven Dials Estate (Covent Garden) Conservation Area statement (1998)

Assessment

1.0 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). The GDPO sets out the details in regard to the type of development for which planning permission is 'deemed' to be granted, more commonly known as 'permitted development'. In particular, the application seeks determination as to whether the prior approval of the Local Planning Authority is required as to the siting and appearance of the proposed development in relation to telecommunication equipment.

1.2 In this instance, Prior Approval is sought to install new telecommunications equipment to the existing rooftop area of the subject building. The proposed development would comprise of the Installation of six antennas, two transmission dishes, eight equipment cabinets and ancillary works such as associated cabling and safety handrail installations.

1.3 Proposed antennas, transmission dishes and equipment cabinets would be fitted to support structures fitted above the existing roof plant covering structure. Two antennas would be fitted towards the north-east corner, two to the south and the remaining two on the western side of the building. Equipment cabinets are proposed centrally on the roof and two transmission dishes are proposed adjacent to the cabinets.

1.4 The existing main roof level is approximately 46.3m above ground level. The existing roof plant covering is approximately 48.8m above ground. The highest part of the proposed development would be approximately 54.8m above ground level. Dishes, Cabinets and other equipment would be positioned slightly lower, with an approximate height of 52.3m above ground.

2.0 Applicant's Justification:

2.1 The proposal is a new installation intended to enhance existing network services by increased capacity and allow for new 5G provision in the area. The proposed development would enable the provision of 2G, 3G, 4G and new 5G services for the MBNL (EE (UK) Ltd and H3G (UK Ltd) mobile network in this part of London.

2.2 The applicant has provided evidence to show that they have explored alternative development sites within the vicinity of the proposed site location, and given reasons why these alternative sites were not chosen (see page 7-8 of Site Specific Supplementary Information document).

2.3 The applicant has indicated that prior to the submission of this application a pre-application consultation was undertaken with the LPA, however; they state they did not receive any response. A pre-app request was submitted to the Council, however the applicant did not pay any pre-application

fees and so the Council did not provide advice. It is noted that a very similar scheme submitted by the same agent was refused full Planning Permission less than three months prior to the submission of this prior approval application, as also confirmed by the planning site history (see above). Prior to the full planning application, a pre-application enquiry was carried out and responded to. The applicant has included a copy of the previous Council pre-application advice issued with this submission.

2.4 The applicants have declared with 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.

2.5 Members of the public cannot unknowingly access areas close to the antennas where exposure may exceed the guidelines. Therefore, the equipment is not anticipated to have any direct impact on public health.

2.6 There would be no impact on residential amenity in terms of loss of light or outlook.

3.0 Siting and appearance:

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. Policy D2 states that the council will seek to protect heritage assets and non-designated heritage assets. Policies D1 and D2 are supported by the Council's Design CPG and Digital Infrastructure CPG.

3.2 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 camouflaged where appropriate.

3.3 The proposal would introduce a significant amount of telecommunications equipment to the rooftop space, and would be visually prominent in several locations from local street level and also from longer views from surrounding conservation areas and within the setting of adjacent listed buildings.

3.4 The roof of the host building is approximately 46m above ground level. The new installations would be positioned at approximately 55m above ground level, which is considered to significantly alter the roof form in opposition to the guidance offered at the original pre-application stage and subsequent refusal of planning permission which followed.

3.5 The applicant has provided limited explanation of the overall design of antennas or any other equipment which was raised at the original pre-application stage advice and within the officer report refusing the previous scheme, and also supported by the Covent Garden Community Association consultation responses.

3.6 The applicant suggests that the proposed equipment is designed so that it resembles rooftop infrastructure commonly found within the urban streetscene, however; this argument is given limited weight, as the proposed installations should be suited to the specific host property and site context in accordance with best practice, and; the pre-application advice offered, rather than suited to a generic streetscene. Pre-application advice was offered with the expectation that bespoke designs would be thought through for any installations within conservation areas and/or affecting the setting of listed buildings or other heritage assets. However the submission does not appear to have taken account of this advice or the reasons for refusal of the previous application.

3.7 The proposed installation also includes railings mounted close to the edge of the roofline which would add to the prominence and visual clutter of the proposal. This building currently benefits from a crisp roofline which means there is no roof level clutter associated with visible rooftop infrastructure.

3.8 Due to the visual prominence of the installations proposed, and inappropriateness due to the design, siting, and height of the unsympathetic telecommunications equipment, the proposal would neither preserve nor enhance the adjacent Denmark Street and Bloomsbury Conservation Areas. Furthermore, the proposed installation is considered to have a negative impact on the setting of nearby listed buildings. It is not considered that this harm would be outweighed by any public benefits to either the residents of the host building or the wider general public.

3.9 Telecommunications equipment by the nature of the standardised design style and aesthetic may not blend seamlessly with an existing building. In this instance, it is considered that the location, scale, height and design of the proposed equipment would be harmful to the character and appearance of the host building, local views and the character and appearance of the adjacent conservation area.

3.10 The proposed installation is for an entirely new development, as opposed to adding to an existing installation. It would appear that little consideration has been made to enhance the host building or adjacent conservation area, by siting the apparatus sympathetically or proposing any sort of camouflaging or screening which may have softened the appearance from street level, nor setting the antennas away from the front elevation in accordance with Section 10 (Telecommunications) of the NPPF (2019).

3.11 Local Plan Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Due to the nature of the proposal, it is unlikely to result in significant harm to neighbouring occupiers by way loss of light or privacy. Any construction and maintenance impacts would be temporary and relatively minor.

3.12 The NPPF 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 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.

3.13 The proposal by virtue of its inappropriate design, siting, height, and prominence would result in a highly visually prominent, visually cluttering and incongruous development which would harm the character, appearance and setting of the host building, surrounding Conservation Areas, and the setting of nearby listed buildings, contrary to policies A1, D1 and D2 of the Camden Local Plan 2017, The London Plan 2016 and NPPF 2019.

4.0 Planning balance:

4.1 Considerable importance and weight has been attached to any harm to designated heritage assets, and special attention has been paid to the desirability of preserving or enhancing the character and appearance of the adjacent Bloomsbury, Denmark Street and Covent Garden (7 Dials) Conservation Areas, under s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4.2 Local Plan Policy D1, consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF (2019) which seeks to preserve and enhance heritage assets, states that the Council will not permit less than substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the less than substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

4.3 Given the assessment as outlined in sections 1-3 of this report, it is considered that the proposed telecommunications equipment would result in harm to the character and appearance of the adjacent Denmark Street and Bloomsbury Conservation Areas, and; the setting of the assembly of nearby listed buildings at the Centre Point complex, i.e.) Centre Point House, Centre Point Link and Centre point Tower, as well as; the Church of St Giles in the Field near to the site.

4.4 The applicant acknowledges; *“It is not be possible within the search area to find a site which doesn't have an impact on heritage assets”* (page 9 Site Specific information document). However rather than revise the design of the proposed installations which may be considered acceptable, the agent has re-submitted a similar scheme presumably hoping to have it slip through the net of the local planning authority's stretched resources.

4.5 It is recognised that the proposed scheme would result in better network coverage, and as such, some minor public benefit would be derived from the scheme however weighing the harm caused as a result of the development against this public benefit, the proposal is considered to be contrary to Section 16 of the NPPF (2019) which seeks to preserve heritage assets.

4.4 The proposal would therefore fail to accord with policies D1 and D2 of the Camden Local Plan 2017, and Section 16 of the NPPF (2019), The development would create overly dominant visual clutter on a prominent roof scape, causing harm to the host building, local views from the street and to the character and appearance of the adjacent Denmark Street and Bloomsbury Conservation Areas and the setting of the adjacent listed buildings at the grade II listed Centre Point Complex (Centre Point House, Centre Point Link and Centre Point Tower) and the grade I listed Church of St Giles-in-the-Fields.

5.0 Recommendation:

5.1 Prior Approval Required – Prior Approval refused, on grounds of unacceptable siting and appearance with regards to location, scale, height and design.