
From: Marisa Goldstein [REDACTED]
Sent: 15 June 2021 08:39
To: Planning Planning; Matthew Dempsey; Adam Greenhalgh
Subject: Objection to Planning Application 2020/4437/P

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Flat 1
25-26 Hampstead High Street
London
NW3 1QA

Development Management
Camden Town Hall
Judd Street
WC1H 9JE
11th June 2021

For the attention of Matthew Dempsey
Application number 2020/4437/P seeking Planning Permission to develop telecommunications equipment at 25 Hampstead High Street, NW3 1QJ by Waldon Telecom Ltd on behalf of Cornerstone and Telefonica

Dear Sirs,

As one of the freeholder site owners for the proposed development , I set out below my objections to the above application for planning consent under the following main headings:

- A)Incorrect Answers in Planning Application**
- B) Harm to Amenity(Camden Local Plan Policy A1)**
- C) Inappropriate Design and Damage to Heritage(Policy D1 and D2)**
- D) Exaggeration of Public Benefits**
- E) Application not Following NPPF Guidelines**
- F) Health and Safety Concerns**
- G) Planning approved for Roof Terrace.**

A) Incorrect Answers in Planning Application

There are three errors in the Planning Application form, relating to questions 1(site address),question 6(existing use) and question 16(Residential Dwelling Units).

1)Waldon Telecom Ltd's application refers to a site located at 25-26 Hampstead High Street NW3 1QJ and this postal code corresponds to the commercial lease located on the ground and underground floors of the

building, yet their intention is clearly to deploy their infrastructure on the roof of the residential part of the property, postal code NW3 1QA.

2) This residential part is composed of 5 flats over 5 floors sitting on top of the commercial lease and is the result of a 2015 conversion project carried out by CIP (Hampstead) LLP. The building on which they wish to build 3 antennae and 2 cabinets is thus in residential use, not “commercial use” as stated in their answer to Question 6 in the application.

This error is compounded by their statement in their “Supplementary Information” questionnaire (section 3- proposed development, the proposed site) : “The application site is the rooftop of a four storey COMMERCIAL building.....”. It is NOT a commercial building.

The ownership of the whole building, including the roof on which they wish to build belongs to a company formed in 2018 by the 5 flat owners to purchase the freehold, 25/26 HHS Limited (registration no 11209371).

3. Waldon Telecom Ltd further show their poor knowledge of the property when they state (in answer to Question 16 in application form) that there will be no impact on residential units although the top flat is situated immediately under their proposed antennae and only separated from them by a thin, non-concrete roof. This will put the residents immediately below at risk, as clarified below.

The proposed telecommunications equipment clearly clashes (in terms of available space and health risks to users) with the roof terrace the 5 freeholders are intending to build after having obtained full planning permission on 29th January 2021 (Ref. 2020/1774/P). Structural design drawings are currently being prepared prior to starting building works over the next few months. As can be seen from the design prepared by our architect (attached), the antennae and equipment encroach on the area of the roof terrace in three places:

- the equipment fronting Gayton Rd encroaches onto the glazed access roof, glazed balustrade, green roof and decking

- the equipment fronting Hampstead High St encroaches onto the rooflight of Flat 5 and the green roof

- the equipment located at the rear of the building encroaches onto the glazed balustrade, roof decking, and planting.

Moreover the “public exclusion zone” (see below) extending away from the antennae will also cover parts of the roof terrace, thereby making it unusable.

The proposed installation of antennae will thus cause loss to all the residents using the roof terrace.

In addition, there is no outside access to the roof with the only access being through the communal staircase for residents and then through a small smoke vent using an extendable ladder in front of flat 5. Installation and maintenance and repairs of equipment will need to pass through the common staircase of the residents, potentially causing harm and loss of privacy to all. Indeed the applicant’s document entitled “Industry Site Specific Supplementary Information and Design and Access Statement” makes no reference to the problems and risks of access either for construction or maintenance.

4. Whilst the document above does include a ICNIRP compliance statement, it also states that “members of the public cannot unknowingly enter areas close to the antennae where exposure may exceed the relevant guidelines”, ie the so-called public exclusion zones. This is to be assured through “access restrictions and/or barriers and signage as necessary”. No such signage or barriers for the public (ie residents) are indicated in their plans.

This is perhaps unsurprising since they will be aware that they cannot comply with the ICNIRP (2020) Guidelines for limiting exposure to high levels of electro magnetic fields (EMF) caused by the aggregate

power and frequency of the 3 antennae. The “public exclusion zone” required by these guidelines around the 3 antennae will extend 2.3 metres below the antennae and thus penetrate well into Flat 5; and 0.3 metres behind as well as 19 metres in front of the antennae on an arc, thus covering parts of the roof terrace as well. These estimates of the public exclusion zone for urban roof terrace antennae are taken from Cornerstone’s own “ICNIRP Compliance Strategy” document of August 2019(par.5.4.4) which I am sure they can provide to you.

Moreover, Cornerstone’s own plans submitted with the application refer to the site as requiring “non-standard ICNIRP guidelines “. According to their ICNIRP Compliance Strategy document(par.4.3), “for a non-standard site,the ICNIRP compliance will need to be micro-managed throughout the life of the site”.

The proposed installation of antennae will thus cause considerable and ongoing loss to all the residents using the roof terrace, as well as to Flat 5 in particular.

These are just some examples of an incorrect answer to Question 16 of the application form.

B)Harm to Amenity (against Camden Local Plan Policy A1)

5.Camden’s Policy A1 says the “Council will seek to protect the quality of life of occupiers and neighbours.....” in order to prevent “unacceptable harm to amenity”. The proposed development will not only preclude use of a new amenity for residents (the roof terrace) but will also have a negative impact on the outlook from the higher balconies at the building and from houses in neighbouring roads such as Gayton Rd and Spencer Walk.

In addition the combination of access only through the common residential stairway and the need for both normal maintenance and “micro management throughout the life of the site” will cause substantial disturbance and harm to the residents.

C) Inappropriate Design and Damage to Heritage (against Camden Local Plan Policy D1 and D2 as well as Hampstead Neighbourhood Forum Policy DH1)

6.As the Council is well aware,our property is located in the Hampstead Conservation Area , a designated heritage asset,so that any development must respect the local context and keep with the historic character and appearance of the area.

The three proposed 5G masts/antennae are situated on the edge of the building on 3 sides and extend 2.7 metres above the current roof. There is also reference in the plans to several additional handrails. As is obvious from the designs submitted,they will be clearly visible from Hampstead High St,Gayton Rd, and parts of Well Walk and Prince Arthur Rd and some properties in Spencer Walk.. This will damage the appearance and character of the immediate area, contrary to Policy D1 and D2 of the Camden Local Plan

7.In addition, the antennae and cabinets will have a detrimental impact on two particular Views designated by the Hampstead Neighbourhood Plan as “important and historic”: Views 7 and 8- “toward clock tower from High St” and “down High St towards Rosslyn Hill”.

D)Exaggeration of Public Benefits

8. Much is made by the applicant of the public benefits , particularly to local businesses, derived from improved wireless connections enabled by such proposed developments. Most of the referenced government policy documents discuss the benefits of improved telecommunications infrastructure in general, rather than mobile phone connectivity in particular. In reality, the main gain to local businesses from improved telecommunications infrastructure will come from the investments in fibre broadband connections currently being made by G.Network on many roads in the Hampstead area, not from speeding up mobile phone connections.

E) Application Process Not Following NPPF Guidelines or Code of Best Practice on Mobile Phone Network Development

9. There are several ways in which the applicant has not followed the recommended guidelines of either the National Planning Policy Framework(NPPF),par.115, or the Code of Best Practice par 7.5. Both require that applications for electronic communications development “should be supported by the necessary evidence to justify the proposed development. This should include “:

- outcome of consultation with local communities, in particular the nearby primary schools(New End,Hampstead Parochial and others) because of the recognized health risks to young children in particular . No such evidence has been provided. A pre- application “consultation letter” was sent in August 2020 but this only referred to “mobile telecommunications equipment “ with no details so not surprisingly received no response.
- evidence that the applicant has explored other sites and reasons for rejection. The evidence for rejection given in section 5 of the “Supplementary Information” document is in some cases rather superficial, eg “25,Hampstead High St is in a better position.....and is sat lower ...”. Moreover there is no reference to any review of commercial buildings such as the flat rooftop site above Hampstead Underground Station.
- evidence of a structural survey to show suitability of site to carry the considerable weight of the planned telecommunications equipment. According to the site selection process described in “Cornerstone General Background Information” attached to the application, such a structural analysis is required BEFORE a planning application is submitted.No such evidence is available.

F) Health and Safety Concerns

10. Whilst we recognize that the NPPF(par.116) requires that planning authorities should not “set health safeguards different from the International Commission Guidelines for public exposure”, it is worth noting that the 2020 ICNIRP guidelines refer to the need to react to “the development of technologies that utilise EMF frequencies greater than 6GHz,such as 5G, with new restrictions to better protect against excessive temperature rise in the body”.(Source: “Differences between ICNIRP(2020) and Previous Guidelines”, par.2.6 from [ICNIRP.org](https://www.icnirp.org))

For our own health and safety all residents need to have evidence that the proposals comply with the new 2020 ICNIRP guidelines , and in particular the limits of the public exclusion zones. This is required at the very least in order to be able to install safety barriers or signage. There is no indication of these on any of the plans submitted by the applicant.

11.Moreover, as a freeholder and part owner of the site, I can be made partly liable for any risks to third parties or occupational workers visiting the site. This potential liability is recognized in Cornerstone’s “ICNIRP Compliance Strategy” document, par.7.2.1 which states:”...ultimately responsibility rests with the third party landlord to ensure worker safety on the rooftop area .” As a result I would expect to be provided also with the extent of the “occupational exclusion”zones applicable in this case. No such information has been provided

Related to this, the Electronic Communications Code (Conditions and Restrictions) Regulations 2003 (par.3(3) (b) “requires an operator to minimise potential hazards posed by work carried out in installing the apparatus or by apparatus once installed.”. There are other regulations relevant to telecommunications sites on rooftops, eg The Work at Height Regulations 2016 and Control of Electromagnetic Fields at Work Regulations 2016. It is not clear that Waldon Telecom have taken these requirements into account in their plans because they make no reference to access risks or public exclusion zones, nor to any of the above legislation.

G) Planning approved for Roof Terrace.

As the planning department will be aware, the freeholders of 25-26 Hampstead High Street(incorporated as 25/26 HHS Ltd), of whom I am one, received planning permission in January 2021 [Planning Ref 2020/1774/P] to develop a

roof terrace at the property for the benefit of the residents. Hestur Limited, Consulting Engineers, have been appointed to work with the architect to produce detailed plans prior to appointing contractors to carry out the development. The use of the roof as a terrace is clearly incompatible with the siting of large pieces of telecommunications equipment there, particularly given the safety requirements for exclusion zones around the masts.

I thank you in advance for the consideration you will give to these points when making a decision on Waldon Telecom's application.

Yours sincerely,

Marisa Goldstein Flat 1.

