

WHP Telecoms Ltd

Telecommunication Appeal

for

Hutchison UK LTD

at

Camden Road, Kentish Town, London, NW1 9AE

Appeal Statement

Date: 14/06/2021

Prepared by WHP Ltd
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Agents Ref: CMN10917

Hutchison UK Ltd (Three UK)

Proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works on land adjacent to Camden Road, Kentish Town, London, NW1 9AE

Appeal Statement of Case.

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1.0 Introduction:

1.1 This appeal seeks the Inspectorate to consider the proposal for the siting and design of a proposed telecommunications installation. The proposal is a proposed 15m Phase 8 Monopole C/W wraparound Cabinet at base and associated ancillary works. This appeal seeks the Inspector to gauge if the proposal could be to the detriment of the amenity and character of the area, setting of heritage assets and pedestrian safety, when weighed against the considerable benefits the development would deliver in terms of sustainability and provision of enhanced digital communication for residents and businesses in the cell search area.

1.2 The Appellant wishes to pursue the written representations appeal procedure.

1.3 In the reasons for refusal, as given by LB Camden Council in their decision notice 2021/1594/P on the 27th May 2021, they state that:

1. The proposed monopole and its associated cabinets, by reason of their design, size, height, number and location, would be overly dominant in the streetscene and create visual clutter, which would detract from the character and appearance of the streetscene and nearby conservation areas, particularly the Camden Square Conservation Area located directly opposite and would cause harm to the openness and character of the public open space in Canteloves Gardens, contrary to policies A2 (Open space), A3 (Biodiversity), D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2. The proposed monopole and its associated cabinets, by virtue of their design, size, number and location, would create street clutter and reduce the amount of useable footway, causing harm to highway safety and hindering pedestrian movement, contrary to policies A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

3. In the absence of an arboricultural impact assessment which demonstrates that trees in Canteloves Gardens would not be adversely impacted by the development in line with BS5837:2012 (Trees in relation to Design, Demolition and Construction), the proposed development would be likely to result in harm to the nearby trees located in the adjacent Canteloves Gardens, contrary to policies A3 (Biodiversity) and D1 (Design) of the London Borough of Camden Local Plan 2017.

1.4 The justification, reasoning and decision for the refusal of the Planning Application, by LB Camden Council are the subject of this appeal.

1.5 The Grounds for Appeal are:

- The proposal is in accordance with the National Planning Policies (NPPF)
- The proposal is in accordance with Policies of the Development Plan (A2; A3; D1; D2; C6; T1).
- As outlined in this supporting statement, the applicant is confident that the proposed telecommunications monopole and ancillary infrastructure would not, by virtue of its design, be detrimental to the amenity or character of the area, setting of heritage assets, trees or pedestrian safety and that robust evidence has been provided to demonstrate the need for this location.

Key Issue/s

1.6 It is considered that the key issues for this appeal are:

- Whether the benefits of the appeal proposals outweigh the impact upon the character and amenity of the area (by virtue of its scale and position);
- This application / appeal follows the refusal by the LB Camden of application reference: 2020/2836/P (on the 19th August 2020), that was refused for similar reasons to the current application / appeal, but the previous monopole was proposed to be 20m high, and the reduction in height in this appeal, together with the repositioning away from the aforementioned site (the appeal site is circa 220m east of the previously refused site), sought to address the concerns outlined in the first refusal.

Technical Considerations

1.7 The published record of comments online suggests two statutory consultees have objected / raised concerns, one non-statutory consultee has objected and one member of the public has objected.

2.0 **Procedural Matters**

- 2.1 This appeal follows written pre-application requests for feedback with the LPA and key Stakeholders, of which none were received prior to the submission of the Application. The local Ward Councillors and the LPA were consulted with prior to the submission of this application. Pre-application was undertaken for the scheme with no responses by the LPA or Ward Councillors prior to the submission of the application.
- 2.2 Three UK are in the process of building out the UK's fastest 5G network. Three UK has 140MHz of 5G spectrum (and 100MHz of it contiguous), which means their service will be much faster and able to handle more data. To bring this new technology to the people Three UK will need to provide a mix of upgrades to existing sites and the building of new sites. New sites will be needed for many reasons, including the fact that the higher radio frequencies used for 5G do not travel as far as those frequencies currently in use and that sometimes not all existing sites can be upgraded. In this area there is an acute need for a new mast to deliver the above.
- 2.3 It should be noted however, that the nature of 5G and the network services it provides, means the equipment and antennas required differ to the previous, and existing, service requirements. In particular, the nature of the antennas, and the separation required from other items of associated equipment, is such that it cannot utilise some existing structures that provide an installation for another operator, most notably in a street works or highways environment.

Future Telecoms Infrastructure Review

- 2.4 In 2018, the Government published its Future Telecoms Infrastructure Review, which outlined plans to extend full-fibre broadband coverage across the country by 2033 and for the majority of the population to have access to 5G mobile coverage by 2027. The Government's policies within this document are based on the fact that the existing telecoms infrastructure requires investment. Now that the UK has left the European Union, there is a significant focus from the Government on boosting the UK's productivity, and the Government has signalled 'levelling up' digital connectivity as pivotal to their plans. The approval of this Appeal, and other similar applications, will assist the Government in achieving their aspirations regarding the 5G network.

Public Benefits

- 2.5 As well as the Appeal proposals being in line with Government aspirations, there are also clear and demonstrable public benefits arising from the provision of a 5G network in the proposed location. Figure 3 below (extrapolated from the Government Published 'Future Telecoms Infrastructure Review') summaries the economic and social benefits that 5G coverage can generate, at both a macro and micro scale.

Figure 3.

Figure 3: Examples of potential benefits arising from 5G²¹



Source: Deloitte (2018), 'The impacts of mobile broadband and 5G. A literature review'

3.0 The Appeal Site / Context:

- 3.1 The proposed site on highways land adjacent to Camden Road, Kentish Town, London, NW1 9AE. This planning application, which is the subject of this appeal, is purely to improve digital wireless, mobile coverage within this area with new equipment to facilitate 5G coverage. The proposal will involve the installation of a 5G 15m monopole and associated works.
- 3.2 It is proposed that the installation is to provide comprehensive digital coverage with a 5G installation, to facilitate significantly improved connectivity. Three UK utilise approved equipment and these installations are fully compliant with the NPPF.
- 3.3 The target coverage area includes the Kentish Town area and has been carefully selected as a position capable of providing the required essential coverage. In addition to this, this site maintains a reasonable distance from more sensitive receptors whilst remaining within the constraints of the cell search area (the cell search area is very constrained geographically (as evidenced in the submitted SSSI and is a predominantly residential area (beyond that of the appeal site which is dominated by Camden Road)). The appeal site is situated on highways land, close to tall existing street furniture (streetlights) and numerous mature trees. The site has been selected in location as feasibly distant as possible from house and lines of sight from windows to minimise any encroachment on residential amenity. The site has also been carefully selected in a position capable of providing essential new 5G coverage and associated internet provision for the area whilst being situated as far away as technically possible from the views of residential receptors.
- 3.4 The location and position of the proposal is not identified as sensitive (e.g. Article 2 (3) land) and is not in close proximity to any statutorily listed buildings. The site is opposite the boundary to Camden Square Conservation Area (CA) and the area is urban in character. The site is located on highways land adjacent to Camden Road, close to tall existing street furniture (streetlights) and large mature trees. To the north is a sports / recreation area with residential properties beyond, and to the east, south and west are residential areas. The site is set on highways land and is partially screened from views in most directions (notably the north, east and west. The location of the proposal could not be more suitable given the screening that surrounds the site and that there is only limited scope for negative residential amenity.
- 3.5 The associated ancillary equipment cabinets are within the size limits to be classified as permitted development without prior approval and should not be considered as a reason for refusal. Notwithstanding this it is important to note that the equipment has been positioned to the rear of the pavement that fronts Camden Road, so as to avoid impeding pedestrian flow. If the Inspector is minded to approve the installation, the colouring of the equipment can also be specified as deemed appropriate to enhance any merging effects with the existing street scene
- 3.6 It is considered that facilitating the delivery of what is seen by Government as a key part of the economic growth strategy for the UK would in this instance amount to special circumstances. Any refusal on the grounds that the development would not constitute special circumstance would delay and inhibit the delivery of this key driver of the wider UK economy. The investment in mobile infrastructure will continue and it will evolve. Just as the use of 4G mobile technology becomes widespread, the adoption and use of 5G mobile technology needs to be planned and implemented. Getting this right is important for three reasons:
1. Mobile connectivity is essential to the future success of the economy. The combined value of 4G and 5G mobile connectivity is estimated to add £18.5bn to the economy by 2026

2. Mobile connectivity is essential to creating a better society. Digital inclusion can help people gain employment, become more financially secure and improve health and well-being.
3. Mobile connectivity is essential to fulfilling the potential of new technologies.

Innovations such as Artificial Intelligence and connected cars will change how we work, spend our leisure time and run our public services. The mobile industry has been able to enhance mobile connectivity across most of the country, but there is more to be done.

- 3.7 A slimline street pole design has been specified due to the target coverage area including a high density of residential users with a view to minimising visual intrusion or conflicting with the character of the area (the position of the installation has sought to utilise the backdrop of the trees when viewed from south to north, and align with the other items of street furniture that line the highway when viewed from east to west and vice versa). It is important to note that a shared 5G structure would require multiple levels of open antenna headframes on a considerably more bulky and intrusive support structure and therefore the least intrusive equipment configuration has been specified. The proposal is essential for the Operator to bring optimum telecommunications / mobile broadband services to the area.
- 3.8 As stated previously, robust pre-consultation was conducted by the applicants' agent. This process included pre-application with the LPA and further consultation with the local Ward Councillors. The pre-application process invites the LB Camden Council and other key stakeholders to meet to discuss the application prior to submission. In this instance no comments were received from the LB Camden Council following the original pre-application submission. Pre-application was undertaken for the site with no responses by the LPA or Ward Councillors prior to the submission of the application.
- 3.9 In relation to perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.
- 3.10 The need for the pole to be a minimum of 15m high is essential. The height of the monopole must be sufficient to enable local provision and clear surrounding buildings / trees. The monopole with 5G also needs to be 15m to clear ICNIRP guidelines and thus there is no scope to lower the monopole. The proposal has been designed to remain as discreet as physically possible yet still facilitate and provide future capacity for multiple 'sharers'. The installation must be high enough to ensure suitable coverage within the cell and provide connection between these cells. In this instance the height is required to clear surrounding clutter. If the pole were to be lower than that proposed, there would be significantly limited coverage as the cell could not effectively communicate with other cells and the wider network, meaning a compromised level of service. To clarify, the Local Planning Authority is required to undertake a balancing exercise. The balance is the visual impact (and perceived harm to amenity or setting of heritage assets) weighed against the need, technical requirements of the installation and availability of a suitable and available site. This balance is a well-known and most important matter for the determination of telecommunications applications and appeals. Had the Case Officer weighed perceived levels of harm to amenity against public benefit, as required by NPPF, they would ordinarily have concluded the balance was overwhelmingly in favour of support for such development.
- 3.11 The current scheme detailed in this appeal has sought to mitigate any perceived detrimental effects with its position that would benefit from screening by the adjacent mature trees. In the reasons for refusal the Council is concerned that the installation would, in essence, have a detrimental impact on the character and visual amenity of the area, trees and setting of heritage assets. In accordance with published guidance,

this site is the only viable solution and is in the most appropriate location (as evidenced in the 'Discounted Options' section of the SSSI – the cell search area is extremely constrained geographically). Discounted Options are highlighted in section 5.0 'Discounted Options'.

3.12 In accordance with the sequential approach outlined in the National Planning Policy Framework (NPPF) the following search criteria have been utilised. Firstly, consideration is always given to the possibility of erecting antennas on an existing building, mast or other structure. The proposal is from a site selection perspective the sequentially optimum solution.

3.13 This sequential approach is outlined below:

1. Upgrading an operator's own existing base station(s);
2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
3. Co-location or site sharing alongside existing telecommunications development;
4. Installing a base station on an existing building or tall structure.

If 1-4 unavailable, the only viable option is

5. Erection of a new ground-based mast in street environment.

3.14 In compliance with its licence and the sequential approach outlined in the NPPF all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed. As identified in the submitted documents that accompanied the planning application, no opportunities for site sharing are available, resulting in Option 5 of the sequential approach being the only viable route that would ensure delivery of the requisite digital service. As such, the sequential site selection process has been adhered to.

3.15 The cell search area is illustrated below and is extremely constrained with the only viable option having been put forward (in one of the less sensitive parts of the cell search area and not in or on any heritage assets). Figure 5 below illustrates the parameters of the search area showing the coverage requirement between a cluster of existing cells. The existing cells are illustrated in Figure 5 by the conical shapes. If the equipment is shaded red then the cell is congested and there is an urgent requirement to install additional telecommunications equipment in order to "offload" the congested sector. It can be seen that the coverage 'hole' is vast and extends a considerable distance in all directions from the site however the site has been carefully selected in a position as far away as possible from the views of residential properties and other sensitive receptors. Often the proposal has been pulled marginally outside of the cell search area due to residential amenity, pavement width, underground services and planning issues. There are also build constraints to take into account as the site must be selected in a position where the mast can be physically constructed. However, existing underground services continue to be a significant obstacle to the deployment of this roll out. As with all 5G cells the search area is highly constrained covering a small radius with extremely limited availability of options and the only viable solution from a planning and radio coverage perspective has been put forward.

Figure 5: Cell Search Area Map with the Nominal illustrated by the pink dot.



- 3.16 This is a standalone facility as opportunities for sharing have been investigated and exhausted. Ordinarily a new additional mast to facilitate the digital coverage upgrade would not be in line with NPPF, but due to technological constraints this is the only option available.

4.0 **Consideration / Justification:**

Policy / Guidance Consideration:

4.1.0 **Local Plan Policy:**

4.1.1 The decision notice as issued by the LB Camden Council states:

“1. The proposed monopole and its associated cabinets, by reason of their design, size, height, number and location, would be overly dominant in the streetscene and create visual clutter, which would detract from the character and appearance of the streetscene and nearby conservation areas, particularly the Camden Square Conservation Area located directly opposite and would cause harm to the openness and character of the public open space in Cantelowes Gardens, contrary to policies A2 (Open space), A3 (Biodiversity), D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

2. The proposed monopole and its associated cabinets, by virtue of their design, size, number and location, would create street clutter and reduce the amount of useable footway, causing harm to highway safety and hindering pedestrian movement, contrary to policies A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.

3. In the absence of an arboricultural impact assessment which demonstrates that trees in Cantelowes Gardens would not be adversely impacted by the development in line with BS5837:2012 (Trees in relation to Design, Demolition and Construction), the proposed development would be likely to result in harm to the nearby trees located in the adjacent Cantelowes Gardens, contrary to policies A3 (Biodiversity) and D1 (Design) of the London Borough of Camden Local Plan 2017.”

The decision notice has cited policies (A2; A3; D1; D2; C6; T1) in the development Plan, and these are detailed below:

Policy A2 reads:

Open space

The Council will protect, enhance and improve access to Camden’s parks, open spaces and other green infrastructure.

Protection of open spaces

In order to protect the Council’s open spaces, we will:

a. protect all designated public and private open spaces as shown on the Policies Map and in the accompanying schedule unless equivalent or better provision of open space in terms of quality and quantity is provided within the local catchment area;

b. safeguard open space on housing estates while allowing flexibility for the re-configuration of land uses. When assessing development proposals we will take the following into account:

i. the effect of the proposed scheme on the size, siting and form of existing open space and the functions it performs;

ii. whether the open space is replaced by equivalent or better provision in terms of quantity and quality; and

iii. whether the public value of retaining the open space is outweighed by the benefits of the development for existing estate residents and the wider community, such as improvements to the quality and access of the open space.

c. resist development which would be detrimental to the setting of designated open spaces;

d. exceptionally, and where it meets a demonstrable need, support smallscale development which is associated with the use of the land as open space and contributes to its use and enjoyment by the public;

e. protect non-designated spaces with nature conservation, townscape and amenity value, including gardens, where possible;

f. conserve and enhance the heritage value of designated open spaces and other elements of open space which make a significant contribution to the character and appearance of onservation areas or to the setting of heritage assets;

g. give strong protection to maintaining the openness and character of Metropolitan Open Land (MOL);

h. promote and encourage greater community participation in the management of open space and support communities seeking the designation of Local Green Spaces through the neighbourhood planning process;

i. consider development for alternative sports and recreation provision, where the needs outweigh the loss and where this is supported by an up-to-date needs assessment;

j. 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; and

k. work with partners to preserve and enhance the Regent's Canal, including its setting, and balance the differing demands on the Canal and its towpath.

New and enhanced open space

To secure new and enhanced open space and ensure that development does not put unacceptable pressure on the Borough's network of open spaces, the Council will:

i. seek developer contributions for open space enhancements using Section 106 agreements and the Community Infrastructure Levy (CIL).

The Council will secure planning obligations to address the additional impact of proposed schemes on public open space taking into account the scale of the proposal, the number of future occupants and the land uses involved;

m. apply a standard of 9 sqm per occupant for residential schemes and 0.74 sqm for commercial and higher education developments while taking into account any funding for open spaces through the Community Infrastructure Levy;

n. give priority to securing new public open space on-site, with provision off-site near to the development only considered acceptable where provision on-site is not achievable. If there is no realistic means of direct provision, the Council may accept a financial contribution in lieu of provision;

o. ensure developments seek opportunities for providing private amenity space;

- p. give priority to play facilities and the provision of amenity space which meet residents' needs where a development creates a need for different types of open space;*
- q. seek opportunities to enhance links between open spaces recognising the multiple benefits this may bring;*

- r. tackle deficiencies to open space through enhancement measures; and*

- s. seek temporary provision of open space where opportunities arise.*

Policy A3 reads:

Biodiversity

The Council will protect and enhance sites of nature conservation and biodiversity. We will:

- a. designate and protect nature conservation sites and safeguard protected and priority habitats and species;*
- b. grant permission for development unless it would directly or indirectly result in the loss or harm to a designated nature conservation site or adversely affect the status or population of priority habitats and species;*
- c. seek the protection of other features with nature conservation value, including gardens, wherever possible;*
- d. assess developments against their ability to realise benefits for biodiversity through the layout, design and materials used in the built structure and landscaping elements of a proposed development, proportionate to the scale of development proposed;*
- e. secure improvements to green corridors, particularly where a development scheme is adjacent to an existing corridor;*
- f. seek to improve opportunities to experience nature, in particular where such opportunities are lacking;*
- g. require the demolition and construction phase of development, including the movement of works vehicles, to be planned to avoid disturbance to habitats and species and ecologically sensitive areas, and the spread of invasive species;*
- h. secure management plans, where appropriate, to ensure that nature conservation objectives are met; and*
- i. work with The Royal Parks, The City of London Corporation, the London Wildlife Trust, friends of park groups and local nature conservation groups to protect and improve open spaces and nature conservation in Camden.*

Trees and vegetation

The Council will protect, and seek to secure additional, trees and vegetation.

We will:

- j. resist the loss of trees and vegetation of significant amenity, historic, cultural or ecological value including proposals which may threaten the continued wellbeing of such trees and vegetation;*
- k. require trees and vegetation which are to be retained to be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout;*
- l. expect replacement trees or vegetation to be provided where the loss of significant trees or vegetation or harm to the wellbeing of these trees and vegetation has been justified in the context of the proposed development;*
- m. expect developments to incorporate additional trees and vegetation wherever possible.*

Policy D1 reads (relevant section):

Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;*
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;*
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;*
- d. is of sustainable and durable construction and adaptable to different activities and land uses;*
- e. comprises details and materials that are of high quality and complement the local character;*
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;*
- g. is inclusive and accessible for all;*
- h. promotes health;*
- i. is secure and designed to minimise crime and antisocial behaviour;*
- j. responds to natural features and preserves gardens and other open space;*
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,*
- l. incorporates outdoor amenity space;*
- m. preserves strategic and local views;*
- n. for housing, provides a high standard of accommodation; and*
- o. carefully integrates building services equipment.*

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy D2 reads:

Heritage

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings.

The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;*
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;*
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and*
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.*

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;*
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and*
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.*

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including nondesignated heritage assets (including those on and off the local list),

Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

Policy C6 reads:

Access for all

The Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.

We will:

- a. expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all;*
- b. expect facilities to be located in the most accessible parts of the borough;*
- c. expect spaces, routes and facilities between buildings to be designed to be fully accessible;*
- d. encourage accessible public transport; and*
- e. secure car parking for disabled people.*

The Council will seek to ensure that development meets the principles of lifetime neighbourhoods.

Policy T1 reads (relevant section):

Prioritising walking, cycling and public transport

The Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Walking

In order to promote walking in the borough and improve the pedestrian environment, we will seek to ensure that developments:

- a. improve the pedestrian environment by supporting high quality public realm improvement works;*
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;*
- c. are easy and safe to walk through ('permeable');*
- d. are adequately lit;*
- e. provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and*
- f. contribute towards bridges and water crossings where appropriate.*

- 4.1.2 In accordance with the requirements of the Development Plan and policy requirements the site has been carefully selected in a position as far away as technically possible from the views of residential properties in a position benefitting from the masking effects associated with the surrounding large trees. Views to the site from beyond the immediate area are extremely limited, with a resultant visual impact being near benign in the wider context. The site has also been selected nearby to numerous elements of street furniture with similar vertical lines that will allow the proposal to visually assimilate with its surroundings (the monopole would visually assimilate well, and can be coloured to reflect the finish of nearby street furniture (secured by planning condition)).
- 4.1.3 The site has been carefully selected to provide the required essential new 5G coverage whilst protecting the amenity of the residents further afield. Resultingly, any perceived harm will be considerably outweighed by the tangible public benefits the scheme will deliver. The proposed installation is required to deliver new 5G coverage within the Kentish Town area and, given the build and technical coverage constraints, the least visually intrusive design solution available has been put forward.

- 4.1.4 The position of the site infrastructure (with a suitable and sympathetic design) and ancillary infrastructure, as detailed in the submitted Planning Application, is to facilitate the provision of enhanced digital connectivity and rollout of the 'Next Generation' of telecommunication services and mobile broadband. The applicant appreciates that the proposal is taller than the nearby street furniture with similar vertical lines however, there is no scope to lower the new 5G installation and the specified height will not be to the determinant of the immediate or wider locale. The applicant appreciates that the monopole would qualify as change, but not to the detriment of the aesthetics or character of the area.
- 4.1.5 The 5G installation is required to ensure mast sharing can be facilitated (as prescribed by policy and guidance) and remove the need for any future additional telecommunications masts in this location at a future date.
- 4.1.6 The opinion of LB Camden Council that the development would be contrary to the objectives of the GPDO as detailed above is challenged.
- 4.1.7 Contrary to the opinion of LB Camden Council, it is considered that the proposed development would accord with all elements of the GPDO, notably in the fact that the design and siting of the installation is one that would not be alien in the existing context. The proposal would appear as a telecommunications installation, in a location where seeing such development would not appear unusual. It is of an appropriate design to ensure service delivery, yet is static and a vertical structure that does not visually jar or harm amenity. All efforts to keep the monopole out of and away from potentially sensitive receptors have been adhered to. There would be no long-term tangible loss to existing levels of amenity of properties to the north, east and west as these would in the main be maintained through partial screening by the trees (albeit with greatly enhanced digital connectivity). When viewed from the south, and to mitigate amenity concerns (and if the Inspector is minded to approve the installation), the colour of the monopole can be coloured to one deemed appropriate to the location (to further minimise its' appearance and any perceived obtrusion on amenity).
- 4.1.8 For the proposal to be 'detrimental' to amenities of the area and for the scheme to constitute 'harm' (overbearing) regarding the character of the area, it would need to be 'unpleasant' or 'harmful' to the wider environment. In this instance it is noted that the site is well located with a backdrop of various streetlights and trees.

For clarity, the development seeks to minimise the mass and scale of the installation whilst delivering the service and operational requirements associated with providing new essential 5G coverage and future proofing the installation for deployment of other technologies. In addition, the cell area is one of high-density residential concentration. This means that the one installation will be able to provide a vastly improved level of service (access and speed) to a multitude of users (all those properties and businesses in the red shaded area in Figure 5 above), which by default emphasises a very evident and demonstrable public benefit. It is accepted that any development constitutes a change, but in this instance the change proposed would not be unpleasant or harmful, and is suitably distant, and visually separated from sensitive receptors. It would be similar to numerous similar structures in this location (streetlights) of which designs and installations are accepted and regularly seen in comparable locations across the UK.

- 4.1.9 Furthermore, it is worth noting that the site is not in an area with a statutory designation for particular protection for its character (e.g., Conservation Area), as stated throughout this appeal statement all efforts have been made to pull the installation as far away from residential properties, businesses and sensitive constrained areas as possible whilst still allowing them all the expected levels of digital coverage for day-to-day life and business. The fact that the scheme seeks to provide a suitable design is not considered to be so damaging or sufficiently obtrusive as to justify the stance taken by LB Camden Council in this instance.

- 4.1.10 The development seeks to minimise the mass and scale of the installation as much as possible, yet still deliver the service and operational needs of future site sharing. In addition, the cell area is one constrained by residential uses. This means that the one installation will be able to provide a vastly improved level of service (access and speed) to a multitude of users, thus creating a very evident and demonstrable public benefit from the proposed enhancement of this cells coverage.
- 4.1.11 The applicant is confident that with the design proposed the character of the area is maintained. As stated above there is no scope to move the proposed site to an alternative location (see discounted options and reasons), given the extremely limited constraints within which the proposal strives to achieve improved digital delivery. Any move from this location could place the mast closer to other more sensitive receptors or require a monopole of increased height.
- 4.1.12 In light of the above reasoning, it is suggested that the development does accord with the requirements of Policy and other policies of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users. It is imperative to emphasise the benefits of this singular structure as it would provide an enhanced level of electronic communication service for transient users, businesses and residents alike. The supporting statement gives further details on the benefits of the proposal.
- 4.1.13 Provision of this infrastructure, in an area identified as one lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor access to digital services to the detriment of local residents and businesses. It is vital to consider that a new 5G option is required in this location.
- 4.1.14 As stated above from a planning perspective the sequential approach should be followed for all telecoms sites regardless of their location and this has been rigidly adhered to with this proposal. Operators are committed to provide coverage and improve capacity. Operators' need for a new base station derives from a sequential approach to a site selection process.
1. Upgrading an operator's own existing base station(s);
 2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
 3. Co-location or site sharing alongside existing telecommunications development
 4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is
5. Erection of a new ground based mast in street environment.
- 4.1.15 In this instance the possibility of fulfilling the requirement by upgrading an existing site is not available hence the provision of the proposed standalone installation. However it still accords with the sequential approach (as demonstrated within the supporting statement the cell search area is extremely contained and the only viable option has been put forward). Furthermore, the LPA had an opportunity to offer alternatives at the point of pre-application consultation but chose not to take up this chance to guide development in a way they saw as appropriate.
- 4.1.16 The type of installation that the applicant has proposed is the optimum design solution for deploying 5G technologies and the height at 15m is the very lowest that works effectively for the Operator. Given the siting preference, the proposed location is deemed acceptable and appropriate. If the height of the monopole were to be reduced below 15m then the installation would not be able to provide adequate coverage for the Operator (it would need to be positioned in a more exposed location as it could not utilise the level of screening afforded by the trees). The cabinets are required to serve the Operator and these have been kept to a minimum. The cabinets should not form part of the planning application process or this appeal as they are Permitted

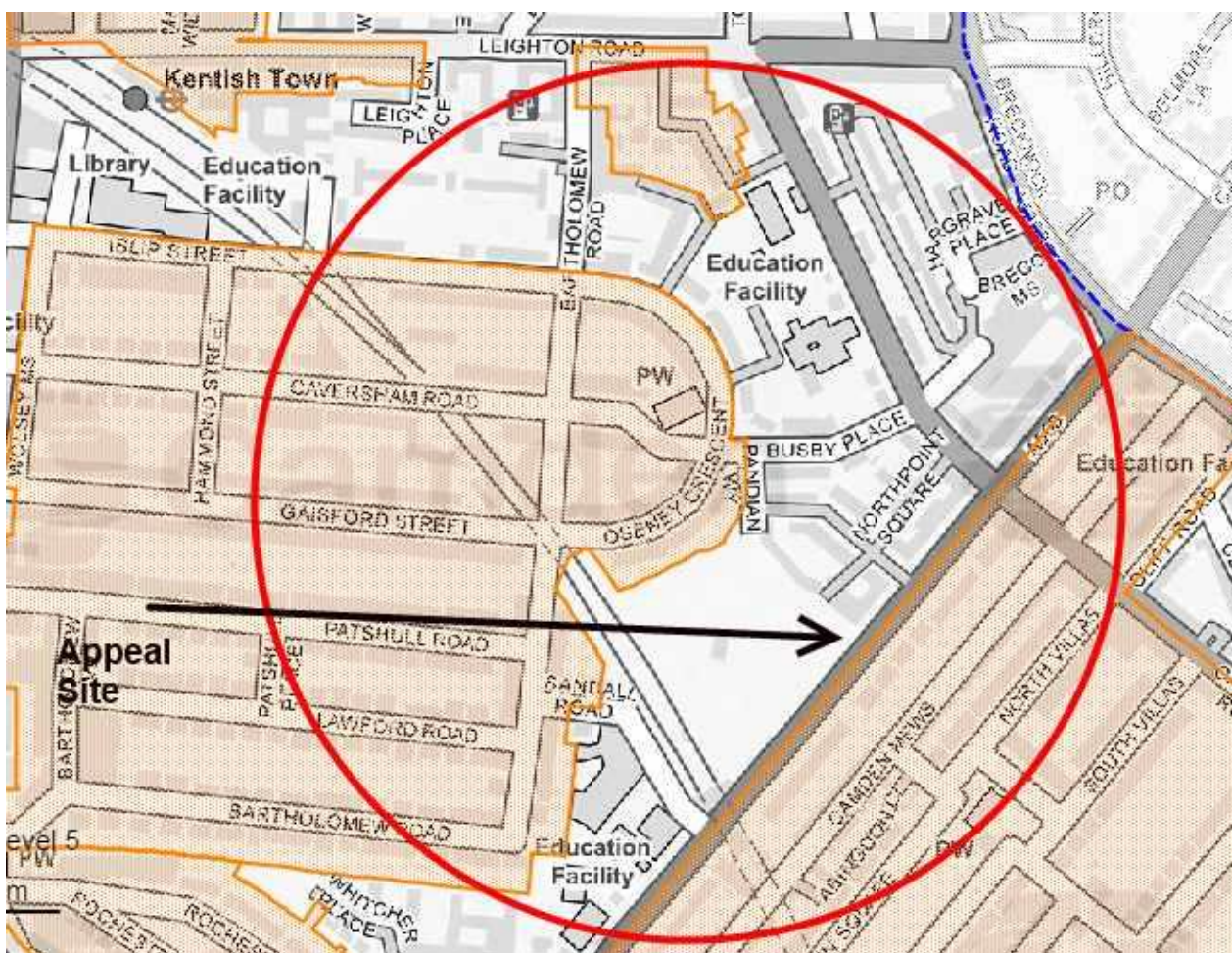
Development (without Prior Approval) however; all efforts are taken to keep these to an absolute minimum. Both the original planning submission and this appeal statement robustly assess how the proposal fits within the surrounding area including its planning designations and assesses the local and national policies. The National Policy section is assessed again below.

4.1.17 In the reasons for refusal the LPA suggest that the proposal would be to the detriment of the setting of heritage assets.

The Local Plan extract below Fig. LP1) of the Borough’s Conservation Areas (as shaded) has been overlain with the position of the appeal site, as well as well as the cell search parameters (red circle).

What is immediately clear is that the cell search area is very heavily constrained by the extent of Conservation Areas. In this instance the site proposed is near equidistant between the existing two cells, and has sought to deliberately avoid more sensitive heritage assets and residential areas, yet still provide the digital service expected.

Fig. LP1



4.1.18 As acknowledged the proposed site is not within a Conservation Area, but is close. In this instance, the level of harm to heritage assets that might result from the proposal would qualify as 'less than substantial'. Knowing this, consideration of paragraph 196 of the National Planning Policy Framework 2019 (NPPF) is required. This paragraph reads:

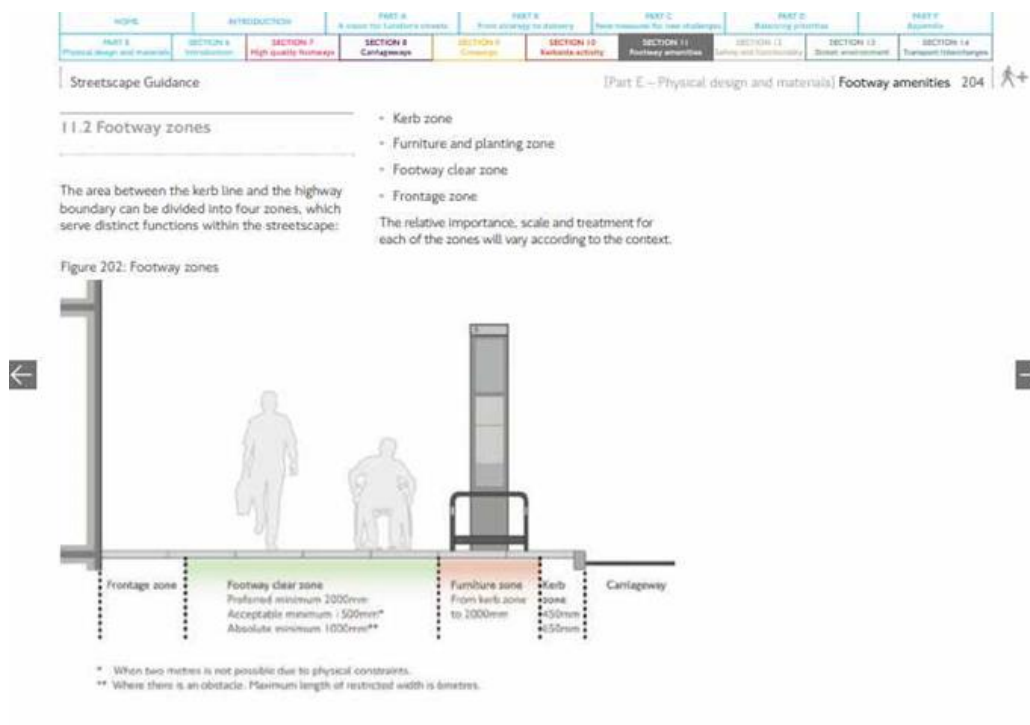
“196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In this case it is argued that the provision of the greatly enhanced digital service in the Kentish Town area would be of considerable benefit to the public, and would carry more material weight in deliberations sufficient to outweigh any levels of perceived harm. Furthermore, and to reduce visual effects further, the colour finish of the monopole can be secured by way of planning condition if deemed appropriate by the appointed Planning Inspector.

4.1.18 In the reasons for refusal the LPA suggest that the proposal would be to the detriment of pedestrian movement and safety.

In essence, the reason for refusal suggests that the scheme would be to the detriment of pedestrian movement. In this instance, and for clarity, pedestrian movement would be uninterrupted and would accord with the most relevant guidance relating to acceptable pavement widths (as detailed in Section 11.2 of the ‘TfL ‘Streetscape Guidance’ Fourth Edition 2019 Revision’)

Fig. 6



4.1.18 Section 11.2 clearly states that the preferred minimum ‘Footway Clear Zone’ is 2 metres. It also states that the acceptable minimum is 1.5 metres.

4.1.19 In this instance, with the proposed cabinets and slimline monopole in situ (being a maximum 1m in width (0.9m plus the set away of circa 0.1m from the pavement boundary to the south), the remaining pavement width at the site would still be 1.84 metres wide. This is in considerable excess of the Preferred Minimum Width as stated by TfL.

4.1.20 As the scheme would ensure pavement width is greater than the preferred minimum pavement width it is argued the scheme would accord with TfL Guidance and Policy

and as such could not in itself be to the detriment of pedestrian safety / movement, and as such would accord with Policies of the Development Plan.

- 4.1.21 The LPA have also suggested that, in their opinion, the scheme could result in damage to currently unprotected trees. In this instance, the monopole element is a considerable distance from the crown spread of trees (and so by default away from RPA's). Knowing this, and that all works (including cabinets that are closer to the crown spread of the trees) will be constructed in accordance with British Standard BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction, no harm to neighbouring trees or their root systems (the site has been deliberately positioned away from the crown spread of trees (and so avoids the RPA's of those trees) yet utilise the screening they provide).

4.2.0 National Policy / Guidance – National Planning Policy Framework (NPPF)

- 4.2.1 National policy with regard to Telecommunications development is found within the NPPF. Contained within the NPPF, the following is of importance during deliberations:

- 4.2.2 Paragraph 112 states 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. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

The improved service the proposed monopole would deliver would result in a direct contribution to the delivery of economic growth, in a sustainable way, as well as enhancing local facilities and services (via better connectivity and communication).

- 4.2.3 Paragraph 113 states that:

The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing 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.

The proposed development would utilise a site to provide for future technologies, so negating the need for subsequent new installations in the area and ensuring accordance with the objectives of the NPPF. The proposal would very much accord with this objective and negate the need for a demonstration 'to the satisfaction of the Council' in relation to the search for other sites.

The attempt to provide discreet development at the site, using the recommended sequential approach (as evidenced in the original submission) which accords with the objectives of paragraph 113 of the NPPF, demonstrates the operator's attempts to address the lack of requisite cell coverage in the area, which would if allowed improve network coverage considerably with minimal negative effect on the visual amenity of this residential location.

- 4.2.4 In addition to the consideration given to the reasons for refusal, it is also noted that material consideration should be given to developments that contribute to the delivery of sustainability (which these cabinets and monopole would do). Such an objective needs to inform decisions, and is a requirement detailed in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31st March 2011.

5.0 Discounted Options

(Designated Search Area) covers this densely packed residential area. There is no scope to pull the mast outside of this area and give the cell 5G coverage.

D1: Islip Road - Site discounted due to insufficient pavement width and proximity to residential.

D2: Leighton Place. Site discounted due to pavement width and proximity to residential.

D3: Leighton Road. Site discounted due to pavement width and proximity to residential.

D4: Peckwater Street. Pavement not wide enough for equipment and proximity to residential.

D5: Oseney Crescent. Pavement not wide enough for equipment and proximity to residential.

D6: Busby Place. Site discounted due to pavement width and proximity to residential.

D7: Gaisford Street. Site discounted due to proximity to residential and height of trees.

D8: Islip Street. Discounted from a radio perspective..

Figure 6: Discounted Options Map



6.0 Conclusion and Planning Balance

6.1.0 Reasoning and Summary

- 6.1.1. It is considered that the installation of the cabinets and monopole would not be contrary to but would contribute to the achievement of the Policy objectives of LB Camden Councils Development Plan and the NPPF. The proposal would not be to the detriment of visual amenity or result in harm to the character of the area, and it would not harm the heritage assets, nor affect trees or fluidity of pedestrian movement (all of which have evidenced). The proposal would further the delivery of sustainable development through intelligently managed and considered change. As stated throughout this statement it is vital to consider that the proposal relates to an upgrade of digital connectivity to address a 5G coverage hole in the area. It must also be considered that all efforts have been applied to the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected. The proposed location benefits from the screening effects associated with a backdrop of trees with no tangible or long-lasting detrimental impact on amenity, character or setting of the CA.
- 6.1.2 We consider the development complies with Government guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of business and the community while minimising visual impact.
- 6.1.3 On balance, we consider that any perceived impact on amenity or character the site may have will be outweighed by the considerable positive benefits brought to the economy and community by telecommunications (as evidenced in the Government-published Future Telecoms Infrastructure Review'). There would be no impact on the character of the area, heritage assets, trees or pedestrian safety. As detailed above, the development meets the requisite criteria and standards and accords with the 'Planning for Growth' objectives.
- 6.1.4 As such, it is respectfully requested that the appeal be allowed. If the Inspector deems that conditions on approval are required these will be welcomed (e.g. amending the colour scheme).