**CTIL14148023 / TEF009091 / VF080451**

**Planning Appeal**

**Against the Refusal of Prior Approval**

**By**

**London Borough of Camden Council**

**For**

**A Telecommunications Base Station Development**

**At**

**Telecommunications site at 145-147 York Way, Camden, London, N7 9LG**

**NGR: 529923, 184870**

**Local Planning Authority Reference: 2020/04916/P**

**CONTENTS**

Section 1 Introduction
Details of the proposed development, the Council's reason for refusal and why an appeal is being submitted

Section 2 Operational Context
Why the proposed development is required and the operator's associated network requirements
- How mobile networks operate
- Public benefit
- Who will be affected by a lack of 5G coverage?
- The Covid-19 pandemic and its context with the provision of mobile network services

Section 3 Cell Area and Site Description
This section of the statement describes the characteristics of the target coverage area and the setting of the appeal site itself.

Section 4 Background to the Appeal
How the proposed site and design has been identified along with a detailed description of the planning process that has preceded the refusal of planning permission.

Section 5 Planning Policy and Other Material Considerations
Reference to the following national and local planning policy:
- National Planning Policy Framework
- Code of Best Practice on Mobile Network Development in England
- Local Planning Policy and Guidance
- Policy Summary

Section 6 Case for the Appellant
An assessment of the Council's reason for refusal including a full evaluation of the merits of the proposed development, clarifying why the siting and appearance of the proposal is acceptable, as defined under the following sub-headings:
- Siting
- Design
- Impact upon Amenity
- Harm versus Benefit
- Government Ambition and Legislative Reforms
- Appeal Reference Points
- Planning Policy and Best Practice
- Case Summary

Section 7 Conclusion
A summary of why the appeal of this planning refusal should be upheld

**LIST OF APPENDICES**

| | |
|---|---|
| Appendix 1 | Pre-Application Consultation, dated 09 July 2020<br>- Site specific pre-application correspondence to Local Planning Authority<br>- Consultation Plan |
| Appendix 2 | Application Submission, dated 23 October 2020<br>- Cover letter<br>- Application Form<br>- Site Specific Supplementary Information (SSSI)<br>- ICNIRP Declaration<br>- Planning Drawings<br>- Developer Notice<br>- General Background Information on Telecommunications Development |
| Appendix 3 | Post application correspondence with Local Planning Authority<br>- Email correspondence confirming registration, dated 06 November 2020 |
| Appendix 4 | Delegated Report |
| Appendix 5 | Decision Notice, dated 16 December 2020 |
| Appendix 6 | Panoramic Assessment |
| Appendix 7 | Appeal reference 3238167<br>- Appeal decision and Plans for a development proposal at the building at 2 St James Market, London, in the City of Westminster Council area |
| Appendix 8 | Appeal reference 3251047<br>- Appeal decision and Plans for a development proposal at Finsbury Pavement, 127 Chiswell Street in the London Borough of Islington |

**LIST OF FIGURES**

Figure 1: London Borough of Camden Council Built Heritage Assets[1]

Figure 2: London Borough of Islington Council Built Heritage Assets[2]

Figure 3: English Heritage Map[3]

Figure 4: Antenna Details

Figure 5: View from Hungerford Road

Figure 6: View from Hungerford Road/York Way junction

Figure 7: View from York Way (east)

Figure 8: View from York Way / North Road junction

Figure 9: View from Cliff Road (south, long)

Figure 10: View from Cliff Road (south, close)

Figure 11: View from Cliff Villas (east)

Figure 12: View from York Way (west)

Figure 13: Church Studios Base Station

Figure 14: View of Church Studios from Camden Square CA to west

Figure 15: View of Church Studios from Cliff Road

[1] https://ssa.camden.gov.uk/connect/analyst/mobile/#/main?mapcfg=CamdenConservation&lang=en-gb

[2] https://mapapp.islington.gov.uk/mapthatv3/Default.aspx?treeid=23

[3] https://historicengland.org.uk/listing/the-list/map-search?clearresults=true

**NOTES FOR THE INSPECTORATE**

Please note that all hyperlinks are included merely to verify the validity of the source from which the quoted information has been taken.

The content may be viewed at the reader's discretion.

## 1.0 Introduction

1.1 This appeal is submitted under section 78 of the Town and Country Planning Act 1990 on behalf of Cornerstone, (the Appellant), against the refusal of Prior Approval by London Borough of Camden, (the Council), as Local Planning Authority, (LPA).

1.2 Cornerstone is now the UK's leading mobile infrastructure services company, acquiring, managing and owning over 20,000 sites. With a commitment to enabling best in class mobile connectivity for over half of all the country's mobile customers, Cornerstone oversee works on behalf of telecommunications providers and wherever possible aim to:

- promote shared infrastructure
- maximise opportunities to consolidate the number of base stations
- significantly reduce the environmental impact of network development

1.3 Cornerstone submitted the subject application, which was registered under planning reference 2020/4916/P and seeks prior approval for the following Telefónica UK Limited (O2) and Vodafone Limited development:

- Installation of 5No. new Vodafone antennas, 1No. 0.3m and 1No. 0.6m dishes on three new tripod support poles with ancillary equipment; and
- Removal of 6No. existing Telefónica antennas and the installation of 6No. new Telefónica replacement antennas, 1No. 0.3m and 1No. 0.6m Telefónica dishes (to be installed below antennas) on 3No. new stand-off brackets with ancillary equipment

1.4 The site is located upon the rooftop of the building at 145-147 York Way, Camden, London, N7 9LG; the grid reference of which is 529923, 183870.

1.5 The subject application was dealt with under delegated powers and a decision notice refusing prior approval was issued, dated 16 December 2020.

1.6 The Decision Notice states the reason for refusal as:

> *"The proposed telecommunications equipment, by reason of its location, design, scale and height, would result in prominent rooftop additions to the detriment of the character and appearance of the host property, the streetscene and the adjacent Camden Square Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017."*
>
> Decision Notice, **Appendix 5**

1.7 It is considered that in refusing this application the Council has not taken full account of the significant efforts employed by the Appellant to ensure that the subject site and proposed design solution, which is critical infrastructure, strike the most appropriate balance between operational requirements and the environmental considerations of all relevant national and local planning policy, with the limited harm being outweighed by the significant public benefits.

## 2.0 Operational Context

2.1 The Cornerstone operators, i.e., Telefónica UK Limited (O2) and Vodafone Limited, are both Electronic Communications Code Operators licensed under the terms of the 2003 Communications Act, as amended, to provide mobile personal digital communications networks in the UK. The dynamic nature of technological advances in the telecommunications industry coupled with ever increasing demand from subscribers dictates a continual reinvestment programme on the part of the operators and as a result, and in line with their licence requirements, operators are constantly developing their networks as well as refining and modernising their infrastructure.

2.2 Both Telefónica UK Limited (O2) and Vodafone Limited currently supply the York Way / Hungerford Road / Cliff Road area of Camden / Islington with existing network coverage (2G, 3G and 4G for Telefónica UK Limited (O2); 3G and 4G for Vodafone Limited) via the shared, Telefónica UK Limited (O2) hosted[4], base station at the subject site. However, the operators are now unable to provide multigenerational (including 5G) coverage using shared antennas. Therefore, whilst the subject site will remain a 'shared site', the operators' upgrade of this base station will require the deployment of a new and individual set of antennas for Vodafone Limited, with Telefónica UK Limited (O2) maintaining and upgrading the existing antennas for their separate use. The proposed development, which is critical infrastructure for providing reliable digital connectivity, will ensure sufficient antenna separations between each operator's antennas to prevent interference, including those antennas which do not belong to either Telefónica UK Limited (O2) or Vodafone Limited.

**How mobile networks operate**

2.3 The reader may be aware that cellular networks are made up of individual cell areas, each of which has a base station within it. A good analogy for describing a cellular network is that of a patchwork quilt with each cell area being one of the many patches that are sewn together making up the network 'quilt'. The base stations themselves will require a supporting structure, such as a mast or high building, to support antennas and dishes and to elevate such transmission equipment above clutter, such as tall trees and buildings and whilst taking account of topography, all of which could impede signal. Associated cabinets for housing radio equipment and power connections are also deployed to service the antennas.

2.4 Telecommunications base stations receive and transmit to mobile devices using radio waves. The antennas operate like an aerosol spray with signal transmitted along a central orientation and dissipating with distance. The dishes operate on a direct line of sight basis, linking with dishes on other base station sites elsewhere within the wider network. The dish links also link the base station to a master control centre that manages the call or data handover process that occurs when a mobile user moves from one cell area to another. They also provide telemetric monitoring to ensure the site is working properly and offer remote maintenance.

2.5 Mobile connectivity and service is required where customers live, work, travel and enjoy recreational time. In the early days of mobile communications, peripheral locations, high-level topographies and large-scale masts were often identified in order that transmission from a new base station could cover an expansive geographical area. However, whilst this approach was viable for early network generations, the number of mobile handset users has dramatically increased with time, as have the advancements in mobile technology itself. As a result, the cellular network construction and operational criteria have changed too. Because modern networks use higher frequencies with faster data rates whilst serving significantly increased numbers of mobile device users, typical network cell areas (i.e., the geographical area targeted for coverage and capacity for which a base station development provides a solution), are now smaller in their geographical expanse and tend to be directly proportionate to the number of users within it. They are also, therefore, greater in their number with base stations operating at a lower power output than their predecessors.

2.6 As indicated above, the two mobile network operators involved in Cornerstone, Vodafone Limited and Telefónica UK Limited (O2), have previously sought to establish and operate a shared single grid network providing 2G, 3G and 4G coverage. However, this can no longer be the case for all sites providing a 5G service.

[4] Telefónica UK Limited (O2) are responsible for owning and operating the infrastructure on site offering sharing capabilities to their partner operator, Vodafone Limited, who use the infrastructure to supply a 3G and 4G base station solution.

In the vast majority of cases, rooftop installations are able to remain shared base station sites as they are often capable of accommodating the weight, wind loading and technological requirements associated with providing 4No. generations of technology (2G, 3G, 4G and 5G) for 2No. separate operators at a single shared location, albeit often via redevelopment and the deployment of additional infrastructure on site, as is the case in this instance.

2.7 It is critical to appreciate that the UK's 4No. Mobile Network Operators (MNOs), including Vodafone Limited and Telefónica UK Limited (O2), all utilise different technology spectrums to provide their mobile service. The spectrums the Operators utilise are allocated by Ofcom, as industry regulators on behalf of UK Government, through licence agreements with each of the individual MNOs. As such, each MNO must utilise the spectrum licenced to them. Each part of the radio frequency (RF) spectrum has variations in terms of frequency propagation. Therefore, each individual MNO's network, and their sharing arrangements, cannot be compared directly and there will be variations in how each set of infrastructure for these networks is deployed and developed. For this reason, all MNOs, including Vodafone Limited and Telefónica UK Limited (O2), which continue to be competitors but share base stations where possible, have a completely different network configuration that they need to fit within and build 5G service around. Therefore, each network has to be built differently, with different antennas and equipment, to take account of those spectrum and licence variations. This will in turn lead to necessary infrastructure variations on a cell-to-cell basis, depending on site specific demand, local constraints and requirement. As such, the individual networks will have variations in how their infrastructure is deployed and developed and in how it will look.

2.8 In this instance, Telefónica UK Limited (O2) and their partner operator, Vodafone Limited, currently provide 2G, 3G and 4G and 3G and 4G network coverage to the area, respectively, via a shared rooftop base station at the subject site, which sits on the southern side of York Way, on the edge of the Council's northern boundary with the southern boundary of the London Borough of Islington. However, due to technological advances outlined above, this existing Telefónica UK Limited (O2) infrastructure is unable to provide multigenerational (including 5G) network coverage for both operators. For this site to do so, the operators a separation of transmission equipment resulting in the replacement and upgrade of existing apparatus for Telefónica UK Limited (O2) and the deployment of additional infrastructure onsite for Vodafone Limited.

2.9 The Appellant would take this opportunity to stress that if the proposed development cannot proceed, then Vodafone Limited will have to seek a completely new base station site in very close proximity to the subject site to ensure that customer coverage and experience within a previously shared 'cell' is retained and to allow for Telefónica UK Limited (O2) to proceed with their proposed 5G upgrade. This would be in opposition to the appeal proposal, which is to share a building which already hosts mobile telecoms equipment, entirely in accordance with planning policy guidance.

**Public Benefits**

2.10 It is undeniable that mobile communication is now a key part of sustainable development and a vital tool in our personal lives and in all business and government operations. Indeed, the demand for faster and improved mobile connectivity continues to grow with modern society now expecting to be able to make use of mobile devices to their full potential where people live, work and travel. Each new generation of mobile communications technology has provided us with higher speed, better connection, and many more advanced features on our mobiles, and now with 5G, we can expect to experience an even more extensive range of telecommunication services. There is, therefore, currently a drive by the Government to ensure that all communities, both urban and rural, have access to the most up to date mobile technology, given the clear sustainability, social and economic benefits for doing so.

2.11 Good connectivity allows people to access a wide range of essential services and a further explanation on some of these key benefits is provided below:

- Economic benefits

  - Creating more productive and cost efficiencies for businesses
  - Businesses offering online services can extend their products to a broader audience

- Local areas and businesses can benefit from tourists and visitors as hotels, attractions, and restaurants can be booked online from anywhere in the world
- Business owners and services like doctors can provide a faster and more cost-effective service by offering both online appointments and ordering
- Digital connectivity facilitates economic growth, something which the Government is keen to progress and promote
- 5G's ability to deliver real-time information (low latency), ultra-fast speeds (critical for high-definition images and video), increased capacity and heightened security will also facilitate learning on the job procedures, thanks to technologies such as Augmented Reality (AR) goggles, which, for example, can give the likes of engineers real-time instructions on how to fix a machine on a production line.

- The social benefit

  - Mobile communications can help people to stay in touch wherever and whenever, which can help improve social wellbeing
  - Convenient access to online commerce or businesses
  - Contacting emergency services is easier, especially in remote areas
  - Giving the ability to manage our personal finances and information 24/7
  - Using a mobile wherever you go can provide better personal security
  - Having access to social networking sites and applications can keep people entertained with their lifestyles and interests
  - Access to real-time transport information or timetables
  - Smart meter reads for utilities such as gas or electric
  - Contacting local authorities
  - Promotion of smarter and productive ways of working. For example, working from home can help minimise commuting which can provide better work and home life balance

- Sustainability benefits
  - Facilitating remote access to services, education, and commerce, reducing the need to travel and in turn minimising carbon emissions.

- Health
  - Support the delivery of healthcare provision and accessibility by enabling people greater access to online services, NHS appointment reminders, reminders to take medicines, make appointments etc.
  - Patients across the country are now becoming accustomed to using remote healthcare services such as NHS 111, virtual GP appointments, and ordering online deliveries of essential medical supplies.
  - 5G's ability to deliver real-time information (low latency), ultra-fast speeds (critical for high-definition images and video), increased capacity and heightened security are going to be fundamental in scaling the patient benefits of remote healthcare and keeping medical records secure and private. For instance, trials have shown that connecting ambulance crews to expert resources using 5G allows paramedics to work with doctors and conduct specialist procedures in real time whilst on the road.

- Education
  - Facilitates access to educational establishment databases or booking systems for securing places for the likes of school dinners, field trips, extra-curricular activities, student/teacher reviews, etc.
  - Provides access to school/college/university apps for setting and submitting homework/coursework, ensuring news and notifications are delivered efficiently, and for parent/student/teacher interactions.
  - The relationship between 5G and education is evolving at a massive rate with educators exploring the relevance of Virtual Reality (VR) technologies for education and training. Crucially, VR can

support remote learning, allowing students a presence in the classroom even when working elsewhere.

2.12 Following on from the above, it is worth noting that the Digital Infrastructure Minister, Matt Warman MP, recently gave a Keynote Speech at Connected Britain 2020[5], in September of 2020, and spoke about ongoing work by the government and telecommunications industry to boost the UK's world class digital connectivity. In his opening paragraphs, he stated thanked the telecommunications industry as a whole, stating:

> *"You have kept school children connected with their teachers, allowed isolated grandparents to speak to their grandchildren, and enabled great British businesses to power the economy through these difficult times."*

2.13 Before going on to suggest that:

> *"COVID has altered the way we live, work and, most importantly, stay connected with our family and friends. The digital infrastructure that keeps us all connected was essential to our daily way of life under lockdown - and is now more important than ever as we head into recovery. Many of these changes - such as increased working from home - will stay with us for the foreseeable future."*

2.14 The Minister went on to refer to 5G as 'game changing technology' and referenced its endless opportunities before concluding that

> *"The world is in the middle of a digital revolution. COVID has accelerated this process, digitising almost every part of our everyday lives and making the infrastructure that connects us more important than ever. That's why it is at the top of the government's agenda"*

**Who will be affected by a lack of 5G coverage?**

2.15 In considering the merits of the subject prior approval application, it is important to give due cognisance to those that would be impacted upon if the current network requirement for both Telefónica UK Limited (O2) and Vodafone Limited were not to be addressed. The following paragraphs will provide some context on this issue using recent statistics and data.

2.16 According to approximate figures produced by www.which.co.uk in an article dated 17 May 2021 and titled 'Who are the biggest UK mobile networks'[6], Telefónica UK Limited (O2) and Vodafone Limited, (both MNOs – Mobile Network Operators), and their respective Mobile Virtual Network Operators (i.e., GiffGaff, Sky Mobile and Tesco Mobile for Telefónica UK Limited (O2) and Asda Mobile, Lebara and Voxi for Vodafone Limited), make up just over 50% of mobile device users in the UK.

2.17 It is therefore fair to assume that at least 50% of the mobile device users in the local area will be relying on the operators in question to provide uptodate mobile network coverage at the earliest opportunity.

2.18 In considering the subject Appeal, it is also important to evaluate it within a context of how people in the UK are using mobile communications networks and industry trends, especially those experienced during the peaks of the Covid-19 pandemic. We would therefore refer the reader to 'Online Nation 2020'[7] which has been produced by Ofcom, June 2020.

2.19 The report found that in relation to the increasing importance of mobile connectivity:

- 71% of all measured time spent online was via smartphones;

[5] https://www.gov.uk/government/speeches/matt-warmans-keynote-speech-at-connected-britain-2020

[6] https://www.which.co.uk/reviews/mobile-phone-providers/article/best-mobile-networks-overview-amhDx1F0z41t#who-are-the-biggest-uk-mobile-networks

[7] https://www.ofcom.org.uk/__data/assets/pdf_file/0027/196407/online-nation-2020-report.pdf

- 35% of internet users accessed the internet only on mobile devices (smartphone or tablet)

2.20 The report also confirms that *"…87% of the UK adult population use the internet…"* and, under the sub-heading 'Smartphones are the most popular device for accessing the internet', state that:

> *"Smartphones are cited as the most important device for accessing the internet at home or elsewhere among all adults 16+ (60%)."*

2.21 Reinforcing the importance of mobile connectivity during the pandemic, the Online Nation report included the sub-heading 'Covid-19 impact: time spent online reaches record levels' which states:

> *"In April 2020, internet users in the UK spent an average of 4 hours 2 minutes online each day, 37 minutes more each day per online adult compared with January 2020.*
>
> *In April 2020, the reach of education (+3 percentage points), health (+5pp) and government (+5pp) sites had all grown since January…*
>
> *… between January and April 2020; Houseparty increased from 175,000 to 4 million; Zoom reached 13 million adult internet users in April, up from 659,000 in January."*

2.22 The report also includes the sub-heading 'Most internet users use online messaging and calling service and use increased during the coronavirus pandemic' which states that:

> *"In February 2020, 73% of UK adult internet users used online text messages, 54% use online voice calls, 35% use video calls and 55% use emails, at least weekly. Nine in ten adult internet users used any of those four services at least weekly.*
>
> *Until early this year, online video calling was used much less than other online communication services, with 35% of online adults using online video calling at least weekly in the 12 months to February 2020.*
>
> *In May 2020, this had doubled to 71% of online adult consumers using online video calling services at least weekly, with 38% using them at least daily. Our research suggests that 7% of adult internet users used video calling for the first time as a result of the coronavirus pandemic."*

2.23 It is clear from the above that reliance on mobile connectivity was increasing before the pandemic and has since increased. It is also fair to assume that increased use of and expectation for reliable mobile digital connectivity will see this upward trend continue given a widespread societal shift to a mix of previously normal and home-working practices and also face-to-face and remote-learning in the educational sectors.

2.24 The reader will also appreciate that those living in lower income households are less likely to have fixed line broadband, tending instead to be reliant on mobile connectivity for online access. It is they who will find reliable uptodate mobile digital connectivity an essential service, rather than a luxury, for all sorts of reasons including working from home, education, accessing services online, shopping online, and keeping in touch with friends and family amongst other things. These households will be further disadvantaged if the current infrastructural need is not met.

2.25 Another important factor to consider is the impact a lack of 5G network services will have upon local businesses, including those working from home and recent start-ups. 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 being *'…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 target coverage area, and those businesses or educational establishment continuing to operate without face-to-face contact, and using the Telefónica (UK Limited (O2) and Vodafone Limited networks, or via their MVNOs, will all benefit from the provision of improved network services and this is recognised as an essential part of the recovery of the economy. As indicated above, the lack of an effective 5G

coverage solution means that it is expected that 50% of individuals and businesses in the area will not benefit from uptodate network services.

2.26 It is also worth noting that in October 2020, the Centre for Policy Studies. Published a report titled 'Upwardly Mobile: How the UK can gain the full benefits of the 5G revolution'[8] in which it indicated that the next few years were critical for economic growth and that delays to the rollout of 5G could cost the country tens of billions of pounds in lost economic output. The report also suggests that if delays continue at their current rate, by 2027, over 11 million households and businesses could be missing out on vital digital connectivity. Improving digital infrastructure supports the Government's 'levelling up' agenda, by helping local areas to retain and attract businesses and talent as well as by reducing regional inequalities. However, the Report suggests that, without reform to existing legislation, millions of households and businesses will suffer.

2.27 The Report also includes the following statements from its author, Alex Jackman, a former digital adviser to the Government:

> *"Digital networks and the services they support have underpinned our resilience to Covid-19 and they will drive our recovery. By expanding them, we deliver not only immediate benefits but also the essential foundation stone for 5G. This is no time for the government to be passive on the deployment environment - the difference between the UK as a 5G pioneer and ceding leadership to others is as much as £173bn.*
>
> *"Productivity gains to business, equality gains for regions and economic gains for the country are only as achievable as the networks we can access."*
>
> Report author,

2.28 Without the new and improved network coverage and capacity that the critical infrastructure proposed at the Appeal site will bring, Telefónica UK Limited (O2) and Vodafone Limited network users in this area of Camden, and those of the associated MVNOs, will not benefit from reliable mobile digital connectivity when using their smartphones for business, education and personal purposes.

**The Covid-19 pandemic and its context with the provision of mobile network services**

2.29 The subject application was determined by the Council when the UK was in the middle of the second wave of the Covid-19 pandemic and whilst England is now seeing the roll out of a nationwide vaccination programme and some easing of lockdown measures, one must consider the operational context of modern communications in the management of future spikes in cases. There will undoubtedly be long-term implications on the way we do business, socialise and function and in 2020 the Department for Digital, Culture, Media and Sport published Guidance[9] on telecommunications infrastructure deployment in England, stating that:

> *"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."*

2.30 Ongoing Government advice for mitigating the spread of the virus includes at the time of writing working from home where practicable, a limitation on the number of people that can meet up in one place and the minimisation of face-to-face contact for vulnerable people. Mobile communications are therefore a key element in maintaining operational businesses, education and social interaction.

[8] https://www.cps.org.uk/research/upwardly-mobile/

[9] https://www.gov.uk/guidance/covid-19-guidance-for-telecommunications-infrastructure-deployment-in-england

2.31 In instances where childcare and educational establishments have had to close temporarily, mobile communications have been a key facilitator in remote learning with many schools and colleges having now adopted the use of bespoke apps or the likes of 'seesaw' or 'google classrooms' for teachers, students and parents/guardians to interact on a daily basis. Such apps allow schools/colleges to record what is happening, set and receive homework/coursework, and to notify parents of important information about operations, such as temporary closures or Covid-19 regulations. Whilst these apps can be used on many devices and work with both Wi-Fi and mobile communications networks connections, the dependence upon the latter is undoubtedly significant given the ease with which one can do so.

2.32 The Department have also published a further press release entitled "Industry and Government Joint Statement on Telecommunications Support for the NHS'[10] which highlights the NHS need for broadband and mobile services now that many healthcare services (e.g., hospital outpatient appointments) are being provided remotely and which outlines a new set of commitments including:

- Ensuring that hospitals have the connectivity they need;
- Enabling front line staff and clinicians to work remotely without service limitations; and
- Offering generous data allowances for their vulnerable mobile customers, so that patients have sufficient data to partake in video consultations.

2.33 One must also recognise the fact that mobile connectivity is the main means by which patients and the more vulnerable persons in our society can stay in touch with friends and family members who could no longer visit them in hospital, in care, in isolation or when shielding.

[10] https://www.gov.uk/government/news/industry-and-government-joint-statement-on-telecommunications-support-for-the-nhs

## 3.0 Cell Area and Description

3.1 As indicated in **Section 2**, Telefónica UK Limited (O2) and Vodafone Limited, currently supply the York Way / Hungerford Road / Cliff Road area of north Camden / Islington with 2G, 3G and 4G and 3G and 4G network coverage via the shared but Telefónica UK Limited (O2) hosted base station at the subject site. However, the operators are unable to provide multigenerational (including 5G) coverage via shared transmission equipment. Therefore, whilst the subject site will remain a 'shared site', the operators' upgrade of this base station will require the deployment of individual sets of antennas, whist also incorporating horizontal antenna separations between each operator's antennas to prevent interference.

3.2 The target coverage area is the mixed landuse area around the abovementioned junction, which sits just south of the boundary between the Borough of Camden and that of the Borough of Islington which runs along York Way. This target area is made up of primarily of commercial, educational and residential landuses and encompasses both the northern sections of the Camden Square Conservation Area and the southern sections of the Hillmarton Conservation Area, which lies in the neighbouring Islington area.

3.3 The subject site, an established telecommunications site located upon the rooftop of a 6-storey brick building, the main roof level of which is approx. 20m with a tallest feature point of approx. 25.4m. The building is in use as a self-storage facility situated on the southern side of York Way, opposite the Bridge Primary School and southeast of the corner of the Cliff Road junction. The rear of the building faces onto Cliff Villas.

3.4 The property is not nationally listed nor is it within a conservation area. However, as indicated above, there are built heritage assets in the locale. These include the following:

- Conservation Areas
    - Camden Square Conservation Area
      Within the Camden jurisdiction; the nearest point of which is located on western side of Cliff Road to the west
    - Hillmarton Conservation Area
      Within the Islington jurisdiction; the nearest point of which is north west of Hungerford Road / York Way junction to the north, north west
- Listed Buildings
    - 24 North Road, Grade II Listed Building, (listing ref: 1195691), located approx. 80m to the south east
    - Hungerford School, Grade II Listed Building, (listing ref: 1298043), located approx. 100m to the north
    - 62 Camden Mews, Grade II* Listed Building, (listing ref: 1392599), located approx. 250m to the south west
- Locally (Camden Borough) Listed Buildings
    - 115-123 York Way
    - 135 York Way
    - 151-153 (odd) York Way
    - 5-6 Cliff Villas

3.5 Please refer to **Fig. 1, 2** and **3** for further details of the subject site's context with these built heritage assets.

3.6 For reasons outlined in **Section 2**, a solution to both operators' predicament must be found in this immediate area. If the proposed critical infrastructure development cannot proceed, then Vodafone Limited will have to seek a completely new base station site in very close proximity of the subject site to ensure that customer

coverage and experience within a previously shared 'cell' is retained and to allow for Telefónica UK Limited (O2) to proceed with their proposed 5G upgrade of the subject site. Without development, reliable and uptodate digital connectivity will not be achieved.

## 4.0 Background

4.1 As detailed within the subject application which forms the basis of this appeal, although Telefónica UK Limited (O2) and Vodafone Limited have an agreement in place to share infrastructure for 2G, 3G and 4G network services, wherever possible, they will continue to compete in the telecoms market to retain and win customers and both will continue to differentiate themselves on the quality of the customer experience. They will, therefore, operate entirely independently as businesses with separate network strategies.

4.2 In this instance, both operators are seeking a viable solution for addressing their current 5G coverage requirement in the York Way / Hungerford Road / Cliff Road area of north Camden/Islington and both currently supply this locale with existing network coverage (i.e., 2G, 3G and 4G for Telefónica UK Limited (O2); 3G and 4G for Vodafone Limited) via the shared, Telefónica UK Limited (O2) hosted, base station at the subject site.

4.3 Although an upgrade of the established apparatus is the obvious choice for development with the Code of Best Practice on Mobile Network Development in England 2016[11] stating that alternative sites are not generally required for upgrades/alterations to existing sites including redevelopment or replacement of an existing development, one will appreciate that national planning policy requires a sequential approach to site selection. This approach has been adopted by the operators who have undertaken a review of all potential development options prior to progressing the subject proposal. The operators have firstly sought to ensure that no better planning option was available by considering if there was an opportunity to deploy an alternative site on another existing building or tall structure in the immediate locale. However, given the established nature of the telecommunications apparatus on the subject site and its non-listed nature and location outside conservation areas, and considering the built heritage sensitivities that exist within the immediate area, it was concluded that the use of an alternative site option would not be as appropriate as upgrading the existing site. Upgrading other existing sites in the area will not meet the connectivity objective; the upgrade must be at this particular site.

4.4 Unlike preceding generations of technology, the operators are unable to provide up to date multigenerational (including 5G) coverage using shared transmission equipment. Therefore, whilst the subject site will remain 'shared', the operators' upgrade of this base station will require the deployment of an individual sets of antennas, whist also incorporating horizontal antenna separations between each operator's antennas to prevent interference. A detailed site survey was undertaken to devise a design solution that would best fit the site context, address the operational need and to ensure that development struck an appropriate balance with planning policy guidance.

4.5 The Appellant devised a preliminary design scheme in mid-2019 and undertook a pre-application consultation in July of that year which included the LPA, Ward Councillors and Brecknock Primary School, design specific pre-application consultation was undertaken with the LPA and dated 15 September 2020. This consultation provided a location plan, draft drawings and details of the public consultation undertaken. A wider community consultation was also undertaken on this date. No detailed response was forthcoming from the LPA. Please refer to **Appendix 1** for a copy of the consultation letter to the LPA.

4.6 All planning and operational matters were then re-evaluated by the Appellant, with the finalised proposal confirmed as being 11No. antennas (5No. Vodafone Limited; 6No. Telefónica UK Limited (O2)), 4No. transmission dishes (1No. 300mm and 1No. 600mm Vodafone Limited; 1No. 300mm and 1No. 600mm Telefónica UK Limited (O2)), and all ancillary development including 2No. new support poles and 3No. sets of new stand-off brackets. (Please note that although 1No. Vodafone Limited antenna was initially designed for expansion, as recommended by Paragraph 113 of the National Planning Policy Framework, this antenna will now form an operational part of the subject proposal). It was deemed appropriate to progress the proposal to formal prior approval application stage and an application and all necessary notifications were then submitted via the Planning Portal on 23 October 2020. Please see **Appendix 2**.

4.7 Written confirmation that the application had been registered as valid under reference 2020/4916/P was subsequently received via email, 06 November 2020. Please see **Appendix 3**.

[11] https://uploads-ssl.webflow.com/5b7ab54b285dec5c113ee24d/5d5d4cd69a3f3827f30d06e9_Codes%20of%20Practice.pdf

4.8 No further correspondence took place between the Appellant's agent and the Council prior to the refusal of prior approval, with a Decision Notice being issued via email on 16 December 2020. The Appellant has since downloaded a copy of the Delegated Report via the LPA Public Access system. A copy of both the Delegated Report and the Decision Notice have been supplied in **Appendices 4** and **5,** respectively.

## 5.0 Planning Policy and Other Material Planning Considerations

5.1 When considering the appropriateness of telecommunications development proposals, it is imperative that Decision Makers give precedence to telecommunications specific policy where it exists. If it does not exist at a local level, or if the policy is out of date, then the NPPF must prevail. One must also appreciate that it is extremely unreasonable to expect niche infrastructural development to strictly adhere to more general policy criteria.

5.2 The following information outlines the various planning guidance and policy that has been considered relevant to the subject application.

**National Planning Policy Framework (NPPF)[12]**

5.3 The NPPF recognises the role that modern communications systems must play in achieving sustainable economic growth and provides a set of national planning objectives which are designed to support growth, protect the environment and ensure decisions are made at a local level. It encourages a more positive approach to how LPAs view development proposals with an emphasis on the important benefits modern communications bring, for example helping to achieve sustainable economic growth and the need for access to high quality mobile services in all areas, both rural and urban.

5.4 The NPPF also states that where a development plan is absent, silent, or out of date then permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the NPPF.

5.5 Section 10 of the NPPF is entitled "Supporting High Quality Communications" and reiterates in paragraph 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)
- Upgrades will be necessary in time

5.6 Paragraph 113 advocates that:

- Site/mast sharing potential should be investigated
- Sites should be carefully designed using a minimum size and scale of apparatus and disguises where necessary

5.7 Paragraphs 114 and 115 go on to confirm that developers must provide evidence in relation to their site selection process that confirms that every effort has been made to identify the best available site option.

5.8 Paragraph 116 also places an emphasis on the fact that LPAs must determine applications for communications infrastructure on planning grounds alone.

5.9 Other relevant Sections from the NPPF are outlined below:

- Section 2's 'Achieving Sustainable Development', Paragraph 8, continues to promote sustainable development via the support for economic, social and environmental objectives

[12] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

- Section 4's 'Decision Making', Paragraph 38, confirms the need for LPAs to approach decisions on proposed developments in a positive and proactive way, seeking to approve applications for sustainable development where possible.

- Section 6's 'Building a strong, competitive economy', Paragraph 80, outlines the need to support economic growth with Paragraph 82 highlighting the need to appreciate specific locational requirements; a matter that is which is very relevant to communications development which is based upon very specific geographical necessities. With modern technologies, coverage requirements must be addressed from within or extremely close to the target area.

- Section 16's 'Conserving and enhancing the historic environment', Paragraph 193, confirms the need to consider the potential impact of development upon historic assets with Paragraph 194 advocating that any proposal that does result in harm to a designated heritage asset must have clear and convincing justification. Importantly Paragraph 196 states that, where a development proposal leads to less than substantial harm, then this harm must be weighed up against the public benefits of the proposal.

**Code of Best Practice on Mobile Network Development in England[13]**

5.10 The key principles of the Code of Best Practice 2016 were based upon Section 5 of the preceding NPPF, (which has been superseded by Section 10 of the current NPPF), with the primary aim of the Code itself stated as being:

> *"…to ensure that the Government's objective of supporting high quality communications infrastructure, which is vital to continued economic prosperity and social inclusion for all, is met."*
>
> Paragraph 1.3

**London Plan 2016[14]**

5.11 At the time of submission and determination of the subject application, the London Plan 2016 was applicable. This Plan brings together the shared responsibility for planning between the Mayor of London, the 32No. London Boroughs and the City of London Corporation and offers a strategic plan for the city setting out an integrated economic, environmental, transport and social framework for development over a 20-25year period.

5.12 In considering the subject application the LPA have made only passing reference to this plan and have not provided any detailed assessment against relevant policies therein. The Appellant would take this opportunity to highlight that the Plan contains the following policy which relates specifically to communications technologies and should therefore take precedence:

- Policy 4.11 'Encouraging a Connected Economy' states:

  *"The Mayor and the GLA Group will, and all other strategic agencies should:*

  *a) facilitate the provision and delivery of the information and communications technology (ICT) infrastructure a modern and developing economy needs, particularly to ensure: adequate and suitable network connectivity across London (including well designed and located street-based apparatus); data centre capability; suitable electrical power supplies and security and resilience; and affordable, competitive connectivity meeting the needs of small and larger enterprises and individuals*
  *b) support the use of information and communications technology to enable easy and rapid access to information and services and support ways of working that deliver wider planning, sustainability and quality of life benefits."*

[13] https://uploads-ssl.webflow.com/5b7ab54b285dec5c113ee24d/5d5d4cd69a3f3827f30d06e9_Codes%20of%20Practice.pdf

[14] https://www.london.gov.uk/sites/default/files/the_london_plan_2016_jan_2017_fix.pdf

5.13 Other relevant policies contained within the plan that should be applied on a weighted basis are as follows:

- Policy 7.4 Local Character
- Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology

5.14 Additionally, given that modern and efficient digital communications are integral to the well-being of the city's economy, help reduce the need to travel, provide social inclusion benefits and are the main means of contacting the emergency services, it would also be wrong to ignore other general policies that could be argued to be of equal relevance in principle. These include:

- Policy 4.1 Developing London's Economy
- Policy 4.12 Improving Opportunities for All
- Policy 5.1 Climate Change Mitigation
- Policy 7.3 Designing out Crime
- Policy 7.14 Improving Air Quality

**London Plan 2021**[15]

5.15 Since the determination of the subject application, the Mayor of London has published the London Plan 2021 which now forms the Spatial Development Strategy for Greater London setting out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth. The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. This will therefore be applicable to the subject Appeal.

5.16 The Plan confirms that each of the London Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

5.17 The foreword of the Plan confirms the intent to make London a pioneering smart city with world-class digital connectivity supporting more digital devices to improve the lives of Londoners and enable businesses to thrive. This theme runs throughout the Plan.

5.18 The Plan also contains policy that is specific to telecommunications development in the form of the following:

- Policy SI 6 'Digital connectivity infrastructure' which states:

  A. *"To ensure London's global competitiveness now and in the future, development proposals should:*

     1) *ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within new developments, unless an affordable alternative 1GB/s-capable connection is made available to all end users*

     2) *meet expected demand for mobile connectivity generated by the development*

     3) *take appropriate measures to avoid reducing mobile connectivity in surrounding areas; where that is not possible, any potential reduction would require mitigation*

     4) *support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure.*

15 https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/draft-london-plan-consultation-and-minor-suggested-changes

*B. Development Plans should support the delivery of full-fibre or equivalent digital infrastructure, with particular focus on areas with gaps in connectivity and barriers to digital access."*

5.19 Other relevant policies and sections from the Plan are listed below:

- GG5 Growing a Good Economy
- HC1 Heritage conservation and growth
- D4 Delivering good design
- SI 1 Improving air quality
- SI 2 Minimising greenhouse gas emissions

**London Borough of Camden Local Plan, 2017**[16]

5.20 The Council has adopted several planning documents that together form the development plan for Camden. The Local Plan is the key strategic document in Camden's development plan setting out the vision for shaping the future of the Borough and contains policies for guiding planning decisions. The Plan does not contain any telecommunications specific policy but in considering the subject application the Council have referenced the following Policy as relevant:

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

5.21 They have, however, failed to ensure that all relevant policies have been considered having omitted the following equally relevant general policy from their assessment:

- Policy E1 Economic development
- Policy CC1 Climate change mitigation
- Policy CC2 Adapting to climate change

**Other relevant Planning Guidance**

5.22 The following documents are considered relevant to the subject proposal:

- Camden Planning Guidance (CPG) 'Digital Infrastructure 2018'[17]

5.22.1 The Council has produced several CPG documents to supplement their Local Plan and the abovementioned is very relevant to this Appeal as, whilst holding less weight than the Local Plan or other development plan documents, it is considered to be a material consideration.

5.22.2 The CPG's 'Key Messages' includes the following:

- The Council will support the expansion of electronic communications networks, including telecommunications…
- The Council will require applications for telecommunications development to be supported by the necessary evidence to justify the proposed development.

5.22.3 Importantly, the CPG stresses the need to follow the guidance provided in the NPPF, a requirement to minimise the number of telecommunications sites within the Borough and a preference for rooftop developments, stating:

[16] https://www.camden.gov.uk/documents/20142/4820180/Local+Plan.pdf/ce6e992a-91f9-3a60-720c-70290fab78a6
[17] https://www.camden.gov.uk/documents/20142/4823269/Digital+Infrastructure+CPG+March+2018.pdf/217ea6f8-19b1-8bd7-b630-54905911303e

> *"…the Council will aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used unless the need for a new site has been demonstrated to the satisfaction of the Council…"*
>
> Paragraph 13

5.22.4 The CPG concludes by referring to the Council's aim to support 'high quality, next generation connectivity' via better connections of both businesses and residents and the increased use of digital technology to deliver services.

- Camden Square Conservation Area Appraisal and Management Strategy, 2011[18]

5.22.5 Whilst the subject site does not fall within this designation, the document is considered to be relevant as the boundary of the Conservation Area runs along the western side of Cliff Road, opposite the western façade of the host building.

5.22.6 This document is split into 2No. parts, i.e.,

- Part 1 Conservation Appraisal providing an assessment of the Camden Square Conservation Area's special character giving consideration to the key issues and pressures that are affecting the area as of 2010; and
- Part 2 Management Strategy setting out positive actions for the particular care required to preserve or enhance the special character, to anticipate change, and ensure future review

5.22.7 The document makes specific reference to the land on which the subject site is located, referring to it as a 'missing section' and stating that:

> *"The missing section is the Cliff Road to Camden Park Road triangle which formerly contained the reservoir, school and terraced houses, all constructed by 1894. Only the school and a few remnants of the houses remain. A large red brick furniture repository faces Cliff Road."*

**Policy Summary**

5.23 It is our contention that in submitting the subject application the Appellant has achieved adherence with the abovementioned National and Local Planning Policy in that they have:-

- Proposed a site sharing solution for Telefónica UK Limited (O2) and Vodafone Limited on a building rooftop with established critical mobile digital infrastructure in place.
- Provided operational justification for the development.
- Identified a site that does not have unacceptable impact upon historical assets or restrictive planning policy designations.
- Minimised visual impact as far as operationally possible by limiting all elements of the development to a minimum operational size and amount whist incorporating a simplistic and appropriate design.
- Provided confirmation of ICNIRP compliance.
- Demonstrated confirmation of the public benefits the development will bring and that they significantly outweigh any limited harm that may occur.

[18] https://www.camden.gov.uk/documents/20142/7300530/NEW+Camden+Square+CAA+%26+MS+final+draft+11+March+2011.pdf/4474173b-e8b8-cdb0-cfb5-7a54046de4d9

## 6.0 Case for the Appellant

6.1 The proposed critical infrastructure development will act as an integral part of the existing and planned cellular networks of Vodafone Limited and Telefónica UK Limited (O2) in that it will provide the York Way / Hungerford Road / Cliff Road area of Camden / Islington with up-to-date multi-generational mobile coverage, (i.e., including 5G network services) via the shared base station at the subject site. Whilst to date the operators have been able to supply existing network services (2G, 3G and 4G for Telefónica UK Limited (O2); 3G and 4G for Vodafone Limited) via the Telefónica UK Limited (O2) hosted apparatus on site, the operators require the deployment of an individual sets of antennas each to upgrade this site to include 5G technologies

6.2 The intent of the subject proposal is for the design principles of the established base station to be replicated with several pole mounted antennas, transmission dishes and ancillary apparatus deployed upon the rooftop of the host building; a large, non-listed commercial building that sits outside of any sensitive planning policy designations and as it is already used for mobile phone base stations, clearly a sensible sequentially preferable option for providing the additional required connectivity.

6.3 In refusing the subject application the Council has identified the following as main points of contention:

- Inappropriate siting
- Inappropriate design
- Impact upon amenity, specifically the character of the host building, the streetscene and the Camden Square Conservation Area
- Benefit does not outweigh harm
- Lack of compliance with planning policy

6.4 Whilst it is understood why the Council has concerns on the matters listed above, this statement will clarify that these are unfounded by addressing each and other relevant issues in a more specific and individual context below. It will be demonstrated that the Council assessment of the subject application has not applied a balanced consideration of all material planning considerations and, in doing so, they have overlooked both the specific operational requirements of this niche infrastructural development along with the social and economic benefits in play.

6.5 Rather than affording priority to the most relevant National Government guidance on telecommunications development, the NPPF, and the valid telecommunications specific policy that exists at a city-wide level, the Council appear instead to have focused on heritage and sought to apply too great a weight to more generalised Local Plan policy criteria that simply cannot be adhered to in such infrastructural developments.

**Siting**

6.6 In determining the subject application, the LPA have suggested that the siting of the proposed critical infrastructure development is inappropriate and would be to the detriment of local amenity, specifically that of the host building, the streetscene and the Camden Square Conservation Area. In doing so, they appear to be ignoring the fact that the this is a well-established rooftop telecommunications site and one that acts as the primary telecommunications site in this locale, hosting a number of operators, not just Telefónica and Vodafone. Furthermore, the proposal will not result in an increase in the number of telecommunications base station sites deployed in the locale. They also appear to be overlooking the fact that the unsuccessful upgrade of this shared site will require Vodafone Limited to deploy a new and additional base station in very close proximity to both cater for their network coverage needs and to allow their partner Telefónica UK Limited (O2) to proceed with the upgrade of the existing apparatus that they have deployed on-site.

6.7 As indicated in **Section 4**, the Code of Best Practice on Mobile Network Development in England advises that the assessment of alternative sites is not generally required when, as in this case, an existing site is upgraded, and the Council has not sought to dispute the principle of this upgrade. However, the reason for refusal on the Decision Notice states that:

> *"The proposed telecommunications equipment, by reason of its location… would result in prominent rooftop additions to the detriment of the character and appearance of the host property, the streetscene and the adjacent Camden Square Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017."*
>
> Decision Notice**, Appendix 5**

6.8 The Appellant would reiterate that the siting of any base station proposal is intrinsically linked to operational need, the availability of sites and the land uses present within the target area. The design of a base station is in turn dictated by function and the context of the nominated site. So, to understand if a development proposal is acceptable on planning merit, it is imperative that there is an appreciation of the development's operational context and how the subject site was identified for use.

6.9 A clear written justification for the proposed critical infrastructure development was supplied in Sections 3 and 4 of the Supplementary Information (SSSI) document submitted with the subject application. In addition to the above, **Sections 2, 3** and **4** of this **Statement**, along with the earlier paragraphs in this **Section**, provide further evidence of and background to the operational context of the subject development, verifying that Telefónica UK Limited (O2) and Vodafone Limited currently supply the York Way / Hungerford Road / Cliff Road area of Camden / Islington with 2G, 3G and 4G network coverage via the shared but Telefónica UK Limited (O2) hosted base station at the subject site. This current coverage extends north and south of York Way and encompasses land within the Islington and Camden Boroughs, respectively, and it is this area that the operators are seeking to supply 5G coverage to. It is important to note that the majority of the coverage area within the Camden jurisdiction is covered by the Camden Square Conservation Area designation with significant portions of that within the Islington jurisdiction also subject to built heritage designations in the form of the Hillmarton Conservation Area to the northwest and the Grade II Listed Buildings at 24 North Road and the Hungerford School. Development within the local area is both unavoidable and necessary if up-to-date network coverage for both operators is to be achieved via an upgrade the existing critical infrastructure at this site.

6.10 One will appreciate that, when seeking to identify a viable site from a technical and operational perspective, the sequential approach to site selection process must take account of the following factors:

- Location within the target coverage area;
- The need for the sector antennas to transmit without infringement, providing an acceptable level of coverage;
- The need for transmission dish links to achieve direct line of sight;
- Access to a power source; and
- Access for construction, maintenance and decommissioning purposes.

6.11 As well as recognising the established nature of the base station at the subject site, the operators must also consider the bespoke nature of the coverage requirement and give due cognisance to the various limiting factors which include the variety of size and scale of buildings present within the densely built up target coverage area; the presence of built heritage assets; the lack of any other existing telecommunications base station sites; and, the shortage of other available or viable structures upon which to locate the necessary apparatus.

6.12 Despite the sensitivity associated with the existing site's proximity to the Conservation Area and other built heritage assets, (as confirmed in **Figs. 1, 2** and **3**), the land use within the locale can only be described as mixed use with a variety of building size, scale, age and aesthetic present. One must also acknowledge that the host building is not itself listed nor is it within a restrictive planning designation. The building is also an unremarkable 6-storey red brick warehouse incorporating a functional architecture with various rooftop infrastructural elements already in place, as has been clarified by the Delegated Report's 'Site Description' and 'Relevant History'.

6.13 One will appreciate that, despite the extensive Conservation Area designations, there are only a limited number of listed buildings present in proximity of the subject site, the closest of which are the Grade II Listed Buildings at 24 North Road and Hungerford School, located approximately 80m to the southeast and 100m to the north,

respectively. One would, however, highlight that the road layout, when taken with distance and the presence and variety of intervening features and buildings, mean that the subject site does not generally sit in direct visual context of these listed buildings when viewed from surrounding vistas.

6.14 The Appellant's application did not contain a list of alternative sites as the Code of Best Practice on Mobile Network Development in England 2016 states that alternative sites are not generally required for upgrades/alterations to existing sites including redevelopment or replacement of an existing mast. The reader will also appreciate that this is an existing and well-established shared, rooftop telecommunications site. As touched upon in **Section 4** earlier in this **Statement**, the only alternative to the proposed upgrade would be one of the following options:

(i) Both operators (Telefónica UK Limited (O2) and Vodafone Limited), to seek to deploy an alternative site in the immediate locale; Or

(ii) Telefónica UK Limited (O2) to remain on-site and upgrade their apparatus to 5G with the sharing operator, Vodafone Limited, to seek to deploy an alternative site in the immediate locale

6.15 Given the fact that the subject site has previously been identified as a viable development option for a number of licenced operators and is now well established as the primary telecommunications site in this locale, and considering the built heritage sensitivities that exist within the immediate area, it was concluded that neither of these options would be as appropriate as upgrading the existing site as this would increase the number of base stations being deployed in the area, creating a cumulative impact issue and diffusing impact unnecessarily from one site to at least another.

6.16 The Appellant therefore contends that the subject site strikes an acceptable balance between all planning, operational and community considerations, achieving an appropriate provision of reliable replacement mobile digital connectivity in the public interest.

**Design**

6.17 As the reader will be aware from **Section 4**, following the Appellant's selection of the subject site, a detailed site survey was undertaken to devise a design solution that would best fit the site context, the operational need in the public interest, and to strike a balance with planning policy guidance. To do so the Appellant first sought to determine what antenna and dish orientations were required to satisfy both the necessary coverage and capacity requirement in the context of the adjoining cell areas and direct line of sight for transmission dish links with other base stations within the wider network.

6.18 The onsite technical assessment by the operators' network planning team confirmed that each of the antennas would need to be positioned at heights above most existing rooftop features to avoid infringement by these and signal clipping by the expanse of the host building and the parapet around the roof edge. Additionally, the operators needed to specifically orientate these elements to achieve an effective antenna transmission to their target areas, avoiding infringement by surrounding clutter. A pole-mounted antenna scheme was devised as this is both simplistic and functional in form and represents the most readily accepted design for rooftop telecommunications network infrastructure throughout urban and suburban settings across the UK. It also reflects the design principles of the apparatus already installed on the host building.

6.19 The proposed 11No. antennas (3No. Sectors with 5No. Vodafone Limited antennas and 6No. Telefónica UK Limited (O2) antennas) are to be mostly paired off onto 6No. support poles, 3No. of which will also accommodate the 4No. dish (2No. per operator) being proposed. Please note that the existing antenna heights of 23.8m will be retained for 8No. of the proposed antenna, (i.e., 5No. Vodafone Limited and 2No. Telefónica UK Limited (O2)). However, the Telefónica UK Limited (O2) Sectors 1 (2No. antennas (A1 and B1) at 105° orientation) and 2 (2No. antennas (A2 and B2) at 225° orientation), will incorporate slight height increases to 25.85m and 24.3m, respectively. One must appreciate that 5G technologies operate in higher frequency bands than older technologies and therefore attenuation of the radio signal is naturally higher and more prone to the effects of clutter. This means that operators will often require a higher structure or antenna position to achieve the same degree of coverage footprint as preceding generations. The proposed height increase for these

antennas is absolutely necessary if signal clipping and infringement is to be avoided. Please note that although 1No. of the proposed antennas had been annotated on the submitted planning drawings as a 'future' antenna, i.e., that annotated as 'Future VF Sector 2' on plan 202, this is to be implemented. Please refer to Plans 200 Rev A, 202 Rev B, 300 Rev A and 302 Rev B submitted with the subject application for further details, (see **Appendix 2**). Please also note that **Fig. 4** provides full details of existing and proposed antennas including reference to a second Sector 2 antenna for Vodafone Limited, which is merely included for future proofing design and is not part of the subject proposal.

6.20 The operators have sought to group the apparatus as best as possible, i.e., 8No. and 3No. antennas have been positioned the north-eastern and southwestern sections of the rooftop, respectively. The need for individual operator antenna systems, antenna separations and the avoidance of signal infringement by other features and surrounding clutter, mean that an increased spread of apparatus across the rooftop is unavoidable.

6.21 Each element of the elements that protrude above the main roof level will be coloured in a matt grey finish of RAL7035 Grey, which is considered to contrast least with its context of the existing communications infrastructure features upon the host building's rooftop and any views that may be afforded against the wider roofscape and the predominantly cloudy British skyline.

6.22 The reader may be aware that the use of GRP shrouding can sometimes be deemed appropriate as a possible means of screening antennas and associated apparatus. However, the Appellant would reiterate that from an operational perspective the shrouding of 5G antennas severely limits their operational viability due to their adaptive beamforming technologies required for increased capacity and data speeds to the user. Even if this technological issue were to be overcome, it is considered that the introduction of GRP elements would be no more appropriate than the current design solution as it would introduce a much more substantial and bulkier rooftop feature, increasing the impact of development upon character of the host building and the wider roofscape and street scene, and would not be in keeping with the appearance of the existing infrastructure on the roof.

**Impact upon Amenity**

6.23 As outlined above, both Telefónica UK Limited (O2) and Vodafone Limited currently supply the York Way / Hungerford Road / Cliff Road area of Camden / Islington with 2G, 3G and 4G network coverage via the shared but Telefónica UK Limited (O2) hosted base station at the subject site. However, the operators are now seeking to provide a 5G coverage solution to this locale, hence the need for the subject development.

6.24 When considering new telecommunications proposals, it is important that the Decision maker appreciates that it is almost impossible to introduce new infrastructural elements to any environment without some degree of impact. Indeed, with telecommunications infrastructure, it is virtually impossible to physically enhance the setting in which it is located and more often than not, all that can be done is the seek to limit impact to an absolute minimum through sensitive siting and design practices, as has been the case. From an operational perspective, antennas must 'see' the area they are providing service to, otherwise they cannot send a signal and they cannot work. Additionally, because this requirement relates to the provision of new 5G services in an area that includes both the Camden Square and Hillmarton Conservation Areas, development in the context of these designations cannot be avoided.

6.25 The fact that both Cornerstone operators and other licenced operators have apparatus on the host building sets a precedence for and acceptance of telecommunications developments at the subject site and, despite its proximity to planning sensitivities, the Appellant would again labour the point that this is a rooftop upgrade proposal with the host building being neither listed nor within either of the aforementioned Conservation Areas. The subject site, therefore, is a very viable option for development and we would reiterate that at no point during the processing of the subject application has any party put forward an alternative site suggestion. Further to this, each element of this proposal has been limited to an operational minimum in terms of size and amount with the principles of both the previously established and consented telecommunications base station designs having been reflected in this proposal.

6.26 Whilst it is not disputed that the proposed base station will be visible from certain surrounding vistas, the Appellant contends that the Council have been overprotective of a very non-descript building and that, when assessing the impact of the subject proposal, there appears to be a lack of reasonable consideration about where and in what context views of the development will be afforded; just because a development is generally visible and is in proximity to historic assets or designations does not necessarily equate to a detrimental impact. The Council also appear to be ignoring the fact that the rooftop in question is now the primary shared base station site in the area and that the only alternative to upgrading the existing apparatus is the deployment of a new site in close proximity.

6.27 So, to fully understand the potential impact of the proposed critical infrastructure development upon general amenity and the built heritage assets that exist in the area, we would refer the reader to the submitted planning drawings (**Appendix 2**), the panoramic assessment extract, (**Appendix 6**) and to the **Figures** provided.

6.28 The Location Plan, (Plan 100 Rev A), clearly indicates the position of the site in a context of neighbouring properties and features, confirming the presence of a mix of property sizes in and around the host building. One will note also from the photograph on Plan 100 and from visiting the area that the host building is a 6-storey red brick warehouse incorporating a functional architecture with various rooftop infrastructural elements already in place. The plan also confirms that the building's north-eastern façade forms part of a terrace of 6No. buildings of similar height but differing use, size and architecture that face onto York Way close to the Cliff Road junction, with the north western façade looking onto Cliff Road and the southern façade facing onto Cliff Villas. The south eastern side of the building adjoins the properties located at both 5 Cliff Villas and 143 York Way. One will also note from visiting the area that there is a wide variety of building type, age, size, scale and architecture present with the host building and that of 253 Hungerford Road, on the opposite side of York Way, being the largest of note.

6.29 As indicated above, the existing apparatus belonging to the Cornerstone operators and other licenced operators on the host building is currently visible from certain publicly accessible vistas in the locale and these have been reflected in the **Figures 5-12**.

6.30 **Figs. 5** and **6** show the extent of visibility of the existing apparatus when viewed upon approach by those travelling south on Hungerford Road and from perspectives at its junction with York Way. One will also be aware that the Hillmarton Conservation Area covers the properties on the northern side of York Way, west of the Hungerford Road junction, and the land on the eastern side of Hungerford Road north of the Bridge School. The latter also includes the Grade II Listed Hungerford School. However, as one approaches from Hungerford Road, the building at 253 Hungerford Road, (see **Fig. 5**), screens the majority of the host building from view until one reaches the York Way junction. Therefore, there is no impact upon the built heritage assets to the north of the Bridge School. Although the existing 4No. antennas (EA1 and EB1 at 0°; EA2 and EB2 at 120°) in the north eastern corner of the host building are visible once one draws parallel with the cylindrical stairwell element of 253 Hungerford Road and from the southern sections of the Hillmarton Conservation Area, one must appreciate that these will be removed and replaced with only 2No. Telefónica UK Limited (O2) antennas, i.e., A3 and B3, at 325° in this position. The replacement antennas will not incorporate any height increase and, as per **Fig. 4**, although antenna A3 will be 0.2m longer than those that currently exist, antenna B3 will be 1.4m shorter. The reorientation will also create a slimmer form when viewed from the north east, lessening the degree of visual impact from this vista. When viewed from the north west, there will be little discernible change. One will also appreciate that the buildings within the Hillmarton Conservation Area on the northern side of the York Way, west of the Hungerford Road junction, do not have corner windows and instead face onto the aforementioned roads. Even though private views are not a planning consideration, it is worth noting that they do not, therefore, look directly towards the site. It will only really be those travelling along these road networks that will look directly at the site and even then, they would have to raise their line of vision to roof level. Such views are also deemed less sensitive than those associated with fixed point assets due to their transient and temporary nature.

6.31 One will note that 2No. newly proposed Vodafone Limited antennas, C3 and E3, and 1No. 600mm dish, will sit a further 10m back from the north eastern corner and will at times be visible from the Hungerford Road and Hungerford Road/York Way junction perspectives, yet the setback distance will limit their impact, especially given that with the building on the corner of Cliff Road and York Way will offer a good degree of screening to

eyelevel views from the west and north west. As a result, the impact of these Vodafone Limited antennas is expected to be negligible.

6.32 **Figs. 7** and **8** show the extent of visibility of the existing apparatus when viewed upon approach from the east along York Way and, as per **Fig. 3**, the only built heritage asset in this locale is that of the property at 24 North Road, a Grade II Listed Building. As one approaches from the east, one will note the size and scale of the host building and that of its neighbour at 253 Hungerford Road, both of which draw the focus of the eye along the road rather than upwards towards the roofline. The reader will be aware from the submitted plans and **Figs. 7** and **8** that there is existing infrastructure belonging to another licenced operator present on the eastern-most corner of the host building with the arc of the York Way meaning that other infrastructure on the rooftop is not easily visible upon approach from the east. Visual impact is not therefore considered to be significant from this perspective.

6.33 The Delegated Report (**Appendix 4**) provides a similar image to that of **Fig. 8** in the section titled '3.0 Siting and Appearance' and in doing so, the Case Officer has suggested that:

> *"Although there is a slightly irregular roofline along this terrace, there is a generally consistent rhythm to the overall roof scape, with the existing host building (red brick) being the tallest. Existing telecoms installations are visible at the parapet corners."*

6.34 The Appellant agrees that there is an irregular roofline here. However, they would also propose that the only consistent rhythm here is an undulating variation. Additionally, the view of the proposed development from this perspective offers a vista to and from a very ordinary streetscene and not from within or adjacent to, nor showing the proposed development in a context of, a conservation area or listed building.

6.35 It is only as one moves further towards the northern side of York Way close to the junction with North Road that the full extent of the host building's north eastern façade becomes apparent, providing visibility of the existing 4No. antennas (EA1 and EB1 at 0°; EA2 and EB2 at 120°) in the north eastern corner as well. The view from this junction will also afford visibility to 2No. Telefónica UK Limited (O2) antennas, i.e., A3 and B3, at 325° which will replace the aforementioned 4No. existing antennas in situ, along with the newly proposed 4No. antennas on the north eastern roof edge, i.e., 2No. Vodafone Limited antennas, C1 and E1, and 300mm dish, and 2No. Telefónica UK Limited (O2) antennas, A1 and B.1. The latter 2 No. Telefónica UK Limited (O2) antennas will also incorporate a slight height increase to 25.85m. However, views from this perspective are not deemed to be sensitive and will be limited to those using the junction. They will therefore be temporary and ever-changing. The Grade II Listed 24 North Road sits in this vicinity, yet the Listed Building looks directly over the North Road and is not orientated towards the host building. Additionally, it is physically and visually removed from the host building by >60m and the intervening mature trees within the property north of the North Road/York Way junction. One will note that as one travels south along North Road, eyelevel views of the subject site are fleeting due to the presence of large-scale buildings on the western side of North Road and the aforementioned trees. Impact upon this vista will be insignificant.

6.36 The introduction of these 4No. antennas on the north eastern roof edge will have some degree of impact, but one must acknowledge that there is already visibility of the existing antennas from this perspective. The additional infrastructure, whilst visible, will not have a significant impact, especially when one considers that these will be limited to those travelling along the road networks and again, one would have to raise their line of vision to roof level. Such views are also deemed less sensitive than those associated with fixed point assets due to their transient and temporary nature.

6.37 **Figs. 9** and **10** show the extent of visibility of the existing apparatus on the rear of the host building when viewed upon approach from the south along Cliff Road. One will note also from **Fig. 1** that the Camden Square Conservation Area boundary runs along the western side of Cliff Road. However, there are no listed buildings in this area and, despite several locally listed buildings being present on Cliff Villas, no statutory listed buildings exist here either. The view from Cliff Road (a south bound, one-way street) to the south of the host building looking back to the north, provides vistas of the southwestern facade and parts of the north western roofline giving visibility to existing other licenced operator antennas in the western-most corner of the roof and the

2No. existing antennas located on the southern-most corner of the rooftop, i.e., EA3 and EB3 at 240°. However, as the evidence in **Fig. 9** and **10** confirms, a view of the latter is limited to close quarters with the properties and mature trees along the eastern side of Cliff Road, south of the Cliff Villas junction, providing significant screening to all but the north western edge of the host building. There is no apparatus proposed in the western-most corner of the roof as part of the subject development and although the 2No. newly proposed Vodafone Limited antennas, C3 and E3, and 1No. 600mm dish, sit close to the north western edge of the roof, the fact that they sit a further 30m back from the aforementioned corner means they will be completely screened from view by the expanse of the host building and both the properties and mature trees along the eastern side of Cliff Road, south of the Cliff Villas junction.

6.38 Close quarter views will be afforded to the 2No. Telefónica UK Limited (O2) antennas, i.e., A2 and B2, that will replace the aforementioned EA3 and EB3 antennas. These new antennas will also incorporate a slight height increase of 0.5m to 24.3m to top with antenna A2 also being 0.2m longer, antenna B2 will be 1.4m shorter, as per **Fig. 4**. The 2No. dish to be installed at this location, i.e., 1No. 600mm and 1No. 300mm, will have little to no impact and visibility of the new antennas will be limited to very close quarter views.

6.39 One must also appreciate that the residential blocks on the western side of Cliff Road which sit within the Camden Square Conservation Area are orientated to face directly onto the road. They do not face towards the host building and, with consideration for the direction of the one-way street, views to the north will be limited to foot traffic. In light of the established presence of the existing infrastructure and the context of the host building's size and scale, it is considered that impact from the Cliff Road perspective will be limited, very localised and acceptable. One would also take this opportunity to draw the reader's attention to the fact that the LPA have previously been supportive of other clearly visible telecommunications infrastructure development at Church Studios, (planning references 2010/2945/P and 2016/2813/P), which sits at a more prominent and central position in the Camden Square Conservation Area. Please refer to **Figs. 13, 14** and **15** in this regard.

6.40 **Fig. 11** provides a perspective from Cliff Villas to the east of the site, which will also afford visibility to the 2No. existing antennas located on the southern-most corner of the rooftop, i.e., EA3 and EB3 at 240°. An existing other licenced operator dish, located further northeast, is also visible. The aforementioned EA3 and EB3 antennas will be replaced by 2No. Telefónica UK Limited (O2) antennas, i.e., A2 and B2, at a similar orientation of 225° but with a slight height increase of 0.5m to 24.3m. It is, however, again worth noting that although A2 will be 0.2m longer than those that currently exist, antenna B2 will be 1.4m shorter, as per **Fig. 4**. 2No. dish will also be installed at this location, i.e., 1No. 600mm and 1No. 300mm. The view from Cliff Villas will also afford visibility to the 1No. Vodafone Limited antennas, E2, and the 600mm dish, which will be located approx. 16m further along the southwestern edge of the roofline. The height of these elements of the proposal will reflect that of the existing antennas. Again, visibility of the newly proposed antenna from Cliff Villas will be available, but in light of the established presence of the existing infrastructure, the size of the host building and the non-sensitive nature of this view, impact upon amenity from this rear/eastern perspective is expected to be limited and acceptable.

6.41 **Fig. 12** shows the extent of visibility of the existing rooftop when viewed upon approach from York Way west of the Cliff Road junction. The existing 4No. antennas (EA1 and EB1 at 0°; EA2 and EB2 at 120°) in the north eastern corner are visible and the intent is that these will be removed and replaced with only 2No. Telefónica UK Limited (O2) antennas, i.e., A3 and B3, at 325° in this position. The replacement antennas will not incorporate any height increase and, as per **Fig. 4**, although antenna A3 will be 0.2m longer than those that currently exist, antenna B3 will be 1.4m shorter. Given the bulk of the 4No. existing antenna installation, the reorientation to 325° will have no additional impact when viewed from the west. The Appellant would also contend that the eye is automatically drawn to the large cylindrical element of the building opposite at 253 Hungerford Road, rather than the rooftop telecommunications equipment. There are 2No. newly proposed Vodafone Limited antennas, C3 and E3, and 1No. 600mm dish, also sittin on the north western edge of the roofline, yet the fact that they sit a further 10m south of the north eastern corner will result in the terraced buildings along the south side of York Way, west of the Cliff Road junction, providing screening to these views until one reaches the junction itself. Again, whilst new elements will be visible from these perspectives, the overall impact of the infrastructure is not considered to be significant.

6.42 The Appellant would also argue that, when one considers the visibility of the proposed infrastructure, one should try not to focus solely on the development itself but upon its overall context, i.e. the size of the host building and its neighbours; the distances involved; and the presence of both intervening and wider panoramic features must be taken into account. Again, the Appellant contends that the impact of the antennas upon general amenity could not be deemed significant nor unacceptable, particularly when viewed against the backdrop of the existing antenna infrastructure on the rooftop.

6.43 In addition to the **Figures** mentioned above, which offer perspectives from various positions in the local area that are considered to have a reasonable view of the host building and its rooftop, i.e., upon approach from the adjoining road network and in a context of both the Camden Square and Hillmarton Conservation Areas, the panoramic assessment provided in **Appendix 6** offers additional evidence as to what existing features exist not just at a roof level, upon the host building and within both the immediate locale and the wider cityscape. One will note the variety in size, scale, age and architecture of the buildings present and the amount and variety of infrastructural features that exist on many of the visible rooftops. There can be no doubt that there are equally if not more dominant features within the city's local roofscape that immediately draw the eye as readily as the host building; namely,

- Rowstock Gardens residential blocks (see views between 20° to 30° orientations)
- 253 Hungerford Road, (hidden by plantroom but at around 60° orientations)
- Cally Clock Tower, (see views between 125° and 130° orientations)
- York Way Estate residential block, (see views between 140° to 160° orientations)
- Church Studios, (see views between 290° to 300° orientations)

6.44 The Council Decision Notice suggests that:

> *"The proposed telecommunications equipment, by reason of its location, design, scale and height, would result in prominent rooftop additions to the detriment of the character and appearance of the host property, the streetscene and the adjacent Camden Square Conservation Area…"*
>
> Decision Notice, **Appendix 5**

6.45 However, it is clearly evident from the above that whilst visible from certain perspectives, the proposed apparatus does not appear to protrude above the roofline of the host building, nor intrude upon the skyline, any more significantly than that of the established apparatus.

6.46 One will appreciate that the host building whilst sited close to Conservation Areas is not listed, nor does it sit in a close context of listed buildings and is fairly unremarkable in its aesthetic. It is also the primary shared rooftop telecommunications site in this locale. It would, therefore, be hard to argue that the introduction of a limited amount of further telecommunications apparatus, with a design that reflects that of the existing Cornerstone operator and other licenced operator infrastructure, upon this 6-storey rooftop would have a detrimental impact upon the host building or any nearby built heritage asset, especially when one considers the specifics of where and in what context the development would be visible from.

6.47 The development may be visible from certain viewpoints associated with, and would not physically enhance the setting of, the Camden Square and Hillmarton Conservation Areas, but one must acknowledge that it clearly does not detract from it to an unacceptable degree.

6.48 Additionally, one would suggest that the LPA may be taking an inconsistent approach to telecommunications development and would question why the perceived impact of the either the existing development on site or that of the Church Studios was found to be more acceptable than that of the subject proposal?

**Harm versus Benefit**

6.49 Telecommunications development is now an accepted infrastructural element in our modern environment with the presence of rooftop antennas being a commonplace feature in any city roofscape. One must also recognise the fact that mobile telecommunications base stations, like street lighting, signage, bus stops, gas, electricity,

water and any other utilities/infrastructural elements, are now an integral piece infrastructure upon which, more so now than ever, our society is heavily dependent.

6.50 It is undeniable that there are extensive economic, social and sustainability benefits associated with modern communications networks, as have been expanded upon in **Section 2** above. These many benefits offer circumstances which should be considered more than sufficient to outweigh any limited impact that may occur in this instance. However, an even greater emphasis has been thrust upon such networks by the recent Covid-19 pandemic. At the time of determining the subject application, the UK was facing a pending national lockdown. Such occurrences have resulted in a significant and widespread societal shift to remote working and an increased reliance upon both online services and social media interaction for both business and personal use. Despite an advancing vaccination programme this trend is set to continue for the foreseeable future at the time of writing, and it is undeniable that mobile communications will continue to be a key element in making these shifts possible.

6.51 The reader will also appreciate the operational context of this proposal, in that failure to provide a 5G coverage solution for both Telefónica UK Limited (O2) and Vodafone Limited will be to the detriment of all who live, work and travel in the York Way / Hungerford Road / Cliff Road area of Camden / Islington.

6.52 In their assessment of the subject application the Council has clearly failed to give appropriate weighting to the matter of 'benefit' associated with modern communications networks and have placed too great an emphasis on peripheral built heritage designations. The reader will note that there is no reference to benefit in the Decision Notice with the Delegated Report making only passing reference, as follows:

> *"…It is recognised that the proposed scheme would result in better network coverage, and as such, some public benefit would be derived from the scheme. However, in 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."*
>
> Delegated Report, (**Appendix 4**)

6.53 Additionally, the Code of Best Practice on Mobile Network Development in England 2016, whilst listed as a 'relevant policy', does not appear to have been taken into account by the LPA in their consideration of the subject application. However, the reader will appreciate that the principal aim of the Code is stated as being:

> "*…to ensure that the Government's objective of supporting high quality communications infrastructure, which is vital to continued economic prosperity and social inclusion for all, is met."*
>
> Paragraph 1.3

6.54 The Code is very clear that mobile communications are key to social and economic wellbeing in today's society, stating that:

> *"…digital communications are now a crucial component of everyday life, with improvements in connectivity being key to a vibrant economy."*
>
> Paragraph 2.1

6.55 And continuing that:

> "*Consumers, businesses and public bodies increasingly rely on mobile communications and expect to receive a signal wherever they are.*"
>
> Paragraph 2.2

6.56 It is also important to consider the merit of this refusal in a wider context of Government guidance and ambition which clearly recognises the benefits that modern communications networks bring. The reader should be aware that a number of reforms have already taken place to support the provision of improved and of up to date network services for all, including:

- The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016[19]

  A brief indication as to the main amendments to Part 16 included within this revised legislation are as follows:
  - An extension of emergency use of land from 6 months to 18 months;
  - A reduction in full planning requirements to allow new masts up to 25m (reduced to 20m on highways and other protected areas) to be covered by Prior Approval procedures;
  - Increased Permitted Development Rights for extension and replacement of existing masts; and Decrease in the limitations on building based apparatus

- The Electronic Communications Code (the Code) 2017[20]

  The 2017 amendments make it easier for network operators to install and maintain apparatus such as mobile phone base stations, exchanges and cabinets on public and private land with Part 4, Paragraph 20 providing a mechanism for the courts to impose terms of occupation on a landowner and the Operator.

- NPPF 2019[21]

6.57 One may also be aware that in 2018, the Department for Digital, Culture, Media and Sport published the Future Telecoms Infrastructure Review (FITR)[22], outlining the Government's intent on being the best place to start and grow digital business with the aim of providing the majority of the population with 5G coverage by 2027. The FITR made it clear that 5G networks will deliver faster and better mobile broadband services to consumers and businesses and will enable innovative new services for industry sectors, including manufacturing, transport, immersive technologies and healthcare.

6.58 Further to the above, in August 2019, the Ministry of Housing, Communities and Local Government and the Department for Digital, Culture, Media and Sport issued a consultation on the principle of further amending permitted development rights for operators with rights under the Electronic Communications Code (Code Operators) to support deployment of 5G and extend mobile coverage[23], and the circumstances in which it would be appropriate to do so. As well as emphasising the importance of 5G the consultation made it very clear that the provision of up to date mobile network coverage is central to achieving the Government's objective to deliver prosperity, enabling all places to share in the proceeds of growth.

6.59 This has been followed in April 2021 by the Ministry of Housing, Communities and Local Government and the Department for Digital, Culture, Media and Sport open consultation publication on proposed 'Changes to Permitted Development Rights for Electronic Communications Infrastructure: Technical Consultation'

6.60 This current consultation looks at how to implement the 2019 proposals to support the deployment of 5G and extend mobile coverage nationwide with the Ministerial foreword including the following statements:

> *"Digital connectivity is – now, more than ever – vital to enable people to stay connected and businesses to grow. The demand for mobile data in the United Kingdom is increasing rapidly, and the COVID-19 pandemic has highlighted how important it is that we all have access to reliable, high quality mobile connectivity.*

19 http://www.legislation.gov.uk/uksi/2016/1040/made

20 https://www.ofcom.org.uk/phones-telecoms-and-internet/information-for-industry/policy/electronic-comm-code

21 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

22 https://www.gov.uk/government/publications/future-telecoms-infrastructure-review

23 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/827162/Proposed_reforms_to_permitted_development_rights_to_support_the_deployment_of_5G_consultation.pdf

> *…We intend to be a global leader in 5G, the next generation of wireless connectivity, and for communities and businesses to benefit from investments in this new technology. The case for 5G is compelling: it will provide faster, more responsive and more reliable connections than ever before. Through our £200 million 5G Testbeds and Trials programme we are already seeing its value to manufacturing, farming, transport networks and healthcare.*
>
> *… We must, however, continue to ensure people have access to fast, reliable digital connectivity and mobile coverage. The planning system plays a key role in delivering the infrastructure that we need as households and businesses become increasingly reliant on mobile connectivity."*

6.61 The introduction to the consultation confirms that permitted development rights for electronic communications infrastructure are set out in Part 16 of Schedule 2 to the General Permitted Development Order 2015 (as amended) and that the proposed changes will:

- *"Enable the deployment of radio equipment housing on land without the need for prior approval, up to specified limits and excluding sites of special scientific interest, to support 5G deployment;*
- *Strengthen existing masts up to specified limits to enable sites to be upgraded for 5G and for mast sharing without the need for prior approval;*
- *Enable the deployment of building-based masts nearer to highways to support deployment of 5G and extend mobile coverage, subject to prior approval and specified limits; and,*
- *Enable higher new masts to deliver better mobile coverage and mast sharing, subject to prior approval and specified limits."*

6.62 These documents demonstrate the government's encouragement of and recognition of the increasing importance of reliable connectivity now and in the future and set the scene in which the LPA should have assessed the application and in which the appeal should now be considered.

**Appeal Reference Points**

6.63 The Appellant fully appreciates that every site has its own bespoke situation and context to consider. However, we would take this opportunity to refer the reader to a number of similar development proposals that have previously been considered acceptable to the Inspectorate and that are considered both relevant and relatable to the subject development.

6.64 The first of these is that of PINS reference 3238167, which relates to a development proposal at the building at 2 St James Market, London, in the City of Westminster Council area. In this case, a similar pole-mounted antenna scheme was proposed at an 8-storey corner commercial building located in the Haymarket Conservation Area. The site also sits in a context of the Regent Street Conservation Area and both designations have several listed buildings, (predominantly Grade II), present which sit in close proximity to the site. Although this case poses more sensitivities than the subject proposal, in considering the case, where the building in question did not host any mobile telecoms infrastructure, the inspector found that despite some projection above the rooftop, there was a presence of other rooftop infrastructure in the locale and there would be limited opportunity to view the site from ground level. With regards to the impact upon the Conservation Areas, the Inspector found that:

> *"…what would be seen would be very small in comparison with the size of the building, I am satisfied that the proposal would have no negative effects on the character and appearance of the Haymarket Conservation Area. In addition, I am also satisfied that there would be no harmful effects on the setting of the Regent Street Conservation Area, for the same reasons."*
>
> Paragraph 7, PINS 3238167, **Appendix 7**

6.65 With regards to the impact of the proposal upon the nearby Listed Buildings, the Inspector found that:

> *"No. 14-22 Regent Street is a grade II listed building sitting close to the appeal suite. Taking account of the scale of the individual elements of the proposal, their distance from No. 14-22 and the presence*

*of equipment upon the roof of the listed building, I consider there would be no harmful effects on its setting"*

Paragraph 8, PINS 3238167, **Appendix 7**

6.66 The Inspector continues that:

*"No. 34 Haymarket is a grade II* listed building and sits on the opposite side of Haymarket. Within the context of very much taller buildings immediately adjacent to the listed building and the limited views that would be available of the modest proposal, I consider that the setting of the listed building would be preserved by the proposal."*

Paragraph 10, PINS 3238167, **Appendix 7**

6.67To conclude with, the Inspector states that:

*"…I consider that the proposal would have no harmful effects on the identified heritage assets. As a consequence, I find no conflict with the relevant policies set out by the Council. The appellant has pointed out that the proposal would bring with it public benefits in relation to providing for a better digital communications network. Whilst I have no reason to doubt this, it has not been necessary to rely on this benefit as I have identified no harm to the heritage assets, or any other form of harm."*

Paragraph 11, PINS 3238167, **Appendix 7**

6.68The Appellant believes that similar conclusions can be drawn to the proposed critical infrastructure development that is the subject of this appeal.

6.69The second appeal reference point we would draw attention to is that of PINS reference 3251047, which relates to a development proposal at Finsbury Pavement, 127 Chiswell Street in the London Borough of Islington. In this case, a similar pole-mounted antenna scheme was proposed at a 9-storey commercial building partially located in the Bunhill Fields and Finsbury Square Conservation Area. The site also sits in a context of several Grade II Listed Buildings. Although this case too poses more planning sensitivity than the subject proposal, in considering the case the Inspector found that despite visibility and projection above the roofline, as a result of the context of the host building's size, its neighbours, the presence of other rooftop infrastructure in the locale and a limited opportunity to view the site from ground level, the development would be acceptable.

6.70With regards to the issue of public benefit, the Inspector found that:

*"…there would be a considerable public benefit arising from the provision of improved digital communications networks in this busy commercial area, and I consider that this carries significant weight."*

Paragraph 17, PINS 3251047, **Appendix 8**

6.71 Before continuing with an exploration of 'Planning Balance' that states:

*"…the proposal would fail to preserve or enhance the character or appearance of the Bunhill Fields and Finsbury Square Conservation Area, and would cause less than substantial harm to the significance of the Conservation Area as a designated heritage asset. In this respect I have also found conflict with planning policies, and indeed the proposal would conflict with the development plan as a whole.*

*However, I have also found that a significant public benefit would be delivered through the provision of improved mobile communications networks, which would outweigh the limited harm to the heritage asset which I have identified. The material considerations therefore indicate that, in this case, the proposal should be determined other than in accordance with the development plan."*

Paragraph 19 and 20, PINS 3251047, **Appendix 8**

6.72The Appellant would suggest that similar conclusions can be drawn to the proposed critical infrastructure development that is the subject of this appeal in that potential harm to amenity will be limited and well outweighed by benefit provided by reliable and uptodate digital connectivity.

**Planning Policy and Best Practice**

6.73 As indicated in **Section 5** above, it is important for decision makers to ensure that NPPF be used as the overarching guide to any development proposal and that policy specific to communications infrastructure be used as the primary policy test when considering the subject application. In addition to the wider guidance offered by the NPPF, appropriate weighting must be applied to any more general policies that are considered to be relevant.

6.74 Due cognisance must be given to the fact that specific operational and functional criteria need to be met to make telecommunications development feasible and, as one will appreciate, due to the operational nature of any new infrastructure, it is virtually impossible to introduce new development in a way that will enhance the setting in which it is located. Indeed, more often than not with telecommunications infrastructure, all that can be done is the seek to limit impact to an absolute minimum through sensitive siting and design practices, as has been the case. To ignore the abovementioned facts and base a refusal primarily upon a lack of compliance with less relevant general 'Design' and 'Heritage' policy principles rather than telecommunications specific guidance could be deemed unreasonable. However, this is exactly what the Council has been guilty of in the case of the subject application

6.75 In this case of the subject development, the following telecommunications specific guidance and policies exist and must therefore take precedence:

- London Plan 2021, Policy SI 6 'Digital Connectivity Infrastructure'[24]
- Camden Planning Guidance (CPG) 'Digital Infrastructure 2018'

6.76 These must also be read in the context of the NPPF's Section 10 "Supporting High Quality Communications" which clearly advocates support for appropriately sited and designed telecommunications development. With this in mind, a brief description as to how the subject proposal adheres to the Policy criteria of the current London Plan and the CPG are provided below.

6.77 The relevant sections of the London Plan 2021's Policy SI 6 'Digital connectivity infrastructure' state:

> *"A. To ensure London's global competitiveness now and in the future, development proposals should:*
>
> *4) support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure.*
>
> *B. Development Plans should support the delivery of full-fibre or equivalent digital infrastructure, with particular focus on areas with gaps in connectivity and barriers to digital access."*

6.78 In addition, the CPG 'Digital Infrastructure 2018' states:

> *"…the Council will aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used unless the need for a new site has been demonstrated to the satisfaction of the Council…"*
>
> Paragraph 13, Camden Planning Guidance 'Digital Infrastructure 2018'

6.79 The reader should now be well aware that the subject proposal will improve 3G and 4G coverage and provide new 5G network coverage for both Telefónica UK Limited (O2) and Vodafone Limited by upgrading the existing shared infrastructure on the rooftop of the host building; a large-scale, unlisted, commercial building that sits outside of any Conservation Area designation, that is reasonably removed from other nearby heritage assets and that currently provides the primary shared base station site in the area. The operators have made every

[24] This supersedes the London Plan 2016, Policy 4.11 'Encouraging a Connected Economy' which existed at time of determination

effort to ensure that impact upon amenity has been limited to an operational minimum by replicating the existing design principles of the apparatus already installed on the host building and by restricting the proposed development in terms of operational size and amount.

6.80 Certain parts of the development will remain visible from surrounding public vistas including from positions on the boundaries of the Hillmarton and Camden Square Conservation Areas, yet one must appreciate the mitigating circumstance of building height, distance, the context of existing telecommunications infrastructure and the wider setting/backdrop, all of which limit visual impact to an acceptable level. Any harm that may occur is also considered to be well outweighed by the many benefits that the development will bring in a local and wider network context. However, a lack of a valid 5G solution will be to the social and economic detriment of all those living, working and travelling in the locale.

6.81 As indicated earlier in this Statement, the use of GRP shrouding had been considered as part of the design process. However, this would seriously limit the operational viability of the development, and, from a planning perspective, the introduction of any screening would create a bulkier intrusion upon the roofscape and host building, giving the impression of a series of 'new plant room' type features. Such a solution was therefore considered to be to a much greater detriment than the small-scale elements currently being proposed.

6.82 The Code of Best Practice on Mobile Network Development in England 2016 was not taken into account by the LPA in their consideration of the subject application which is frustrating as Section 5 of the preceding NPPF set out the principles on which the Code is based. This NPPF has since been superseded by the current version, but in terms of Siting and Design, Appendix A of the Code is still very much consistent with both the current and preceding Framework documents. This Appendix outlines the various considerations that must be taken into account in telecommunications developments advocating site sharing and the use of tall buildings as has been achieved in the case of the subject proposal whist also highlighting the difficulties that operators may have when trying to avoid heritage assets.

6.83 The Code states that:

> *"Operators may be able to avoid a specific site (e.g. a Listed Building) but not an entire protected area (e.g. National Park) in which cases they should seek to minimise the impact through sensitive design and appropriate siting of proposals"*
>
> Appendix A, Protected Sites and Area Guidance, Code of Best Practice

6.84 This is very applicable to the subject application in that it is operationally impossible for the operators to avoid some context with the widespread expanse of both the Camden Square and Hillmarton Conservation Area designations. However, the established site is beyond their boundaries and has been setback a respectful and significant distance from any nearby Listed Buildings.

6.85 The Code goes on to state that:

> *"It is important that the significance of the heritage assets, including the contribution made by their setting, is understood, in order to then assess the impact that the proposal will have on this significance"*
>
> Appendix A, Designated Heritage Assets, Code of Best Practice

6.86 Again, this is extremely pertinent in the case of the subject application as the Council appear to be placing too great a weight upon the status the Camden Square Conservation Area, whilst choosing to condone the operational need, established nature of the site and the available impact mitigation in play. The Code helpfully differentiates between the levels of potential harm and, with regards to Conservation Areas, the Code states that:

> *"Any proposal should be judged against the potential harm it would cause to the designated heritage asset…"*
>
> Appendix A, Conservation Areas and Worlds Heritage Sites, Code of Best Practice

6.87 Following on from this, one would refer the reader back to the Delegated Report which seeks to address the issue of harm to heritage assets under the subheading "Planning Balance" and in doing so refers to Section 16 of the NPPF, stating in Paragraph 4.2, 4.3 and 4.4 that:

> *"…the Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.*
>
> *…it is considered that the proposed telecommunications equipment would result in 'less than substantial' harm to the character and appearance of the Camden Square Conservation Area (sic) It is recognised that the proposed scheme would result in better network coverage, and as such, some public benefit would be derived from the scheme. However, in 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.*
>
> *The proposal would therefore fail to accord with policies D1 and D2 of the Camden Local Plan 2017…"*
>
> **Appendix 4,** Delegated Report

6.88 The Appellant has already outlined above how the subject proposal adheres to the guidance provided in the NPPF's Section 10 'Supporting high quality communications'. However, one must also review the proposal in a context of the NPPF as a whole.

6.89 The NPPF clearly has a presumption in favour of Sustainable Development and confirms the strategic objectives for achieving this as follows:

> *"Achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways…:*
>
> *a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure*
>
> *b) A social objective - to support strong, vibrant and healthy communities …with accessible services… …that reflect current and future needs and support communities' health, social and cultural well-being; and*
>
> *c) An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy..."*
>
> Paragraph 8, NPPF

6.90 Following on from this, the Appellant would contend that the Council has misinterpreted the advice outlined in Section 16 of the NPPF which is entitled' Conserving and enhancing the historic environment'. It is clear that the NPPF is not seeking to prevent all development in a context of heritage assets and that instead Decision Makers must consider the bespoke context of a proposal and if the level of impacts that may occur could be justified.

6.91 The NPPF states:

> *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."*
>
> Paragraph 194, NPPF

6.92 We have already established above that the LPA's Case Officer believes that a 'less than substantial' harm will occur as a result of this proposal, but that they feel that only 'some public benefit' would be achieved. The Appellant would contend that the Council's level of appreciation for 'benefit' falls short of reality, and this then brings us on to the following pertinent statement within the NPPF:

> *"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"*
>
> Paragraph 196, NPPF

6.93 In their consideration of the subject application, the Council have failed to appreciate that mobile communications offer significant economic, social and sustainability benefits by allowing people and businesses access to a vast array of online services including the facilitation of home working, negating the need for travel, remote medical appointments, remote training and education, and also providing an opportunity for social interaction and inclusion amongst others.

**Case Summary**

6.94 It is our contention that in devising the proposed design; a sharable, multi-generation solution incorporating a minimum amount and size of critical infrastructure at an established rooftop base station site and at an appropriate, unlisted non-designated location, the Appellant has afforded full respect to the amenity of the surrounding area. One must also consider if the benefits of the development outweigh any harm caused and if the criteria of the NPPF and telecommunications specific planning policy have been adhered to, which the Appellant believes they clearly do for the many reasons outlined above. It would, therefore, be unreasonable for the more general policies and guidance, such as Local Plan Policy 'D1 Design' and 'D2 Heritage', as referred to in the Delegated Report, Decision Notice and **Section 5** above, to take priority.

6.95 If the Council's approach to the subject telecommunications proposal were to be applied on a citywide scale, then large sections of London's historic environments would never benefit from modern communications services. This also begs the question why the subject proposal has been considered inappropriate when there is a precedence telecommunications development in this locale?

6.96 The Inspector will appreciate that the Delegated Report provided in **Appendix 4** of this **Statement** provides little to no evidence that the many benefits associated with modern mobile communications networks have been reasonably considered in the Council's determination process.

6.97 To summarise, it is considered that in refusing the subject application, the Council has:

- Applied an inconsistent approach to the determination of telecommunications developments in the local area, specifically in a context of the Camden Square Conservation Area, having already consented development proposals with similar design principles onsite and in the area.
- Overlooked the operational, design and planning justification for the proposal.
- Wrongly focused upon the issue of heritage by placing an over-protective emphasis on peripheral designations and more general planning policy criteria that cannot be reasonably applied to such niche infrastructure.
- Been over-protective of the nondescript host building's character.
- Failed to give appropriate weight to the fact that the subject site is the primary shared telecommunications site in the area and to acknowledge that the only alternative to the successful upgrade of the shared apparatus deployed onsite is for an additional and new base station to be developed in the immediate area.
- Failed to apply an appropriately balanced consideration of the proposal's impact against its many public benefits; the latter of which has been outlined in **Section 2** above and clearly outweighs any less than substantial harm caused by the development.

- Failed to appreciate that a failure to achieve a successful upgrade of the shared apparatus deployed onsite will be to the economic, social and sustainable detriment of those living, working and travelling in the area.
- Ignored the Government's push for access to modern communications for all.

## 7.0 Conclusion

7.1 The subject proposal is a much-needed telecommunications development providing an integral part of the proposed Telefónica UK Limited (O2) and Vodafone Limited 2G, 3G, 4G and 5G networks within the York Way / Hungerford Road / Cliff Road area of Camden / Islington. One will be aware from reading the information contained in this submission that both operators currently provide the area with mobile communications services via the Telefónica UK Limited (O2) hosted base station infrastructure at the subject site. The site also accommodates other licenced operator apparatus. However, order to provide updated multigenerational (including 5G) coverage and reliable digital connectivity the operators require the deployment of individual sets of antennas, incorporating horizontal antenna separations; hence the need for the subject critical infrastructure proposal.

7.2 In refusing the subject application the Council have failed to fully understand the operational limitations faced by Vodafone Limited and Telefónica UK Limited (O2) in terms of their established network infrastructure, their locational requirements of the planned 5G network and the operational need to avoid transmission infringement by surrounding clutter. The target coverage area occupies includes large sections of 2No. Conservation Area designations with Listed Buildings present, yet the Appellant has limited impact upon amenity and built heritage assets through the use of an established and shared rooftop base station site and a well-considered design analysis, replicating the siting and design principles of the existing licenced operator infrastructure and preceding consents.

7.3 The subject site is located outside the nearby Conservation Area boundaries, is not listed and has no listed buildings in immediate proximity. All critical infrastructure being proposed has been limited in amount and scale to a minimum operational requirement and has been grouped as far as is operationally possible upon the rooftop to avoid random jumble and to limit visibility to and impact upon publicly accessible eyelevel viewpoints. Further to this, all apparatus will benefit from the visual context and backdrop supplied by the existing telecoms infrastructure on the appeal site rooftop, other roofscape features and the variety of architecture in the area. There should be no doubt that this proposal will cause less than substantial harm to local amenity, the Conservation Areas and any nearby built heritage assets, and equally there should be no dispute that this has clearly been outweighed by the many benefits associated with the modern communications services that this proposal will provide.

7.4 AS indicated throughout this Statement, telecommunication base station developments are now considered to be a critical infrastructural element in today's modern society with current Government guidance in the form of the NPPF confirming that high quality electronic communications infrastructure is an essential component of sustainable economic growth. On this basis, Local Planning Authorities should support the expansion of the electronic communications networks, including telecommunications, broadband and mobile digital infrastructure, through the application of appropriate development plan and development management policies and decisions, taking full account of the economic and social implications of not having efficient coverage or capacity within any given area. Without an effective and reasonable balancing in this regard, the Government's objective to ensure that everyone can enjoy the same degree of access to high quality electronic communication opportunities will not be achieved. It is considered that the Appellant has fulfilled their role in seeking to achieve the above but have been prevented from doing so by Council's decision to refuse the subject proposal; a sensitively sited, well-designed, rooftop base station providing a multi-generational network solution for 2No. operators in the public interest.

7.5 As such, we would respectfully request that the Inspectorate upholds this appeal granting the Appellant prior approval for the subject proposal.