

Date: 21/09/2021
Your ref: APP/X5210/W/21/3272448
Our refs: 2020/2015/P
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Dear Aaron Kang,

**Town and Country Planning Acts 1990 (as amended)
Planning Appeal Statement (Authority)
Appellant: Cornerstone Telefonica UK Ltd and Vodafone Ltd
Site: Central St Giles, 1 St Giles High Street. London. WC2H 8AG.**

I write in connection with the above appeal against the Council's refusal to grant planning permission for the installation of 10 antennas, 2 transmission dishes, 5 equipment cabinets and ancillary development thereto.

The Council's case is set out primarily in the delegated officer's report (ref: 2020/2015/P) that has already been sent with the questionnaire and is to be relied on as the principal Statement of Case. Copies of relevant policies from the Camden Local Plan (adopted July 2017) and accompanying guidance were also sent with the appeal questionnaire.

In addition, Council would be grateful if the Inspector would consider the contents of this letter which includes confirmation of the status of policy and guidance, comments on the Appellant's grounds of appeal and further matters that the Council respectfully requests be considered without prejudice if the Inspector is minded to grant permission.

1. Summary of the Case

- 1.1. The appeal relates to The Matilda Apartments building, one of the tallest of the distinctive modern towers surrounding Central St Giles Plaza, adjoining No.1 St Giles High Street and fronting on to Earnshaw Street.
- 1.2. The appeal site is not within a conservation area, however it is surrounded by the Denmark Street Conservation Area, the Bloomsbury Conservation Area, and; the Seven Dials (Covent Garden) Conservation Area. To the west of the site, the nearest neighbours are Centre Point, Centre Point House and White Lion House (1961) which are grade II heritage assets, and to the south of the Central St Giles Plaza is the

Church of St Giles in the Fields (1731) which is listed grade I. There are also several other listed buildings within close proximity.

1.3. Planning permission for the Installation of 10 antennas, 2 transmission dishes, 5 equipment cabinets and ancillary development thereto. was refused on 5th October 2020.

1.4. The planning application was refused on the grounds that:

The proposed antennas and ancillary development, by reason of their design, siting, height, size and prominence, would be detrimental to the appearance of the host building, the character and appearance of the adjacent Denmark Street Conservation Area and the setting of the assembly of listed buildings at Centre Point, Centre Point House and White Lion House, contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan and paragraph 113 of the National Planning Policy Framework 2019.

1.5. The Council's case is largely set out in the officer's report, a copy of which was sent with the questionnaire. In addition to this information, I would ask the inspector to take into account the following comments.

2. Relevant History

Host site (Central St Giles)

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

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

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

Castlewood House (77-91 New Oxford Street):

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

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

3. Status of Policies and Guidance

Adopted policies

3.1. The Camden Local Plan was adopted on 3 July 2017. The policies cited below are of relevance to the applications.

Camden Local Plan 2017

A1 Managing the impact of development

D1 Design

D2 Heritage

Camden Planning Guidance

3.2. In refusing the application, the Council also refers to supporting documentation in Camden Planning Guidance. The specific clauses most relevant to the proposal are as follows:

CPG Amenity (2018)

CPG Design (2019)

CPG Digital Infrastructure (2018)

3.3. The revisions to the various CPGs have no material implications for the matters relevant to this appeal.

3.4. The Bloomsbury Conservation Area appraisal and management strategy (2011), the Denmark Street Conservation Area appraisal and management strategy (2010), and the Seven Dials Estate (Covent Garden) Conservation Area statement (1998); were adopted on the given dates and define the special character of a conservation area and sets out the Council's approach for its preservation and enhancement.

London Plan

3.5. The London Plan is the statutory Spatial Development Strategy for Greater London prepared by the Mayor of London. The current London Plan was recently adopted in March 2021 and this has superseded the London Plan 2016 which was in place at the time of determination. However, there are no material changes that would impact on the assessment of the proposed development. Chapters 3 (Design), 7 (Heritage and Culture) and 9 (Sustainable Infrastructure) of the London Plan 2021 are most applicable to the determination of this appeal.

NPPF

3.6. The National Planning Policy Framework (NPPF) was published in April 2012 and revised most recently in March 2021 since the application was determined. It states that proposed development should be refused if it conflicts with the local plan unless other material considerations indicate otherwise. Of particular relevance to this appeal is the NPPF 2021 update under para. 134 which states that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.'

As outlined in the officer's delegated report, the development is contrary to CPG guidance and policies D1 and D2 of the Camden Local Plan. Therefore it is also considered contrary to para 134 of the NPPF 2021.

3.7. The Council's adopted policies are recent and up to date and should be accorded due weight in accordance with paragraph 219 of the NPPF. There are no material differences between the Council's adopted policies and the NPPF in relation to this appeal. The full text of the relevant adopted policies was sent with the questionnaire documents.

4. Comments on the appellant's grounds of appeal

4.1. The Appellant acknowledges at the outset the official address for the Appeal Site is Matilda Apartments, 4 Earnshaw Street, WC2H 8AJ.

4.2. The appellant's grounds of appeal relates to the reason for refusal, which is as follows:

The proposed antennas and ancillary development, by reason of their design, siting, height, size and prominence, would be detrimental to the appearance of the host building, the character and appearance of the adjacent Denmark Street Conservation Area and the setting of the assembly of listed buildings at Centre Point, Centre Point House and White Lion House, contrary to policy D1 (Design) and D2 (Heritage) of the Camden Local Plan and paragraph 113 of the National Planning Policy Framework 2019.

4.3. The Appellant has stated that the Local Authority's decision to refuse planning permission is based on an alleged policy conflict, is unsustainable and that the decision should not be upheld.

4.4. The Appellant has stated that any harm identified to the host building, character and appearance of the adjacent Denmark Street Conservation Area and the setting listed buildings at Centre Point, Centre Point House and White Lion House is very limited and outweighed by the public benefits the proposed part replacement site will reinstate to the area.

4.5. The Appellant acknowledges the Council's valid concerns with regards to Design and Heritage, however they dismiss these concerns suggesting that any harm is outweighed by public benefits, and they then draw the conclusion that there is no harm to heritage assets.

4.6. The Council's delegated report acknowledges the public benefits of the scheme, however given the particular constraints of the site it is considered that both Design and Heritage policies within the Local Plan are to be given significant weight in the decision as per paragraph 134 of the NPPF.

- 4.7. The applicant suggests that the proposed equipment is designed so that it resembles rooftop infrastructure commonly found within the urban street scene, however; this argument is given limited weight, as the proposed installations should be suited to the specific host property and site context in accordance with best practice, and; the pre-application advice offered, rather than suited to a generic street scene.
- 4.8. Pre-application advice was offered with the expectation that bespoke designs would be thought through for any installations within conservation areas and/ or affecting the setting of listed buildings or other heritage assets. However, the submission does not appear to have taken account of this advice.
- 4.9. The proposed installation also includes railings mounted close to the edge of the roofline which would add to the prominence and visual clutter of the proposal. This building currently benefits from a crisp roofline which means there is no roof level clutter associated with visible rooftop infrastructure.
- 4.10. Objections submitted by the Renzo Piano Building Workshop (Architects of the Central St Giles Plaza complex) include new visualisations that highlight the prominent and jarring visibility of the proposals, especially the view south from New Oxford Street. While the detail in the RPBW visualisations are at odds with the applicant's visualisations (which are low-resolution), officers consider that the visualisations provided by the RPBW appear consistent with the submitted drawings and officers give weight and credibility to their illustrative material.
- 4.11. During considerations which approved planning permission for the Central St Giles complex, detailed discussions ensured that the proposals would sit well within the heavily constrained site; including and of particular relevance here, with regards to the roof lines of the Central St Giles buildings and surrounding heritage assets.
- 4.12. Of note within the RPBW consultation response is their explanation of the unsuitability of the proposed installations in terms of impacts on the existing arrangements:

“Carefully detailed and organised, the roof technical layout is completely hidden by horizontal and vertical lightweight metal mesh on aluminium framing, fixed to steel columns and beams, designed to cover the technical elements and allow a proper ventilation. The «Flying Carpet», fifth facade of the building, is the final layer of the roof, it is not accessible and it is not designed to receive any specific load.”
(Page 7: RPBW Impact study 08/06/2020)

And;

“The documents analysed by RPBW show the intent of adding an extra level on the top of the flying carpet for installation and maintenance of the mast. This would deeply modify the appearance of Central St Giles from Street Level and from the surrounding buildings, it would modify its relationship with the urban environment and it would have a major impact on the overall outline and height of the building. It will also represent a Health & Safety and Structural challenge as the Flying carpet was not designed for it.”
(Page 7: RPBW Impact study 08/06/2020)



NORTHERN VIEW - EXISTING



NORTHERN VIEW - ANTENNAS

(Example image from Page 9: RPBW Impact study 08/06/2020; demonstrating prominence of the proposed installation).

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

5. Conclusion

5.1. Based on the information set out above, and having taken account of all the additional evidence and arguments made, the proposal is considered contrary to the Council's adopted policies.

5.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.

6. Conditions

6.1. Should the inspector be minded to allow the appeal, it would be requested that conditions in Appendix A are attached the decision.

Should any further clarification or submissions be required, please do not hesitate to contact Matthew Dempsey by the direct dial telephone number or email address quoted in this letter.

Yours faithfully,

Matthew Dempsey

Planning Technician
Supporting Communities Directorate

Appendix A

Recommended conditions: 2020/2015/P

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.