

Town and Country Planning Act 1990
Appeal by Cornerstone, Telefonica UK Ltd & Vodafone Ltd
Site Address: Central St Giles , 1 St Giles High Street, London, WC2H 8AG

APP/X5210/W/21/3272448

Response to London Borough of Camden statement

London Borough of Camden: Comments on the appellant's grounds of appeal (Para. No)	Appellants Response to Comments
4.1. The Appellant acknowledges at the outset the official address for the Appeal Site is Matilda Apartments, 4 Earnshaw Street, WC2H 8AJ.	Noted
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.	Noted
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.	The Appellants maintain their position as set out in the Statement of Case.

<p>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.</p>	<p>The Appellants maintain their position, as set out in Paras 6.4-6.95 of the Statement of Case, that the proposals would result in 'no harm'</p> <p>The Appellants SOC makes reference to 'perceived harm' (Para. 6.85), 'neutral impact' (no harm 6.89). The reference to 'perceived harm' and 'neutral impact' (no harm) was to acknowledge comments made by the LPA in the delegated report. These comments have been misconstrued by the LPA in their Statement of Case as constituting agreement by the Appellants that 'harm' arises. The independent 'Heritage Impact Assessment' (provided at Appendix 10 of the Appellants Statement of Case) concludes that the appeal proposals would result in 'no harm' to the significance of any of the identified heritage assets through a change in their settings.</p> <p>The Heritage Impact Assessment, at Section 4 (methodology) confirms <i>"The aims of this Heritage Statement are to assess the heritage significance of built form within the Site and the contribution which it makes to the heritage significance of the surrounding heritage assets. It will also identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant"</i>.</p> <p>Section 4 of the 'Heritage Impact Assessment' provides further details on the methodology utilised to inform the assessment presented.</p> <p>The 'Heritage Impact Assessment' concludes at Para. 8.3 <i>"The proposed equipment will be visible from various positions in the immediate context, but given the variety of building types and roof forms in the area, the existing presence of other ancillary features and the lack of contribution the site makes to the significance of the surrounding assets through setting, the proposals will not affect the appreciation of understanding of the significance of the assets"</i>.</p>
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	<p>Para. 8.4 confirms: <i>"Therefore, with reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of any of the identified heritage assets through a change in their settings"</i>.</p> <p>The Appellants therefore reiterate that it is their position that NO heritage harm is caused as a result of but the appeal proposals.</p> <p>If the Inspector was, however, minded to consider that a degree of harm would arise to the identified heritage assets, it is the position of the Appellants that there are a magnitude of public benefits associated with the proposals that would outweigh the less than substantial harm identified, when considered under Paragraph 202 of the NPPF.</p>
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.	The Appellants maintain their position as set out in the Statement of Case, Para's 6.4 – 6.95.
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.	The Appellants maintain their position as set out in the Statement of Case (SOC), Para's 6.4 – 6.95). Council's delegated report includes one reference to public benefits: <i>'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.'</i> This must be what the Council considers acknowledging public benefits but it falls far short of what the Appellants would expect to see as part of the planning balance. Please also refer to the appeal referenced at 6.120 of the Appellant SOC.
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-	Para's 6.37 - 6.95 of the SOC establishes the Appellants position in respect of design. These paragraphs set out the Appellants very specific technical and operational constraints. Image 37 of the SOC illustrates the 'essential' window cleaning infrastructure atop of St Giles. The Appellants therefore reiterate that they are satisfied that the design proposed represents the best possible solution and compliance

application advice offered, rather than suited to a generic street scene.	with policies D1 and D2 of the Camden Local Plan has been demonstrated. This view is supported by the Heritage Impact Assessment found at Appendix 10 of the SOC.
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.	Para's 6.37 - 6.95 of the SOC establishes the Appellants position in respect of design. Para's 6.37 – 6.48 responds specifically to the issue of 'bespoke' designs. The Appellants therefore reiterate that they are therefore satisfied that the design proposed represents the best possible solution and compliance with policies D1 and D2 of the Camden Local Plan has been demonstrated. This view is supported by the Heritage Impact Assessment found at Appendix 10 of the SOC.
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.	As set out in Para. 6.72 of the SOC the Appellants assert that the equipment has been sited to minimise the appearance of the equipment on the host building and character and appearance of Denmark Street Conservation Area. The number of antennas is required to partly reinstate lost coverage and capacity and provide new 5G connectivity which is essential to deliver Camden's growth aspirations and ensure London's competitiveness and strong, resilient and inclusive communities. The 'crisp roofline' as contended by the Local Planning Authority simply does not exist due to flying carpet and multi level design and 'essential infrastructure' on Central St Giles including window cleaning scaffolding rigs (Image 37 Appellants SOC) which are visible from a limited number of street level views.
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	Photomontages provided as part of the planning application submittal pack were revisited following comments made as part of Renzo Piano Building Workshop objections. Contrary to officer opinion the revised montages (Appendix 12 SOC) clearly demonstrate that the appeal proposals will be successfully assimilated into views given the height and mass of Central St Giles and the comparatively diminutive scale of the proposed antennas, along with the very limited opportunity for views from public areas given the extent of intervening buildings. The Council's SOC does not show any awareness that the Appellants

<p>submitted drawings and officers give weight and credibility to their illustrative material.</p>	<p>photomontages were revisited to acknowledge issues raised by Renzo Piano Building Workshop, preferring to rely solely it would appear on the zoomed in 3rd party submission photomontages.</p>
<p>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.</p>	<p>As set out in the SOC The Appellant maintain there position that the proposals will be successfully assimilated into views given the height and mass of Central St Giles and the comparatively diminutive scale of the proposed antennas, along with the very limited opportunity for views from public areas given the extent of intervening buildings. The Appellants maintain this position as set out in the Statement of Case, Para's 6.4 – 6.95).</p>
<p>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:</p> <p>“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.”</p> <p>(Page 7: RPBW Impact study 08/06/2020)</p> <p>And;</p> <p>“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</p>	<p>The Appellants maintain this position as set out in the Statement of Case, Para's 6.4 – 6.95).</p>

<p>also represent a Health & Safety and Structural challenge as the Flying carpet was not designed for it."</p> <p>(Page 7: RPBW Impact study 08/06/2020)</p>	
<p>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.</p>	<p>The Appellants SOC was supported by an Independent 'Heritage Impact Assessment' (Appendix 10 SOC). This issue was addressed in response to Para. 4.4 (above) of the Council's SOC.</p> <p>The Appellants therefore reiterate that it is their position that NO heritage harm is caused as a result of but the appeal proposals.</p> <p>If the Inspector was, however, minded to consider that a degree of harm would arise to the identified heritage assets, it is the position of the Appellants that there are a magnitude of public benefits associated with the proposals that would outweigh the less than substantial harm identified, when considered under Paragraph 202 of the NPPF.</p>
<p>Conclusion</p>	
<p>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.</p>	<p>The SOC clearly demonstrates that there is no conflict between the appeal proposal for shared replacement mobile digital infrastructure and central, regional and local planning policy to the extent they are relevant, and that the Local Planning Authority, therefore, refused the planning application in a manner that is not consistent with their own Local Plan policies D1, and D2 place-making objectives and digital connectivity aspirations for the London Plan, Camden Local Plan or with national planning guidance.</p>
<p>5.2. The information submitted by the appellant in support of the appeal does not overcome or address the Council's concerns. For</p>	<p>The Appellants dispute this assertion as set out in the SOC and associated Appendices including an independent Heritage Impact Assessment.</p>

these reasons the proposal fails to meet the requirements of policy and therefore the Inspector is respectfully requested to dismiss the appeal.	
Conditions	
<p>1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p> <p>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.</p> <p>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.</p>	Noted and agreed in the event planning permission is granted.

Response to CMS Cameron McKenna LLP representation on behalf of Central Saint Giles General Partner Limited

1) Introduction:
Appellants Response: The Appellants' Agent provided both the Council and the Planning Inspectorate with the Appeal Form, Statement of Case and Appendices. The Appellants have no control over what information is made publicly available by the Council.

2) Executive Summary

Appellants Response: The Appellants dispute the assertions set out in CMS SOC as set out in the following paragraphs.

3) Planning Conditions and Design

Appellants Response: CMS assert that the appeal property is of architectural merit, and the Development will cause harm to this property. CMS SOC Appendix B is an objection prepared by the Renzo Piano Building Workshop (RPBW) together with an impact study (the RPBW study) detailing the perceived negative impact of the proposed development on the property. The Appellants responded to this objection and study at Para's 6.98 – 6.103 of the Appellants' SOC.

With regard to points raised regarding conditions 8 and 10 of the Planning Permission (2005/0259/P the Appellants note the appeal proposals relate to the rooftop and not external faces of the building and as such Condition 8 does not apply. Moreover, the Appellants applied for planning permission (i.e. prior written consent from the Local Planning Authority) in accordance with condition 10

CMS at Para. 3.8 state *'The design importance of the roofscape in the grant of the Planning Permission and the planning conditions which preserve the roofscape, are material considerations which weighs against the grant of planning permission for the Development. The PRBW Study demonstrates the adverse impact that the Development will have on the Property. These issues are not considered at all by the Appellant in their Statement of Case, and the Development would be incompatible with the Planning Permission'*.

The issue of design was considered at Para's 6.37 – 6.95 of the Appellants SOC. Therefore contrary to CMS's assertions, these issues were comprehensively addressed by the Appellants in their Statement of Case.

4) Determination of the Appeal

Appellants Response: The Appellants dispute the assertion that they have *'not identified material considerations that indicate otherwise.'* in relation to deciding the appeal in accordance with the development plan. This view is far too simplistic and not only ignores the demonstratable need for replacement coverage in the area but also the very specific technical and operational requirements of the operators and the strong Government support for connectivity given the substantial public benefits it brings, which are mirrored in the development plan. Both the (then) Digital Infrastructure Minister Matt Warman MP (as set out in Para 4.47 and in footnote 11 of Appellants SOC) and the Mayor of London in the supporting text for Policy SI 6 of the adopted London Plan 2021 (i.e. part of the development plan) refer to the provision of digital infrastructure being as important for the proper functioning of development as energy, water and waste management services and should be treated with the same importance (Para. 9.6.1 London Plan). These are very clear material considerations, For brevity we will not repeat this and

instead refer the Inspector back to Section 6 of the Appellants SOC and reiterate that whilst the Appellants' contention is that the proposal complies with the development plan as there is no harm to the building or heritage assets, should the Inspector find there is less than substantial harm, then relevant material considerations combine to ensure it has been demonstrated that limited harm is outweighed by the importance of providing the infrastructure to underpin the connectivity which enables the public benefits.

5) Heritage Harm

Appellants Response: The Appellants maintain their position, as set out in Paras 6.4-6.95 of the Statement of Case, that the proposals would result in 'no harm'.

The Appellants SOC makes reference to 'perceived harm' (Para. 6.85), neutral impact (no harm 6.89). The reference to 'perceived harm' and 'neutral impact' (no harm) was to acknowledge comments made by the LPA in the delegated report. These comments have been misconstrued by CMS as showing agreement by the Appellants that 'harm' arises. The independent 'Heritage Impact Assessment' carried out by Claire Gayle B.EnD MSc Ma IHBC (provided at Appendix 10 of the Appellants Statement of Case) concludes that the appeal proposals would result in 'no harm' to the significance of any of the identified heritage assets through a change in their settings.

The Heritage Impact Assessment, at Section 4 (methodology) confirms *"The aims of this Heritage Statement are to assess the heritage significance of built form within the Site and the contribution which it makes to the heritage significance of the surrounding heritage assets. It will also identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant"*.

Section 4 of the 'Heritage Impact Assessment' provides further details on the methodology utilised to inform the assessment presented.

The 'Heritage Impact Assessment' concludes at Para. 8.3 *"The proposed equipment will be visible from various positions in the immediate context, but given the variety of building types and roof forms in the area, the existing presence of other ancillary features and the lack of contribution the site makes to the significance of the surrounding assets through setting, the proposals will not affect the appreciation of understanding of the significance of the assets"*.

Para. 8.4 confirms: *"Therefore, with reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of any of the identified heritage assets through a change in their settings"*.

The Appellants therefore reiterate that it is their position that NO heritage harm is caused as a result of but the appeal proposals.

If the Inspector was, however, minded to consider that a degree of harm would arise to the identified heritage assets, it is the position of the Appellants that there are a magnitude of public benefits associated with the proposals that would significantly outweigh the less than substantial harm identified, when considered under Paragraph 202 of the NPPF.

The Law & Application of the Law

Appellants Response: Para. 5.5.1 of CMS' SOC states: *"The Development does not preserve or enhance the listed buildings which it affects, and does not preserve or enhance conservation areas. It causes harm to such assets".*

Mobile communications connectivity is required everywhere, including in and around conservation areas and statutorily as well as locally listed buildings. The infrastructure without which the connectivity cannot be provided must therefore physically co-exist with historic assets. In this case, the proposed critical replacement infrastructure preserves the character and appearance of the heritage assets by being located and designed to minimise its impact. Para's 6.37 – 6.95 of the Appellants SOC dealt with the issues of design and heritage and was supported by an independent Heritage Impact Assessment.

Section 5 of the independent Heritage Impact Assessment sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the site, with a focus on those policies relating to the protection of the historic environment.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

"In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Para. 5.4 of the Independent Heritage Impact Assessment states "In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

"Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carries out the balancing exercise."

Para. 5.5 states "A judgement in the Court of Appeal ('Mordue') has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 202 of the revised NPPF, see below), this is in keeping with the requirements of the 1990 Act".

Para. 5.6 states "In addition to the statutory obligations set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise. For brevity we will not repeat this and instead refer the Inspector back to Para's 6.37 – 6.95 of the Appellants SOC.

The Development Plan & Application of the Development Plan

Appellants Response: Contrary to assertions made by CMS it is therefore clear that the Appellants have engaged with policy tests and indeed properly applied Policy D2 in the Statement of Case. The Appellants' SOC demonstrates compliance with Policy D1 and D2 of the Camden Local Plan which formed part of the reason for refusal. The SOC also demonstrates compliance with Policies GG1, GG5, SD1, SD4, E8, SI6 and HC1 of the London Plan 2021 and G1, E1 and E3 of the Camden Local Plan. The fact of the matter is that CMS have sought to ignore the comprehensive addressing of relevant policies in the Appellants' SOC and the magnitude of public benefits ensuing from the appeal proposals and how public benefits should be taken into consideration. As previously stated the Appellants SOC makes the case and reiterates over and over that 1) No harm but 2) if harm considered by the inspector, it's less than substantial and outweighed by the benefits, which are considerable and far reaching, and set out Para's 6.110 to 6.193 of the Appellant's SOC. HC1 is not cited in the decision notice. It is therefore common ground between the LPA and the appellant as per 35(1) of the DMPO 2015 that the proposal complies with this policy.

The NPPF & Application of the NPPF

Appellants Response: CMS's SOC identifies NPPF as 2019, but this was replaced on 20 July 2021 by the revised Framework (prior to the submission of CMS's Statement of Case on 23 September 2021). Therefore the paragraph numbers are incorrect.

Para. 5.9.3 of CMS's SOC states "*It would be perverse to find that the Development is contrary to the development plan, specifically Policy D2, and then apply a lesser test of the same balancing exercise pursuant to the NPPF and subsequently grant consent for the Development*".

The Appellants consider that this is not perverse but its policy, which is followed by inspectors at appeal and planning authorities in assessing applications. Notably CMS reference it themselves with the local plan policy.

The 'Heritage Impact Assessment' (**Appendix 10**) concludes at Para. 8.3 *"The proposed equipment will be visible from various positions in the immediate context, but given the variety of building types and roof forms in the area, the existing presence of other ancillary features and the lack of contribution the site makes to the significance of the surrounding assets through setting, the proposals will not affect the appreciation of understanding of the significance of the assets"*.

Para. 8.4 of the 'Heritage Impact Assessment' (Appendix 10) confirms: *"Therefore, with reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of any of the identified heritage assets through a change in their settings"* (emphasis added)

Accordingly, contrary to Para. 5.9.1 the Appellants case does not rest on the balancing test required under Para. 202 of the NPPF.

If the Inspector was, however, minded to consider that a degree of harm would arise to the identified heritage assets, it is the position of the Appellants that there are a magnitude of public benefits associated with the proposals as set out in paras 6.110 to 6.193 of the Appellant SOC that would outweigh the less than substantial harm identified, when considered under Paragraph 202 of the NPPF.

The Appellants therefore conclude in respect of NPPF that the appeal proposals are neither contrary to the development plan nor the key tests in NPPF. The SOC and associated appendices including the independent Heritage Impact Assessment at Appendix 10 demonstrate these points amply.

6) Need for the Development

Appellants Response: Para's 1.3 and 1.4 of the Appellants SOC established the requirement for replacement infrastructure in this economically vital area of London. Coverage plots were provided which demonstrate the requirement for a 3 site split cell solution to replace Castlewood House. Para. 6.10 confirms *'the Appeal site is one of three sites required as part of a 3-site split cell solution (Image 1) to replicate the coverage provided by the former Castlewood House. In addition to the Appeal site which provides coverage to the south of the former Castlewood House cell area for Telefonica and Vodafone, Albion House, 55 – 59 New Oxford Street will provide coverage to the east of the former Castlewood House cell area for Vodafone and 100 New Oxford Street (3) will provide coverage to the north of the former Castlewood House cell area for Telefonica'*.

As was set out in the pre-application, Section of the Supplementary Information which formed part of the planning application, Appellants SOC there is no 'one site solution' that will replicate the coverage previously provided by Castlewood House. This is due to the everchanging London skyline (which blocks signal), changes in technology and growing demand for more capacity in the networks to accommodate the increasing footfall in the area as a result of the new Tottenham Court Crossrail station. It is noted that Castlewood House was also host to MBNL (EE & H3G) equipment and as a result of the redevelopment of Castlewood House, MBNL are also pursuing replacement connectivity, via split cell strategy

to replicate the coverage previously provided by Castlewood House with a proposed base station on Matilda Apartments (LPA Ref:2020/5822/P) and Centre Cross on Tottenham Court Road (LPA Ref: 2020/2469). Notably as MBNL's (EE and H3G) radio plan differs from Vodafone and Telefonica's they are able to progress a 2 site split cell solution at Matilda Apartments and Centre Cross. Notably Telefonica and Vodafone are also pursuing their own 2 site split cell solutions (3 site split cell across both operators utilising Cornerstone's infrastructure), as in, all are doing exactly the same thing to address the loss of Castlewood House and it's inconceivable that CMS assert the sites are being pursued unnecessarily. Telefonica and Vodafone aren't able to progress the same sites as MBNL as each network is separate and has different requirements. Generally, a single replacement site suffices, but in this case, two are required for each operator, and the operators' different network requirements mean those two sites do not converge. The sites being pursued in conjunction with the appeal site are not stand-alone alternatives; they are required in conjunction.

Although, the benefits ensuing from the replacement base station are 'local' they will be potentially felt by over 50% of the 60 million visitors relying on their mobile devices using the Tottenham Court Road Crossrail Station per annum. The 'local' site is part of a network of national cells which together create the operators' networks. This will allow everyone in the country to benefit from the economic advantages of widespread mobile coverage and the Mayor's aspirations to become a truly global and competitive region. As well as improved mobile signal, 5G networks are also crucial to drive productivity and growth across the sectors that local areas are focusing on growth strategies.

The Government is determined to ensure the UK receives the coverage and connectivity it needs. To this end, the Government wants to be a world leader in 5G, the next generation of wireless connectivity, and for communities to benefit from the investments in the new technology. The Mayor of London and Camden aspirations which recognise the importance of digital infrastructure align with the Government objectives of being a world leader in 5G. The proposed installation will fully support these national and local aspirations to grow a good economy and build strong and inclusive economies.

The Appeal site would partially reinstate services which have been lost from the network thus providing the critical services the proposed shared infrastructure underpins at a local level for the operators' national networks. Therefore the appeal proposals are not a 'nice to have', they are to replace removed critical infrastructure, as clarified by the DCMS which support essential services. The benefits are real and substantial and demonstrated in the application and Appellant's Statement of Case.

Contrary to Para. 6.8 of CMS's SOC, the Council did not carry out a balancing exercise. This point was clearly set out in the Appellants SOC at Para. 132. In fact neither the delegated report nor Council's Statement of Case make any reference to the benefits.

7) Alternative Sites

The application and Para's 6.4 – 6.17 of the Appellants SOC addressed the issue of siting. The SOC set out the operational need for a 3 site split solution to cover the cell area previously serviced by Castlewood House for both Vodafone and Telefonica. Contrary to Para. 7.4 of CMS's SOC

this solution was not pre-determined and is not more than is needed to provide equivalent replacement coverage. Clearly there are sizeable costs associated with acquiring and building a telecommunications base station. The Appellants would therefore not pursue a 3 sites split cell solution if less sites would suffice. Refer to comment in Section 6 above.

8) Alternative Design:

Appellants Response: The application and Para. 6.47 of the Appellants SOC addressed the issue of alternative designs. Following this assessment of alternative designs the Appellants are therefore satisfied that design proposed represents the best possible solution and compliance with policies D1 and D2 of the Camden Local Plan has been demonstrated. This view is supported by the Heritage Impact Assessment found at **Appendix 10 SOC**.

9) Alternatives Previous Decisions:

Appellants Response: Para. 9.2 asserts that in every full planning application that the Appellants have referred to in their Statement of Case, the lack of alternative in a determining factor in the grant of appeal. The Appellants maintain their position that lack of alternative continues to be an issue in the case of the appeal site as clearly set out above 'Need for Development' there is no 'one size fits all' fit for the gap left following the removal of Castlewood House in both Vodafone and Telefonica's current radio plans.

Para. 9.3 of CMS's SOC infers there are two 'alternatives' at Para. 9.3.1. This is entirely incorrect. Albion House and 100 New Oxford Street are required **in addition** to the Appeal Site (emphasis added). In respect of Para. 9.3.2 as noted above under 'Alternative Sites' Albion House (55 New Oxford Street) is suitable as part of a 3 – site split cell solution. In isolation the site does not provide the required levels of coverage for Telefonica due their existing network. Also as noted above the word 'not' was omitted in error in the Supplementary Information (Section 5) which formed part of the planning application) and both Albion House and 64 – 76 should have stated "a site at this location would not provide". Contrary to 9.3.3 additional alternatives designs have been properly assessed (Para's 6.4 – 6.36 of the Appellant's SOC as has additional alternative designs at Para. 6.47. For brevity we will not repeat this and instead refer the Inspector back to the Appellants SOC.

10) Split Solution – Deliverability and Maturity

Appellants Response: The onus is not on the Appellants to demonstrate that the three site cell split is deliverable, The Appellants have provided evidence that a 3 site split cell solution is required. Moreover, the paid pre-app undertaken by the Appellant on the 3 site solution was

undertaken at the same time. The intention had been for the applications to be submitted at the same time. However, there was a delay in submitting 100 New Oxford Street.

Whilst the Appellants do not currently have planning permission for Albion House or 100 New Oxford Street both of these full planning applications are pending consideration with the London Borough of Camden (LPA Ref: 2021/2315/P and 2021/3402/P). At the time of making these applications, the intention was to link the appeals in the event the applications were refused. However, given the upturn in volume of application numbers this has led to significant delays both in validation and determination and as such this may not be possible.

11) Material Considerations:

Appellants Response: The Appellant's disagree that the proposals are contrary to the development plan. Compliance is demonstrated above under 'The Development Plan'. The Appellants have clearly established that a 3 site solution is required to provide replacement critical infrastructure in this instance for both operators. As such the proposals cannot be considered contrary to Para. 115 of the NPPF. Whilst the Adopted 'Design' and 'Amenity' CPG's are material considerations neither are referred to in the decision notice or delegated report. Under Section 35 (1)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, LPAs are required to specify all relevant policies they had regard to in coming to their decision. If not referenced in their decision it is considered that there is common-ground that the proposal complies with these policies. The issue of 'Alternative Sites' is considered under Section 7 above, 'Conditions and Design' under Section 3 above, 'Need' under Section 6 above. Para's 6.110 – 6.193 of the Appellants SOC sets out the magnitude of public benefits ensuing from reinstating existing 2G, 3G, 4G services which have been lost from the networks as well as new 5G services. Government places on 5G and advanced, reliable, high quality 5G technology. To prevent this technology from being brought into the area particularly given replacement 2G, 3G and 4G connectivity is already required, would be contrary to the Government's key aims, and the Mayor of London's aspirations to be truly global and competitive and Camden's to build strong and inclusive communities. Moreover, 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. The proposed shared site will provide part replacement connectivity following the loss of the Castlewood House site and will ensure good quality critical infrastructure to support strong inclusive communities and contribute to economic opportunities and inclusive London. It is noted that in September 2021, Government changed the name of the Ministry of Housing, Communities & Local Government (MHCLG) to Department for Levelling Up, Housing and Communities (DLUHC) as the government delivers on its central mission to level up every part of the UK.

12) Conclusions

Appellants Response:

The Appellants SOC demonstrates the need for the appeal proposal, which would provide part replacement coverage, reinstating high quality, reliable mobile digital connectivity within this area following the loss of an existing site within the Appellants' networks. Evidence of the benefits of high-quality communications connectivity in terms of growing a good economy, building strong and inclusive communities has been provided, along with central, regional and local government aspirations to provide infrastructure such as the appeal site, without which critical connectivity cannot be achieved. The proposed site will also bring 5G services to the area, the benefits of which are extensive now and, in the future, as well documented in Section 4 of this statement. It is contended that the Local Planning Authority gave no weight to this need when considering the impact of the proposal on the host building, the character and appearance of the Denmark Conservation Area and setting of assembly of listed buildings and did not carry out a balancing exercise weighing up the Local Planning Authority's perceived harm against the increasing importance and very real public benefits of providing reliable digital connectivity at a local level as part of the Appellants' national networks in the wider public interest.

The Appellants have undertaken an exhaustive search of the area, during which the use of an existing building was identified to provide part replacement for coverage following the loss of the former Castlewood House. It has been demonstrated that no more suitable, feasible alternative sites have been identified and that the appeal site represents the optimum option in terms of balancing the technical and operational requirements for the provision of shared replacement coverage in the public interest with the need to minimise the impact of development as far as is practical given critical infrastructure must fulfil its function. Contrary to the opinion of the Local Planning Authority and CMS, the Appellants conclude that the appeal proposals will not result in harm to designated heritage assets. It has been demonstrated that the appeal proposal, by virtue of its scale, height and design would not cause harm to the host building, surrounding area and the setting of the Denmark Street Conservation Area or other designated heritage assets including the assembly of listed buildings. Moreover, it has been demonstrated that the proposed essential shared infrastructure is diminutive in comparison to the host building.

The SOC demonstrates that there is no conflict between the appeal proposal for shared replacement mobile digital infrastructure and central, regional and local planning policy to the extent they are relevant, and that the Local Planning Authority, therefore, refused the planning application in a manner that is not consistent with their own Local Plan policies D1, and D2 place-making objectives and digital connectivity aspirations for the London Plan, Camden Local Plan or with national planning guidance.

For these reasons, the Inspector is respectfully requested that the appeal for the proposed appropriately designed, shared replacement mobile digital base station be allowed to ensure that the existing and future residents, businesses and more than 50% of the 60 million passengers utilising Tottenham Court Road Crossrail station dependant upon the Telefonica and Vodafone networks in this area will be able to use their mobile devices and benefit from the economic, social and environmental advantages the proposed infrastructure will facilitate to the area.

Response to other 3rd party representations

Max Robinson, Matilda Apartments	Appellants Response to Comments
Objection made on basis of address being wrong and the equipment being on a residential building.	The Appellants acknowledge at Para.1.0 of the SOC that the official address for the Appeal Site is Matilda Apartments, 4 Earnshaw Street, WC2H 8AJ. However, as Matilda Apartments forms part of the Central St Giles complex the appeal site will continue to be referenced as Central St Giles. Para's 6.4 – 6.37 deal with siting considerations. For brevity they will not be repeated here but instead the Inspectors attention is referred back to Para's 6.4 – 6.37.
Azeem Ahmad, Matilda Apartments	
I want to re-iterate my objection to the antennas as a resident of the building on which they are being placed. Firstly the address is incorrect so it misrepresents where they will be placed. Secondly I believe it goes against the original planning application of this Renzo Piano designed building. I also believe that the character of the building will be altered for the worse with the antennas and that a viable alternative is now available with the soon to be completed Castlewood House replacement the original site of these antennas.	Section 6 of the Appellants SOC deal with siting and design considerations. For brevity they will not be repeated here but instead the Inspectors attention is referred back to Section 6 of the SOC.
K Dorosz, Matilda Apartments	
Harmfulness to health and well-being	In accordance with the last point of Paragraph 117 of NPPF, the application was accompanied by an ICNIRP declaration and clarification letter (Appendix 9 SOC). NPPF is clear that “Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set

	health safeguards different from the International Commission guidelines for public exposure".
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