

Date: 28/10/2021
Your ref: APP/X5210/W/21/3279455
Our refs: 2020/5822/P
Contact: Matthew Dempsey
Direct line: 020 7974 3862
Email: matthew.dempsey@camden.gov.uk

**Advice and Consultation
Planning and public protection**
Culture & Environment Directorate
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Tel: 020 7974 5613
Fax: 020 7974 1680
planning@camden.gov.uk
www.camden.gov.uk/planning

Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Aaron Kang,

Town and Country Planning Acts 1990 (as amended)
Planning Appeal Statement (Authority)
Appellant: MBNL (EE UK LTD and H3G LTD)
Site: Matilda Apartments, 4 Earnshaw Street London WC2H 8AJ.

I write in connection with the above appeal against the Council's refusal to grant planning permission for the Installation of 6 x antenna apertures, 2 x transmission dishes and 8 x equipment cabinets & ancillary works.

The Council's case is set out primarily in the delegated officer's report (ref: 2020/5822/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 Installation of 6 x antenna apertures, 2 x transmission dishes and 8 x equipment cabinets & ancillary works was refused on 8th February 2021.

1.4. The Prior Approval 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 character and appearance of the host building, the character and appearance of the adjacent Denmark Street and Bloomsbury Conservation Areas and the setting of the adjacent listed buildings at the grade II listed Centre Point Complex (Centre Point House, Centre Point Link and Centre Point Tower) and the grade I listed Church of St Giles-in-the-Fields, 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.** (Please see Appendix B).

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.**

2020/2015/P - Installation of 10 antennas, 2 transmission dishes, 5 equipment cabinets and ancillary development thereto. **Refused 05/10/2020.**

2020/4390/INVALID - Installation of assorted steelwork to accommodate 6no antenna apertures & 2no 600mm dishes; installation of 8no cabinets; ancillary development thereto. **Pre-app Withdrawn 12/02/2021 – No fee paid.**

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 less than substantial harm to nearby heritage assets, but states that this is outweighed by the public benefits of the proposal.

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 character and appearance of the host building, the character and appearance of the adjacent Denmark Street and Bloomsbury Conservation Areas and the setting of the adjacent listed buildings at the grade II listed Centre Point Complex (Centre Point House, Centre Point Link and Centre Point Tower) and the grade I listed Church of St Giles-in-the-Fields, 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 prior approval is incorrect and that the proposal would in fact comply with policy and that the decision should not be upheld.

- 4.4. The appellant acknowledges the heritage constraints of the site, noting the host building is one of the few local structures outside of a conservation area and not listed. 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 states the importance of finding a replacement site for the now redundant site at Castlewood House. The Council does not dispute this matter and understands the importance of digital connectivity, but Council policies with regards to Design and Heritage are important material considerations, as per paragraph 134 of the NPPF.
- 4.6. The appellant attempts to dismiss relevant pre-app advice, which was previously carried out on the site and, subsequently made publicly available. Pre-app advice also forms part of the material considerations for any subsequent assessment. The appellant appears to ignore this, however; it is noted that the appellant's application form (section 11 of their form), submitted with the prior approval ref: 2020/5822/P, confirms pre-app advice was provided.
- 4.7. Within the Appellant's Supplementary Information, submitted with the prior approval ref: 2020/5822/P, it is suggested that pre-app advice was sought 22/09/2020, but no response was provided by the Council. However, upon checking the planning history of the site it is apparent that a formal pre-app advice request was submitted, but the fee was not paid and so the formal pre-app request was subsequently withdrawn ref: 2020/4390/INVALID. (For the avoidance of doubt; a response was sent from the Council, requesting that the fee due be paid, via e-mail to Robert.Black@waldontelecom.com on 26/10/2020).
- 4.8. Nevertheless, pre-app advice relating to telecoms installations on this site is publicly available to view online via the council website (Please see Appendix B). Any applicant should take note of the site planning history and any relevant pre-app advice for the express purpose of assisting with the design of an acceptable scheme.
- 4.9. The Appellant attempts to distinguish between a replacement site and a new installation and suggests the Council have incorrectly assessed the proposal; however, the application is for a new installation at a new site, albeit the reason for the proposed installation is due to the loss of the Castlewood House site.
- 4.10. 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.
- 4.11. 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.
- 4.12. The appellant states "there is a clear and demonstrable need for the appeal proposal", however; there is not a demonstrable need for poorly designed infrastructure which

negatively impacts on heritage assets. The public benefit as identified by the appellant could also be provided by the provision of well designed installations which do not negatively impact on heritage assets, as per the pre-app advice made available to the appellant and to the public.

- 4.13. 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 and planning history available, rather than suited to a generic street scene.
- 4.14. Pre-application advice is made available with the expectation that bespoke designs will be thought through for any similar installations, particularly within conservation areas and/or affecting the setting of listed buildings or other heritage assets. However, the submission appears to dismiss the site's planning history. It should be noted that many of the objectors to the scheme were able to access and refer to the planning history within their consultation responses.
- 4.15. The Appellant repeats and repeats the same argument regarding public benefit of the proposal, which the Council is not disputing, but the Council places more weight on their Design and Heritage policies than the Appellant is able to comprehend. The Council considers that both; digital infrastructure, and; design and Heritage, are very important. The appellant seems to suggest you can only have one and not the other, whereas the Council considered both are achievable with well designed schemes, unfortunately this scheme does not meet the Council aspiration and the public benefits of the specific scheme are not considered to outweigh Design and Heritage concerns.
- 4.16. 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. 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.
- 4.17. 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: 2020/5822/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.

Appendix B

Note: Six sites were considered as part of a group of pre-app requests relating to telecoms installations. The Central St Giles site was one of the six sites. The general advice below relates to all six sites, and the site specific advice follows this.

Pre-app Advice (ref: 2019/5697/PRE)

General Advice, re: Telecoms Installations:

I have discussed the proposals presented with colleagues and there are some accepted merits to the schemes with regards to general improvements to connectivity. It is also understood that with the expanding 'Knowledge Quarter' within Camden, it will be necessary to maintain and upgrade telecoms/ internet systems infrastructure and to provide up to date connectivity for academic institutions/ businesses and other users. Having said that, there appears to be no immediate benefits for the residents/ occupiers living/ working within and nearby to blocks (who will have to put up with the installation work and any comings and goings in relation to ongoing maintenance). Please note: elsewhere it has been proposed to provide free internet connections to residents of host blocks as a way of increasing the public benefit of schemes of this nature (and to help get the residents on side – I did mention this on site).

Site visits both at roof top level and from street level/ public realm viewpoints have revealed that there would be several places around each site where the structures would be plainly visible from ground level. We should also consider the outlook from other buildings, and this is also considered to present an issue with regards visual impact.

To overcome the negative visual impacts of the proposed installations, we would suggest that any proposed equipment should be added to the existing features/ fabric of the buildings, e.g.) the existing central roof top structures, as this would minimise any impact of roof top 'clutter' by shielding/ masking new features (such as proposed antennas). In these circumstances; it is generally considered preferable to add to an existing structure rather than create a new one, or to significantly alter the roof form.

Also; rather than installing scaffolding style rig structures to house the apparatus, greater care should be taken to assess the host building to provide a bespoke solution to the visual impact. There is particular concern about altering the roof-form when appreciated from longer views. For example; 3 or 4 or 5 new scaffold rigs are considered to significantly alter the roof form, alongside equipment cabinets dotted about – it can begin to look quite messy.

Officers have suggested that apparatus should be painted/ coloured to match the existing roof top in each case, to help blend the equipment with the roof and minimise visual impacts. It may be beneficial to include tidying up of roof tops (sites in general) as part of any proposal to ensure the visual impact of any installations is not considered to be negative. It should be noted that where proposals have been most welcome historically these included commitments to remove any unwanted equipment as part of the works. Conservation and Heritage Officers also have particular concerns about the 'scaffolding' structures proposed to support antennas. In short, these are considered ugly. It is understood that it is far cheaper for the applicant(s) to propose more or less the same scaffolding rig structure at each site, however each site is different; and in order to minimise the visual impact of installations, each site should be treated as an individual

design challenge rather than using a one size fits all approach. In this regard, it would be preferable to see antennas fixed directly to the host building (visual impact minimal), rather than constructing a 'rickety' tower to plonk them on (visual impact significant).

An alternative option would be to look at it from a different point of view. As stated above, it is acknowledged that there will be a greater need for more connectivity in general terms as technologies develop and demand increases, which in turn means there may also be demand for roof top space to house more telecoms equipment. And; given that our Heritage & Conservation Officers already have issues with the potential for the installations as proposed; it is probably worth pointing towards iconic examples of telecoms designs such as the K4 or K6 telephone box, designed by Giles Gilbert Scott in the 1920s/ 30s. Unfortunately, modern public realm telecoms equipment is generally not quite so elegant.

I am not suggesting that you propose installations of red telephone boxes on roof tops, however; I think it would be entirely beneficial in the longer term if the antennas, dishes and other apparatus to house them, were designed with greater thought about the aesthetic impacts. I would suggest that if a design as well thought of as traditional red telephone boxes were conceived for modern telecoms installations, then you might find sites actually welcome them as opposed to being reluctant or even rejecting them. I think it is certainly worthwhile asking the question; Why do telecoms dishes/ antennas need to look the way they do? Do they need to look the way they tend to? And if they don't need to look the way they do – why propose such designs within/ nearby conservation areas in close proximity to listed buildings? That is to say; surely 'a dish' or 'an antenna' are in essence a slightly concave surface, which I would suggest leaves quite a lot of room for creativity with regards to visual appearance.

The proposed installations for all sites are considered overly dominant. The height, bulk and massing of the structures are considered to have a negative impact on the host buildings visual appearance. It may be noted that; although we would expect installations to have a minimal visual impact in order to be acceptable, it may cause less significant visual impact to propose a greater number of antennas positioned more discreetly, which would hopefully provide your clients with the same/ similar 'coverage' but without causing harm to the street scene, host buildings, adjacent conservation areas or nearby listed buildings.

Suggested improvements to the schemes as proposed would be; to attach antennas to either the existing solid roof top structure towards the middle of the roof, so as not to create new roof top bulk or significantly alter the roof form, and/ or; to attach dishes to the existing parapets – also to minimise the visual impact. Although given the number of proposed antennas, this approach may also have issues without adequate forethought as to the precise locations of them. I acknowledge this may not be the best fit for the clients business operation, and colleagues would want to see this in plan before committing to acceptability.

Also; It would be strongly advisable to consider the colour of the existing roof, and to specify proposed equipment coloured to match/ blend with the existing arrangements. Alternatively, to come up with a better design for the antennas (and housing for them), which may potentially be more striking, but is nonetheless more appealing visually. This approach will be difficult, as it is obviously easier said than done to come up with an iconic

design beloved by everyone, and again; colleagues would want to see this in plan before committing to acceptability. For the sake of economy it would be beneficial if this design could be replicated, and therefore installed in several locations going forwards. Otherwise; bespoke designs for any host property would assist blending new structures/ features to minimise the visual impacts. In this manner you may arrive upon an acceptable 'iconic' design, that may then be replicated as described above. It is understood that bespoke designs may be more costly and for that reason unsuitable for the desired outcome, but would have a lesser impact visually.

It is also worthwhile noting that there is an increasing propensity for proposals (in general terms) to include specification of roof top garden/ amenity spaces, for both residential and commercial uses. Due to the potential for the close proximity of recreational uses at roof top level there is additional concern in relation to the visual impact of roof top plant/ telecoms installations, but also environmental health impacts which may be associated to any installation of this sort.

2019/5697/PRE, 1 St Giles High Street, WC2H 8AH.

Pre-app development description:

pre application for the installation of a telecommunications base station, comprising the installation of 10 no antenna, 2 no dishes, equipment cabinets and ancillary development thereto at ctil_242201_20_tf_81554_vf_15320 1 st giles high street, london, wc2h 8ag ngr e: 529969 n: 181329.

Applicant's preferred design / proposal:

"The requested preferred design is to position the antenna on the upper roof level of 1 St Giles Street (46.50m AGL). Utilising an existing building is in complete accordance with national planning guidance, as the proposed antennas are out of the general eye line of the casual onlooker. Thus the visual presence of the radio base station will be minimised. This is especially so as the height of the host building is some 46.50m and the top height of the antennas is circa 49.00m. Therefore, the antennas will barely be noticeable once in situ even if the general public were to crane their necks upwards in an unnatural stance to see glimpses of the new antennas.

The area is already established with rooftop antennas as Castlewood House opposite had the operator's equipment on it, up until recently. The proposed antennas will appear very similar to these. The building mass of 1 St Giles Street will also ensure that the antennas will not be overly visible from ground level. This point is clearly demonstrated by the site line diagrams, design justification sketches which form part of this pre-application enquiry submission pack."

1 St Giles High Street constraints:

- Community Association Consultation Zones – Covent Garden Community Association.
- Business Improvement District – InMidtown.
- CIL Charging Zone.

- Central London Area - part of the Borough that lies within the historic central core of London and is dominated by activities of London-wide, national and international significance.
- CMP Priority Area – south of Euston Road.
- Cross Rail Area.
- Cross Rail 1KM Buffers Region - Tottenham Court Road.
- Cross Rail Contribution Zone.
- Clear Zone Area – Central London Area.
- Fitzrovia Area Action Plan.
- Local Plan Centre – Tottenham Court Road.
- South Press notice Area.
- TFL Underground Zone of Interest/ Influence.
- 16 Storey Building.
- Not listed.
- Not in a conservation area.

No.1 St Giles High Street – site specific advice:

This block is 16 storeys in height and similarly to other tall buildings visual impact from the immediate street level will be quite minimal however; this increases the potential for visual impacts in longer views. Additionally due to the proximity of many other tall buildings in the vicinity, view of the site roof top are appreciable from several locations nearby. Furthermore; the surrounding street context of the site is such that there are positions from nearby street level where any installation as proposed will be visible.

It is welcomed to see the proposed antennas attached to existing 'grillage' as opposed to upon bulky scaffold rigs, however rather than positioning antennas vertically it would be preferable to see these positioned horizontally to minimise the overall impacts.

We have only been provided with a proposed West elevation, should you apply for any installation we would encourage the provision of proposed elevations on all sides to ensure all aspects and implications are available during the consultation stages of an application.

We would also advise taking photographs from the public realm showing all views surrounding the site to accompany any application, and ideally these would be overlaid with the proposed installations to give an indication of how the installation would look should it receive approval and be installed.

Although the site is not within a conservation area, it is surrounded by the Bloomsbury Conservation Area, the Seven Dial Convent Garden Conservation Area and the Denmark Street Conservation Area, and given the height of the proposed site/ development, it is considered that this could have impact on the character of the conservation areas.

Additionally, there are very many listed buildings in close proximity to the site. It would also benefit any such proposal if public improvements could be identified and proposed alongside telecoms installations, for example; the provision of wireless internet connections for occupants of the block would be welcomed. Additionally the tidying up of

the roof top site would be beneficial to proposals, although it may be noted that roof access was not provided as part of this pre-app.