

<b>Delegated Report</b> (Refusal)		<b>Analysis sheet</b>		<b>Expiry Date:</b>	19/10/2021
		N/A		<b>Consultation Expiry Date:</b>	26/10/2021
<b>Officer</b>				<b>Application Number(s)</b>	
Jaspreet Chana				2020/3839/P	
<b>Application Address</b>				<b>Drawing Numbers</b>	
St Giles Hotel 12 Bedford Avenue London WC1B 3GH				<i>Refer to decision notice</i>	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Installation of 88 microwave antennas on metal frames, on the existing roof and associated works.					
<b>Recommendation:</b>	Refuse planning permission				
<b>Application Type:</b>	Full Planning Permission				

Conditions or Reasons for Refusal:	<b>Refer to Decision Notice</b>			
Informatives:				
<b>Consultations</b>				
Summary of consultation:	The site notice(s) were displayed on 02/10/2020 (consultation end date 26/10/2020).			
Adjoining Occupiers:	No. of responses	<b>17</b>	No. of objections	<b>14</b>
Summary of consultation responses:	<p>Objections were received from neighbouring properties:</p> <ul style="list-style-type: none"> <li>• We agree with Bloomsbury Associations objections that the design, size, height of the proposed antennas would have an adverse effect on the character and appearance of the Bloomsbury Conservation Area and the Grade I listed buildings in Bedford Square.</li> <li>• Object on the grounds that the equipment would be highly visible from key views and form clutter on the flat roof.</li> <li>• The proposed addition is likely to have a negative impact on the amenity of surrounding uses.</li> <li>• Camden Council have a positive duty to safeguard the health and safety of its residents. The health documents produced by the applicants is incorrect and they must be aware that their equipment is detrimental to the health of the residents.</li> <li>• The antennas would be located within 120m of a school. There are a multitude of medical and technical studies concerning their impact on human health, most significantly over exposure of young children to microwave electromagnetic radiation.</li> <li>• It is also critical to ensure that the asset value of Bloomsbury heritage is not adversely affected by new developments and I would expect the Council to ensure that the requirements of Policy D2 are met and that it will not permit any further development that it considers would cause harm to the setting of listed buildings or that caused harm to the character and appearance of the Bloomsbury Conservation Area.</li> <li>• Detrimental effect of the proposal on the views from many parts of Bloomsbury and beyond, most particularly from Bedford Square. The architectural and historical importance of which can hardly be overstated. We also believe that the St Giles Hotel itself does have architectural significance, and that its design integrity would be significantly compromised by the proposed changes.</li> <li>• Given the work that has been undertaken in the past years to generate ground fibre optic networks in central London, I do not believe that this level of harmful visual intrusion can be justified, given that the performance of a service using this particular technology must be necessarily poorer than the alternatives now on offer.</li> <li>• Residential amenity, having such an installation built would no doubt have a negative impact on prices for existing homes in the immediate area.</li> <li>• The proposal would add horrible technical clutter to the important views and would further unreasonable intensification of existing residential area.</li> </ul> <p><u>Officer's response:</u> Please see sections 3 and 4 in the report below.</p>			

**CAAC/Local groups  
comments:**

The Bloomsbury Association has objected to the proposal on the following grounds:

- The design and access statement states: *'a large number of viewpoints have been considered in order to produce meaningful photomontages, and many were such that it was not possible to see the roof; the five that have been provided are where that has been feasible, but it is clear that the impression on the hotel and area is very small.'* We disagree, particularly with respect to distant views from Charing Cross Road, Tottenham Court Road, Great Russell Street and from Bedford Square, which is not even considered by the applicant. These are all views from within the adjacent conservation areas from where it is possible to see the roof. We have included our own images from a wider selection of viewpoints on pages 4 and 5.
- The applicant goes on to say *'This building is in an ideal location, having line of sight access to thousands of existing and target businesses in Holborn and Mayfair'*. While also saying in relation to visibility and viewpoints that *'many were such that it was not possible to see the roof'*. Again, we are sceptical of these conclusions and the assertion that there is a very minimal visual impact, it is not possible to see such a large area and not be seen.
- We disagree to the agents saying this building has *'no architectural merit'* and that it is a *'utilitarian building'*, we question the professional expertise to make such a judgement on the architectural merit of the host building.
- The visual effect of the building is uncompromising. Recent ill-informed attempts to soften the impact of so much exposed, hard edges, dirty concrete with such tacky devices such as hanging baskets with artificial flowers, planters, plastic hedges and marble cladding have served only to make the whole appear tawdry. This proposal makes things worse by adding tacky telecommunications infrastructure to an already extended roofscape. It is both damaging to the architectural expression of the existing building and to the conservation areas it faces. It ignores its context and applies a new, sterile, engineering aesthetic to its skyline...it would be another unwelcome addition that only damages the architectural integrity of the host building, contrary to Policy D1.
- The structures of the aerial array proposed on the roof the hotel will be dominant in views from the northern and western sides of Bedford Square and from gardens and will detract from its setting – see photos.
- We conclude that the proposed antennas and ancillary development on the roof of the hotel, by reason of their design, siting height, size and prominence, would be detrimental to the character and appearance of the adjacent Bloomsbury and Hanway Conservation Areas and the Denmark Street Conservation Area. They would also be damaging to the setting of the Grade I listed buildings in Bedford Square; the setting of the assembly of listed buildings around centre point; the grade II\* listed congress house, the grade II listed Dominion Theatre and adjacent former YWCA and the listed Georgian townhouses at 98-109 Great Russell Street. This is contrary to policy D1 and D2 OF Camden Local Plan and para 113 of the NPPF 2019.
- The proposal is location within 120 metres of a school, Ecole Jeannine Manuel in Bedford Square, for Nursery, primary and secondary age children. There are acknowledged health concerns about over exposure of young children to microwave electromagnetic radiation. In particular Dr Helen Caldicott, Paediatrician and co-founder of Physicians for Social responsibility, has advised: *'Radio frequencies emitted from mobile phone towers will have deleterious medical effects to people within the near vicinity according to a large body of scientific literature. Babies and children will be particular sensitive to the mutagenic and carcinogenic effects of the radio frequency radiation. It is therefore criminal to place these aerials on or near a school'*.
- The proposal lacks east and west elevations, no overall height stated of the antennas.
- St Giles hotel has a number of ownership interests. The certificate or ownership in section 25 of the application form, wrongly states that none

apart from the applicant is the owner of any part of the land or building to which this application relates.

Officer's response:

*Please see section 3 in the report below.*

## Site Description

The application site is occupied by St Giles Hotel, and is located on the western side of Bedford Road. It consists of 4 linked, serrated towers rising between 6-10 storeys above a 2 storey Podium. The Podium houses the hotel public areas, and plant spaces, restaurants and a casino located over several floors. The building constructed in the 1960's as a hostel for the YMCA is an example of Brutalist architecture, constructed in exposed concrete and clad in exposed riven precast panels.

The surrounding area is a mixture of commercial/offices/retail and residential uses. The site is not within a conservation and is not a positive contributor; however, the site does border Bloomsbury Conservation Area to the north-east side, Hanway Street can be found to the west and Charlotte Street to the north. The height of the building is such that it can be seen from wider area.

## Relevant History

### St Giles Hotel -

2020/0088/PRE - Installation of 44 microwave dishes/Antennas for Luminet on St Giles Hotel roof – Advice issued – 09/04/2020.

## Relevant policies

### **National Planning Policy Framework (2021)**

### **The London Plan (2021)**

### **Camden Local Plan (2017)**

- G1 - Delivery and location of growth
- A1 Managing the impact of development
- E1 Economic development
- D1 Design
- D2 Heritage

### **Camden Planning Guidance (2021)**

- CPG – Design (January 2021) - chapters 1 (Introduction), 2 (Design excellence), 3 (Heritage), 4 (Landscape and public realm), 7 (Designing safer environments) and Chapter 9 (Building services equipment)
- CPG – Amenity (January 2021) – chapters 1 (Introduction), 2 (Overlooking, privacy and outlook), 3 (Daylight and sunlight) and 6 (Noise and vibration)
- CPG Digital infrastructure (March 2018) – Telecommunications equipment (paragraphs 11- 15)

### **Code of Best Practice on Mobile Network Development (November 2016)**

### **Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013**

## Assessment

### 1. The proposal

- 1.1. Planning permission is sought to erect 88 small (300mm) antennas/dishes on the hotels' 11<sup>th</sup> floor roof (central section of the building) through a free-standing frame, to be erected around the perimeter of the roof, to enable Luminet (supplier) to provide high speed internet.
- 1.2. The metal frame to hold the antennas will measure 1.5m in height and will add the antenna/dish part way up the frame. Existing plant equipment within the equipment room is to be replaced and an additional 1no. PSU cabinet and 2 no. 42U equipment racks are to be installed, and overhead cable tray as required.

#### Background

- 1.3. Pre-application advice was sought for 44 antennas/dishes to be proposed on the roof of St Giles Hotel. The height of the structure and span of the dishes was considered appropriate for a site of this size and siting. However, officers suggested to set in the handrail and antennas from the edge of the roof by 0.50m, and move some antennas to the centre of the roof so that the visibility of the structure on the roof is further reduced from long views. Advice was also offered to match the colour of the proposed antennas and railings to the building so that the structures blend in with the building and be less visible.
- 1.4. The current proposal has set in the antenna structure 200mm from the edge of the roof and the number of antennas has doubled to 88. This is considered not to be in line with officer advice previously provided.

### 2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:

- Design – Impact on the character and appearance of the host building, street scene, and nearby conservation area; and
- Amenity – Impact on neighbouring amenity
- Planning balance

### 3. Design

- 3.1. Policy D1 of the Camden Local Plan seeks to secure high quality design in development; specifically requiring development to respect local context and character; preserve or enhance the historic environment and heritage assets in accordance with Policy D2; and preserve strategic and local views. Policy D2 states that the council will seek to protect heritage assets and non-designated heritage assets, including those on the local list. The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.
- 3.2. Policies D1 and D2 are supported by the Councils Design CPG and Digital Infrastructure CPG.
- 3.3. The NPPF requires Local Planning Authorities to keep the number of radio and electronic communications masts, and the sites for such installations to a minimum, consistent with the needs of consumers, the efficient operation of the network and to provide reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflages where appropriate.
- 3.4. The application building is formed by a two-storey podium and four towers of heights varying from 6 to 12 storeys. The proposal would introduce a significant amount of telecommunications equipment involving, 88 antennas/dishes added to a 1.5m high metal framing and handrail around the perimeter of the roof of the tallest tower (12 storeys). Currently, the tower block has a consistent roof line with the others, which creates proportionate composition in terms of height and visual impact into the street. Due to its size, siting and projection, the proposed equipment would be visible from the adjacent junction between Tottenham Court Road, Great Russell Street and Hanway Street and be considered visually prominent and incongruous on this tower block and building overall.

3.5. Given the height of the tower block, on which the equipment is located, the impacts of the proposal would be wide ranging, as it would be visually obtrusive from a number of public views, such as:

- Views from Tottenham Court Road
- Views from Charing Cross Road
- Views from Great Russell Street
- View from Bedford Avenue
- Views from Bedford Square
- Private views from all the surrounding buildings/development, including from the top of other buildings.

3.6. To the west of the application site lies adjacent to the boundary of Hanway Street Conservation Area, to the north, east and south adjacent to Bloomsbury Conservation Area and further to north-west that of Charlotte Street Conservation Area. There are also a number of Grade I and Grade II listed buildings in close proximity of the site. These are illustrated in the map below, and the application site annotated with a red dot. Planning (Listed Buildings and Conservation Areas) Act 1990 Listed buildings, in considering developments that affect a listed building or its setting, Section 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that local authorities 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.

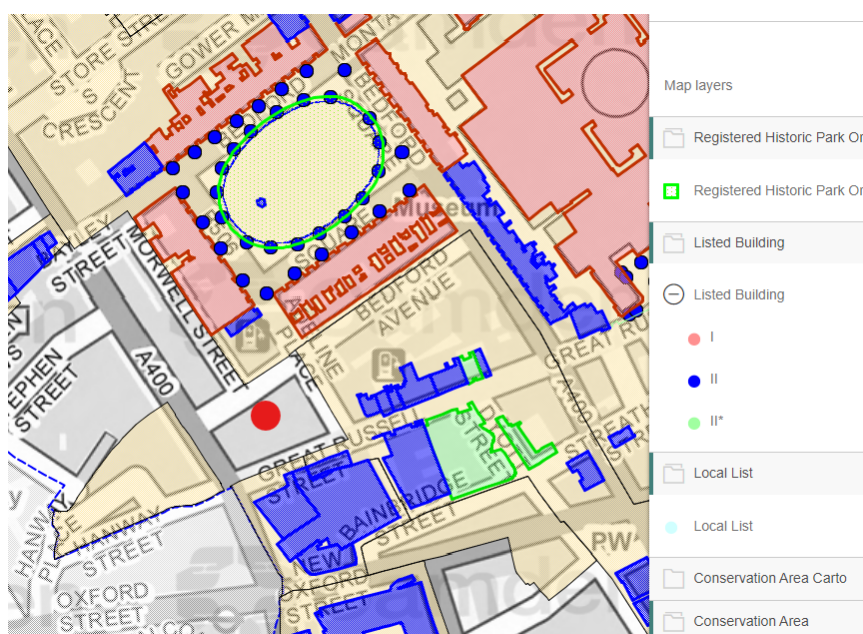


Figure 1. Site with red dot; yellow conservation areas; blue, red, green statutory listed buildings and Bedford Square.

3.7. Bedford Square is a grade II\* listed Registered Park and Garden which was built between 1776 and 1780. Bedford Square was the first garden square with an imposed architectural uniformity and remains in a remarkable state of preservation, therefore has great significance at local and national level. All the buildings fronting the Square are listed, some of the Grade I and II\*. Given the close proximity of the listed buildings, careful consideration was given to the impact of the proposal on the setting of these heritage assets. It is noted that views from Bedford Square already include the roof scape of the host site. The applicant's photomontage illustrates through before and after images the degree of visibility of the proposed installations. As such, due to the existing height of the building and the additional visual clutter of the proposed installations, the proposals would appear incongruous and the visual impact is considered to be harmful on the setting of Grade I listed buildings as viewed from Bedford Square. The proposals would not preserve the heritage asset nor their setting resulting in less than substantial harm.

3.8. Furthermore, policy D2 states that the Council would resist development outside conservation areas that causes harm to their character or appearance. The application building is visible from various points through the neighbouring conservation areas. The visual clutter generated by the proposal would appear overbearing from various points throughout Bloomsbury, Hanway, and Charlotte Street Conservation Areas, which would not preserve nor enhance the character and appearance of the CA as required under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

- 3.9. The excessively large number (88) of antennas and dishes on a metal structure placed on the perimeter of the roof would result in a proliferation of visual clutter at the roof level. The apparatus would appear unsightly and dominant within the street scene and due to its siting near the edge of the roof it would maximise its prominence on the building.
- 3.10. Due to the visual prominence of the proposal and inappropriateness due to the bulk, size, clutter and siting of the unsympathetic telecommunications equipment, the proposal would neither preserve nor enhance the subject site or surrounding area. The introduction of 88 antennas on metal framing with associated plant would cause further detriment to this already elaborate building leading to less than substantial harm to its character, appearance and setting. It is not considered this harm would be outweighed by any public benefits, as any minor benefits would only be to individuals and businesses subscribing to this particular private internet provider. Furthermore, the applicant has not demonstrated that the service can be provided through other means.
- 3.11. On this basis, the proposal by virtue of its inappropriate siting, scale and bulk, would result in a highly visually prominent, visually cluttering and incongruous development which would result in less than substantial harm to the character, and appearance of the host building, surrounding area and the adjacent Bloomsbury, Hanway and Charlotte Street Conservation Area. Furthermore, the proposed installations, due to their close proximity, bulk, massing and design are considered to result in less than significant harm to the setting of nearby Grade I and Grade II\* listed buildings surrounding Bedford Square, and on Bedford Square itself. The harm identified overall would not be outweighed by any public benefits, as explain in the planning balance section below.

#### **4. Amenity**

- 4.1. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered.
- 4.2. Due to the nature of the proposal it is unlikely to result in significant harm to neighbouring occupiers by way of loss of light, outlook or privacy. Noise issues could be controlled by way of securing acoustic information and conditioning maximum noise levels. Any construction and maintenance impacts would be temporary and if necessary, could be secured through a Construction Management Plan.
- 4.3. The NPPF requires applications for telecommunications development to be supported by the necessary evidence to justify the proposed development. This should include:
- The outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where the mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
  - For an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
  - For a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
- 4.4. The applicant's supplementary information states that the proposals seek to relocate an existing telecommunications site from 166 High Holborn to a new site within central London area. The applicants have stated that they found it difficult to acquire sites within High Holborn so had to branch out over 3km from the St Giles site looking for alternative sites. 3 other sites (Met Building 22 Percy Street, 18 Tottenham Court Road and 121-125 Shaftesbury Avenue) were approached which appeared to be suitable for the equipment however the applicants state that the site providers were unwilling or unable to negotiate. Therefore, only St Giles Hotel were willing to discuss terms and agreed to lease the roof for Luminets operations. Officers do not consider this to be sufficient justification for this site and it is noted that there remain other tall buildings within the coverage area that were not assessed.
- 4.5. The supporting information for the application also includes an ICNIRP Declaration which certifies that the proposed equipment is designed to be fully compliant with the precautionary guidelines set by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). This is an independent body of scientific experts established by the International Radiation Protection Association. As such, the equipment



is not anticipated to have any direct impact on public health.

- 4.6. It is noted that consultation responses have been received from local residents objecting to the proposed telecommunications equipment on public health grounds. Paragraph 116 of the NPPF states that local planning authorities must determine applications on planning grounds only and does not give scope for the local planning authority to determine health safeguards beyond compliance with ICNIRP guidelines.
- 4.7. Notwithstanding this, the Council notes various advice available on health issues which conclude that mobile phone base stations do not pose any health risks to people, including children. This advice includes amongst others, an independent report in 2012 by the Advisory Group on Non-Ionising Radiation (AGNIR) which concluded that there is no convincing evidence that exposure to radio frequency within the agreed guideline levels in UK causes health effects in adults and children.

## **5. Planning Balance**

- 5.1. The Council acknowledges the need for greater connectivity with regards to telecommunications networks such as internet provision and that if approved; this scheme would provide some public benefits by increased connectivity in the vicinity of the installation.
- 5.2. When applying special regard to the statutory requirements imposed by s.66, s16 and s.72 of Planning (Listed Buildings and Conservation Areas Act 1990) as amended by the Enterprise and Regulatory Reform Act (ERR) 2013 for developments to preserve the listed buildings, their setting and their features of special architectural or historic interest, and the desirability of preserving or enhancing the character and appearance of adjoining conservation areas, it is found that the current proposed telecommunication equipment by reason of their number, scale, design, siting and prominence would result in less than substantial harm to the appearance of the host building, the character and appearance of the Bloomsbury and Hanaway Conservation Areas, and to the setting of neighbouring Bedford Square and Grade I listed buildings, part of Bedford Square. The Council identifies the public benefit of the proposed scheme; however, in this instance this would not outweigh the harm.

### Luminet network and public benefit

- 5.3. The supporting information recognises the high level of mobile phone use, internet users and land line ownership within the UK population and the overall acceptance of the benefits of telecommunications. The higher frequencies that the proposed internet provider would serve to provide additional public benefits through greater bandwidth and capacity, along with improved connectivity, network enhancement and speed. It is generally argued that local communities could directly benefit from the proposed new and improved connectivity through enhanced social interaction and inclusion, improved local economy and services, and higher productivity, amongst other benefits.
- 5.4. Luminet network has a core specialism in providing internet connections using Fixed Wireless Access systems supported by its own resilient data ring. The data ring is sited on a 2 main data centres, at Park Royal and Telecity. Luminet also provide Fibre connection to customers via BT and Colt and also Data Centre and Cloud services. It is noted that the proposed type of Wireless connection would improve connectivity for customers, however the design of the proposed system would require the antennas to be close to the edge of the building to not cause signal clipping.
- 5.5. The applicant's supplementary information document confirms that though the proposals would require a new standalone facility on the rooftop of an existing building, it argues that the design of the proposed equipment is the least visually intrusive option available and the optimum location in terms of siting and design given the technical constraints of Wireless internet provision as stated above and those of the site itself. There has been pre-application discussion with the Council however the advice received was not followed through.
- 5.6. It is clear from both CPG Digital Infrastructure guidance and Paragraph 115 of the NPPF that the number of radio and electronic communications masts and sites should be kept to a minimum, and that use of existing masts, buildings and other structures for new electronic communications capability are encouraged. In this case, this is a brand new site being considered to add a very large expanse of telecommunications equipment over its whole central roof, in a prominent location. Existing sites with telecommunications equipment have not been considered as part of this application.

## Supplementary information

- 5.7. The NPPF requires applications for telecommunications development to be supported by the necessary evidence to justify the proposed development. This should include:
- a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
  - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
  - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self certifies that, when operational, International Commission guidelines will be met.
- 5.8. The applicant has provided supplementary information confirming that they have not carried out separate consultation with either; the local planning authority, local schools or ward councillors; however, as required by the NPPF, this should not have prevented community engagement for this new application. It is therefore considered that the proposals have not addressed the requirements set out under NPPF in relation to community engagement, and whilst this may not constitute a formal reason for refusal, the Council would expect this matter to be addressed in any subsequent application from the applicant or their agents. The site is not located within 3km of an aerodrome or airfield and as such the Civil Aviation
- 5.9. The supplementary information provided includes no confirmation or information whether there are any schools in close proximity to the site. A desktop analysis shows there is a school within 120 metres of the site Ecole Jeannine Manuel in Bedford Square, for Nursery, primary and secondary age children. No consultations have been shown to be undertaken with the school or any other site with interest in this proposal, which is contrary to NPPF. The site is not located within 3km of an aerodrome or airfield and as such the Civil Aviation and Secretary of State have not been notified. A declaration of conformity with ICNIRP Public Exposure Guidelines has also been submitted.
- 5.10. The applicants did state that they received pre-application advice from Camden Officers; however, based on the current submission, it is clear that the advice given was not followed. As a result, the proposal is unacceptable as it fails to address the Council's planning policies, and results in harm to the street scene and wider area.
- 5.11. Authority and Secretary of State have not been notified. The documentation also indicates that the applicant has identified and undertaken consideration of a number of alternative sites within the locality and that these were not chosen as being suitable for various reasons. As such, the application site was identified as being the most suitable location to fulfil the technical requirements of a new base station.

## **6. Conclusion**

- 6.1. The proposed antennas and associated telecommunication equipment, by reason of their number, scale, design, siting and prominence, would result in an incongruous addition and visual clutter which would harm the character, appearance and setting of the host building, surrounding area and the adjacent Bloomsbury Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, The London Plan 2021 and the NPPF 2021.

## **7. Recommendation**

- 7.1. Refuse planning permission