

Application ref: 2021/4164/P
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Date: 4 January 2022

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Avison Young
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7 Norfolk Street
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M2 1DW

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

**Pavement adjacent to Nido Student Housing
Blackburn Road
London
NW6 IRZ**

Proposal:

Replacement of existing telecommunications monopole, antennas and 2 equipment cabinets on public footpath with a new 20m high monopole with wraparound cabinet and new antennas, plus 2 equipment cabinets on footpath and associated ancillary works.

Drawing Nos: 002 issue D, 100 issue D, 150 issue D, 200 issue D, 250 issue D; Cover Letter and Design & Access Statement from Avison Young (ref. 75422/CMN195/Grissom/MP) dated 24/08/2021; ICNIRP Conformity Certificate (Cell ref. 75422) dated 08/09/2021; IET Guide to 5G and Health Information Sheet; MBNL 5G Explanatory Note (ref. MBNL.Supp.Info.New Tech.06.12.18); Digital Infrastructure information (Connected Growth: Toolkit for Places - pages 37-39).

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 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 The development hereby permitted shall be carried out in accordance with the following approved plans: 002 issue D, 100 issue D, 150 issue D, 200 issue D, 250 issue D; Cover Letter and Design & Access Statement from Avison Young (ref. 75422/CMN195/Grissom/MP) dated 24/08/2021; ICNIRP Conformity Certificate (Cell ref. 75422) dated 08/09/2021; IET Guide to 5G and Health Information Sheet; MBNL 5G Explanatory Note (ref. MBNL.Supp.Info.New Tech.06.12.18); Digital Infrastructure information (Connected Growth: Toolkit for Places - pages 37-39).

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The mast and cabinets shall be painted grey in a finish designed to prevent flyposting.

Reason: To safeguard the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017 and policy 2 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

- 4 The electronic communications apparatus hereby approved shall be removed from the site location as soon as reasonably practicable when no longer required.

Reason: In order to minimize the impact on the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017 and policies 2 and 9 of the Fortune Green and West Hampstead Neighbourhood Plan 2015.

Informative(s):

- 1 Reasons for granting planning permission:

The existing 20m high monopole, antennas and equipment cabinets were granted prior approval in 2018 (2018/0774/P). The presence of an existing base station and electronic communications equipment therefore confirms that the principle of siting similar equipment has already been established. The proposal is consistent with Paragraph 115 of Chapter 10 (Supporting high quality communications) of the National Planning Policy Framework (NPPF) which requires the number of radio and electronic communications masts to be kept to a minimum with the use of existing sites and structures for new electronic communications capability encouraged.

The proposal involves the replacement of approved equipment with a monopole to the side of the existing mast and of a similar height and profile plus a wraparound cabinet beneath, new antennas, and other equipment cabinets located on the public highway at ground level. The proposed mast would be shared by the Emergency Services Network (for the Home Office) and the mobile phone operator EE to provide reception to these services and

users of the nearby railway infrastructure. The proposal is an upgrade to improve existing 3G and 4G networks and to provide 5G technology.

The site is not located within a conservation area and there are no listed buildings in the vicinity; however, the location is situated within the Fortune Green & West Hampstead Neighbourhood Area.

While the antennas at the top of the new mast would be fatter and differently designed than the existing one, the profile of the mast itself would remain relatively slim. The proposed monopole would be no higher than the existing mast in situ, such that the vertical emphasis against the skyline would be unchanged. The colour finish of the proposed equipment would also match the existing grey colour of the apparatus in situ. The character of this cul-de-sac location is also noted as having no buildings or features of architectural merit and is dominated by a variety of utilitarian structures, industrial warehouses, carparks, railings and railway infrastructure. Hence, while the proposed design and size of the equipment would appear relatively incongruous, the proposal would not result in any significant additional visual clutter compared to the existing mast here, given the site context and the overall appearance of the streetscene would not be noticeably different.

As with the previously approved scheme, the proposal would result in a reduction in effective footway width given the proposed siting of cabinets on the public highway and this would have some harm on pedestrian amenity and movement on this section of footway. The applicant has confirmed that the proposed size, position and spacing of the cabinets at ground level is necessary to avoid conflict with adjacent cabinets, underground services and other street items on the pavement, as well as, to allow for adequate cooling distances for the equipment.

It is noted that the remaining footway width would still leave sufficient distance for people to pass, including wheelchair users and pushchairs, especially given the lightly trafficked nature of the footpath. Moreover, it is important to note the site context of the cul-de-sac location and that the pavement ends at this point. Pedestrians heading east are therefore required to cross the road here, regardless of any equipment, in order to continue their journey using a different footpath on the other side of the road. It was also noted in the previous approval for the existing mast here that pedestrians using Billy Fury Way to the north were avoiding using this section of footpath in order to use the wider forecourt area in front of Nido Student Hall in both directions. As such, the proposal is not considered to introduce any significant additional harm in highway or pedestrian safety terms.

- 2 Significant weight has been given by the Council to the economic and social benefits of the proposed improvement in existing 4G coverage and introduction of 5G technologies in recognition of the strong support for this form of development within the London Plan and the NPPF for digital infrastructure as a key part of delivering economic growth within London and nationally. The need for the replacement mast and equipment has been adequately justified in the supporting documents and the benefits of upgrading an existing site rather than finding and establishing a new site and base station (that might be more harmful) are also recognised and would be in line with Paragraph 115 of the

NPPF. The proposed equipment is certified as being compliant with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICNIRP) and thus there would be no harm to public health.

Overall therefore, weighing the limited harm caused as a result of the proposed development at an existing site against the demonstrable public benefit from the upgraded 5G equipment and coverage, it is considered on balance that the benefit to the public arising from enhancing the local electronic communication coverage and increased capacity significantly outweighs the limited harm arising to the character and appearance of the streetscene and wider Fortune Green and West Hampstead Neighbourhood Area.

It is not likely that any significant harm would be caused to the amenities of any neighbouring residential occupiers given that the proposed equipment would replace and upgrade existing approved apparatus.

The site's planning and appeals history has been taken into account when coming to this decision. No objections have been received following statutory consultation.

As such, the proposed development is in general accordance with policies A1, C6, D1, G1 and T1 of the Camden Local Plan 2017, policies 2 and 9 of the Fortune Green and West Hampstead Neighbourhood Plan 2015, the London Plan 2021 and the National Planning Policy Framework 2021.

- 3 You are advised that the electronic communications monopole and equipment cabinets hereby approved should be maintained in good condition for as long as they remain in place. The monopole and cabinets should be kept free of posters and graffiti and repainted if they become damaged or worn.
- 4 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 6 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the

Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Chief Planning Officer