CMN013 Telecommunications Site	IIILE
	Statement of
Maple House, 149 Tottenham Court Road, London, W1T7NF	Case
	DATE
Planning Appeal- Telecommunications Site-	02/11/2021
The installation of a 10m rooftop stub tower supporting 12 no. antennas installed on new support poles fixed to	WRITTEN BY
the new tower headframe, 3 no. 0.6m dishes, retention of 1 no. 0.3m dish, 4 no. cabinets on a steel platform, the removal of redundant equipment and associated	Susan Griffiths
works.	REVISION
STATEMENT OF CASE	1.1
Camden Council	REFERENCE
Application Reference:-2021/2805	CMN013
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1.0 INTRODUCTION

1.1 This statement of case has been prepared in support of an appeal against the refusal of planning permission by The London Borough of Camden Council of planning application ref.2021/2805/P. The proposed development is for:-

The installation of a 10m rooftop stub tower supporting 12 no. antennas installed on new support poles fixed to the new tower headframe, 3 no. 0.6m dishes, retention of 1 no. 0.3m dish, 4 no. cabinets and 2 no. cabinets on a steel platform, the removal of redundant equipment and associated works.

- 1.2 The planning application was submitted by MBNL, a joint venture between EE (UK) Ltd and H3G (UK) Ltd.
- 1.3 The planning application was refused by The London Borough of Camden Council under delegated powers on 12th August 2021 for the following reason:-

The proposed equipment, by reason of its location, scale, height and design, would create dominant visual clutter on a prominent roofscape, causing harm to the character and appearance of the host building and wider streetscape contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017.

Processing of Planning Application

- 1.4 Prior to the submission of the planning application the agent Beacon Communications, formally contacted the local planning authority by letter dated 26th May 2021 setting out the proposed upgrade to the existing telecommunications equipment located at the appeal site (copy of letter provided at Appendix 1). The applicants also contacted 3 ward councillors and University College London and University College Hospital. No response was received from any of the consultees.
- 1.5 The planning application was submitted on 9th June 2021 and validated on the 6th July 2021.
- 1.6 Information submitted with the application provides full details of the proposals as follows:-
 - Pre- application consultation letter (Appendix 1)
 - Planning Application covering letter (Appendix 2)
 - Planning application form (Appendix 3) and Application Acknowledgement Letter Appendix 3A)

- Article 13 Notice (Appendix 4)
- Existing and Proposed Plans (Appendix 5)
- Supplementary Information Form (Appendix 6)
- Mobile UK, 5G and Health, May 2019(Appendix 7)
- MBNL statement on 5G and Future Technology 06.12.2018 (Appendix 8)
- 5G- The Next Mobil Generation, Matt Warman MP (Appendix 9)
- DDCMS and MHCLG Collaborating for Digital Technology, 7th March 2019 (Appendix 10)
- DDCMS Connected Growth Manual (Appendix 11)
- ICNIRP Public Exposure Guidelines Certificate (Appendix 12)
- Photomontages as submitted and updated versions for the appeal (Appendix 13)
- Objection received by Bloosmbury CAAC (Appendix19).
- 1.7 The planning application was refused under delegated powers on 12th August 2021. Copies of the planning officer's delegated report and the Decision Notice are found at Appendices 14 and 15.
- 1.8 In addition to the above documents, the following are also relevant to the appeal:-
 - MHCLG and DDCMS, Government response to the consultation on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage, July 2020 (Appendix 16)
 - DDCMS Future Telecoms Infrastructure Review, 23rd July 2018 (Appendix 17)
- 1.9 Also of relevance to this appeal is the National Infrastructure Strategy, November 2020; in particular Chapter 2 pages 31-33 (Appendix 18) and Mobile UK, Council's and Connectivity, September 2018 (Appendix20).

Clarification of Proposed Development

Removal of Existing Equipment

- 1.10 The proposed development is to replace the existing base station at the appeal site. As explained in the Supplementary Information Form, Appendix 6 (e.g. p 6, 12 and 15) the height and girth of the proposed stub tower is the minimum capable of providing the technological improvements sought and to ensure satisfying ICNIRP requirements. The existing equipment is unable to accommodate the required upgrades for two operators whilst also enabling the introduction of 5G to the area. The existing equipment will, therefore, be removed when no longer required.
- 1.11 As well as the application drawings identifying that existing equipment would be removed it is also a requirement of the GDPO that telecommunications equipment erected as permitted development (such as the existing base station) is removed when no longer required: GDPO imposes a condition A.2-(2) (a) and (b) that "any electronic communications apparatus provided in accordance with that permission is removed from the land or building on which it is situated.....as soon as reasonably practicable after it is no longer required for electronic communications purposes......and; such land or building is restored to its condition before the development took place...". This would therefore apply to the existing rooftop equipment and cabinets.

2.0 RESPONSE TO REASONS FOR REFUSAL

Need for Proposed Development

- 2.1 The proposed development by MBNL, a joint venture between EE (UK) Limited and H3G (UK) Limited, is part of these companies' programme to upgrade the existing mobile/digital telecommunications equipment to accommodate 5G services. The proposal would provide the most up to date equipment available to provide these services as a replacement to the existing rooftop equipment.
- 2.2 Upgrading digital telecommunications is a key Government priority. This is set out in detail in the NPPF (see below) and is also summarised in the joint DDCMS and MHCLG statement (Appendix 10 and also in the DDCMS Connected Growth Manual (Appendix 11). The latter document notes that improved digital infrastructure lowers barriers to social and economic participation and boosts productivity and earning power (Appendix 11 p6) and the Minister emphasises that the digital sector is central to the nation's economic future (see, for example, the Secretary of State's Foreword to the Manual, p3. Furthermore, the Government wants the UK to be a world leader in 5G with the majority of the UK population to have access to a 5G signal by 2027 (Appendix 11 p37). Critical to achieving this is the ability of operators to deploy appropriate infrastructure. Additional background

information on this is provided in Appendices 7, 8, 10, 16, 17 and 18. Comments on the scope of proposed changes to permitted development rights are also set out in Section 3 of this Statement. Government guidance has also identified that telecommunications are now even more important at this time during and following the COVID-19 emergency (see App 19).

Emergency Services Network

- 2.3 The Home Office is leading a cross-government programme to deliver the new Emergency Services Network (ESN) critical communications system. This will replace the current Airwave service used by the emergency services in Great Britain (England, Wales and Scotland) and transform how they operate.
- 2.4 ESN will transmit fast, safe and secure voice, video and data across the 4G network and give first responders immediate access to life-saving data, images and information in live situations and emergencies on the frontline. Investment in ESN will also mean improvements to 4G network coverage, which will enable 999 calls to be made securely from mobile phones in some of the most remote and rural parts of Great Britain.
- 2.5 The technology that supports Airwave, the network currently used by our emergency services, is reaching the end of its lifetime. While reliable and fit for purpose for the immediate future, its limited capability means it cannot match the opportunities offered by new mobile critical communications technology.
- 2.6 ESN's high-speed mobile technology will mean communication between the emergency services will take priority over all other network traffic, even at peak times in busy urban locations. It will mean the emergency services and other first responders can share vital data, information and expertise quickly and securely from the frontline when it is needed most.
- 2.7 It will give the emergency services access to the latest mobile communications products and applications as soon as they come on stream. They will be able to choose what meets their unique operational requirements from the tools and technologies available.
- 2.8 EE is the nominated network provider to provide the ESN. In this instance the appeal site is located not only within a highly active area within Central London, but also immediately adjacent to a major hospital and an underground station, as well as major transport routes. This is why EE is currently seeking to upgrade the service provided at the Maple House base station. In addition to the upgrading of this service, the equipment will also introduce 5G technologies to the area for two network operators in addition to upgrading the existing services provided.

Benefits of 5th Generation Wireless Technology

- 2.9 Fifth-generation wireless (5G) is the latest iteration of cellular technology, engineered to greatly increase the speed and responsiveness of wireless networks. 5G will also enable a sharp increase in the amount of data transmitted over wireless systems due to more available bandwidth and advanced antenna technology. The overriding emphasis in Government's current approach and policies for planning is that permission should be granted unless there are compelling reasons why it should not. If the benefits of the proposed scheme outweigh the identified harm caused by the development, the proposal should be allowed to go ahead. It is the appellant's contention that the benefits of the upgraded installation, despite increase in height, additional cabinets and new location, would outweigh the harm caused to the area.
- 2.10 The upgraded installation will bring next generation technology to this highly active part of Central London. The full extent of benefits of 5G technology is still unknown. However, the possibilities seem endless. If allowed, residents and visitors will benefit from:
 - Much faster download/upload speed and latency
 - Improved home working (5G would rival the speed of fibre broadband, allowing even construction workers to operate excavators and cranes from thousands of miles away, doctors to consult with patients and paramedics from afar, and surgeons to even control surgical robots remotely).
 - 5G supports the development of the "Internet of Things". This encompasses all the 'smart' and connected devices we're starting to see in homes and beyond, from smart light bulbs and thermostats, to connected kettles, security cameras and more, most of which can be controlled by an app on a mobile phone, or by voice when paired with an AI Assistant such as Amazon Alexa. In some cases, they can even be automated, with lights for example turning on when entering a room and turning off when leaving it. They do this in part by communicating with each other, for example, motion sensors at a room entrance could adjust lighting when people enter or leave a room.
 - It also supports the development of "Smart Cities" which develops the "Internet of Things" beyond homes and out into the world to make cities smarter. Examples include traffic lights that can adapt automatically based on traffic flow, automatic deployment of road repair vehicles when potholes are detected, smart power distribution (e.g. so that buildings are not being lit when they are empty) and rubbish bins automatically reporting when they require emptying, all leading to cleaner, safer, more efficient cities, and all with minimal human oversight.

• Cars of the future. When connected to 5G, the cars would communicate and share data with other vehicles and connected infrastructure, avoiding accidents and traffic as a result, and telling smart cities where traffic is building up, so routes for other vehicles can be adjusted. This will also play a large role in self-driving cars, with its speed and reliability key to them rapidly sending and receiving information about the road and other vehicles.

Technical Description of the Proposed Development

- 2.11 The drawings (Appendix 5) and the Supplementary Information (Appendix 6 p6) submitted with the application show that the existing radio base station comprises 6 no. antennas on support poles, together with 1 no. 0.3m dish, 6 associated cabinets and ancillary equipment. This equipment is to be replaced by a 10m slimline stub tower supporting 12 no. antenna apertures (2200x550x350mm) at a height of 40.79m C/L and 3 no. 0.6m dishes at a height of 36.5m. Four of the existing cabinets are to remain and an additional 4 cabinets are to be provided together with ancillary equipment and development.
- 2.12 The existing rooftop antenna are directed at 0 degrees, 102 degrees, 240 degrees for EE & 63 degrees, 180 degrees and 302 degrees for H3G which provides total coverage for both operators. Existing antennas are used for 2G/3G/4G technologies for EE and 3G/4G for H3G. This means that each of voice, text and data services all share the same antennas for both EE and H3G. The proposed mast will provide 4G and 5G services only at bearings of 0 degrees, 120 degrees and 240 degrees.
- 2.13 The proposed configuration includes 4No. apertures per sector with a maximum of 6 no. antennas per sector, (18 no. for the whole site at a bearing of 0 degrees, 120 degrees 240 degrees). The ESN uses 4G and has priority over other network users, hence the need to provide this significant upgrade to the 4G service in particular. The existing equipment is restricted to 1800MHz/2100MHz frequency bands which limits the capacity of the sites. Additional 800MHz, 1400MHz, 2600MHz and 3500MHz bands are now available but these bands have different physical antenna requirements. The proposed upgrade will enable usage of some of these additional bands to increase 4G coverage and capacity and to enable 5G. The proposal includes a 10m Stub which is required to ensure Public and Occupational ICNIRP compliance on the Host and adjacent rooftops. A lower C/L height would cause non-compliance with at least one of the previously mentioned compliance zones due to the proposal of 5G technology. This is in alignment with TD54000 ICNIRP EMF Compliance Guidance & TD51000 Rooftop Slimline Lattice and Monopole Stubs.

2.14 It is therefore the case that the precise location of the mast towards the rear of the site has resulted in the need for a mast of greater height than might otherwise be the case. There is no alternative location available on the rooftop that would not interfere with co-existing equipment or cause ICNIRP issues and as such the only solution available to the appellant is a 10m stub tower. To lower the antennas in the current location would run into serious ICNIRP non-compliance issues with the host and surrounding rooftops and accordingly would not be feasible. Sector B in particular, bearing 120 degrees, runs down the length of the host building, as opposed to straight out in Sector C. The other telecommunications equipment on the rooftop, including within the recently approved application by CTIL (2021/4249/P – Prior Approval Granted 22/10/2021) for additional equipment to introduce 5G is placed towards the corners of the rooftop which makes best use of the bearings to enable a lower centre line to be afforded and avoid ICNIRP issues .As such development on the corner edges of the building can be significantly smaller in form as it avoids significant ICNIRP issues and therefore the equipment can be placed at a lower height. This is not possible for the location available to the appellant.

Alternatives Considered

2.15 As this is an existing base station on a high rise building within Central London, adjacent to major transport routes and interchanges and University College Hospital, it was not considered necessary to seek an alternative site. The use of existing sites and high rise buildings is encouraged by the NPPF in preference to seeking new telecommunications sites. The proposed development seeks to upgrade the existing apparatus on a building of no particular architectural merit, to enable the introduction of 5G and to upgrade the ESN. This established telecommunications site was considered to provide the most sustainable solution to upgrading the existing equipment rather than seeking a new site nearby. It is also relevant to note that two conservation areas abut the site further limiting options available nearby.

Design

- 2.16 In devising the design the appellant had regard to the need to not only upgrade the existing apparatus to allow for the introduction of 5G, but also to upgrade the Emergency Services Network, an important consideration given the site's location adjacent to one of London's major hospitals. The height of the proposed stub tower is required to address the needs of the specific technologies being installed, to avoid potential interference whilst allowing two operators to use the site to provide 4G and 5G technologies, taking into account the topography and structures in the local area, and to ensure compliance with ICNIRP requirements.
- 2.17 The design of the mast arose from the need to comply with ICNIRP requirements whilst also ensuring that the site could be upgraded to allow for the introduction of 5G technologies to the area and to enable the ESN to be

upgraded. The proposed mast is well set back from the main frontage on a multi-storey building of no distinct merit outside the nearby conservation areas. The host building protrudes at ground, first and second levels such that a canopy is created with the upper floors to the building set back and the highest floor set back yet again. It is on this rooftop well away from the main road that the mast is proposed. The most up to date equipment available is to be employed.

Impact on the Character and Appearance of the Area

- 2.18 The area which provides the context for the proposal is a highly active location within central London with mixed use buildings of varying styles and forms around. Away from Tottenham Court Road and Euston Road the street pattern is closer knit with some street trees, but still with multi-storey buildings. The street pattern and density of development around the site protects the development from view. The main viewpoints will be from the north on Euston Road and to a degree adjacent to Warren Street underground station just within the Fitzroy Square Conservation Area and potentially at an oblique angle from Grafton Road to the south west. However, the fact that the stub tower may be visible does not necessarily mean that it is not acceptable in this environment. The London skyline is often peppered with rooftop equipment, cranes and gantries. Indeed the adjacent building has a gantry crane and from the North the BT Tower dominates the skyline, with abundant telecommunications equipment visible from all over London.
- 2.19 The officer's delegated report suggests that "This is a prominent roofscape and the proposed addition of a 10m high substation, much larger and bulkier than the existing equipment would add visible clutter clearly visible from neighbouring streets. This includes views from Fitzrov Square Conservation Area to the West and some views from the Bloomsbury Conservation Area to the South." The appellant contends that this has been over stated. As has previously been expressed, views towards the site from the surrounding streets are extremely limited due to the high rise form of development in the area, the tighter street pattern in the surrounding streets and the existence of street trees. The photomontages demonstrate that limited impact will arise in an area where street level activity dominates the scene, as the site lies on a very busy transport route near an underground station, a hospital and may be described as a hub of activity. It is therefore not accepted that the mast would be highly visible from the junction with Warren Street as suggested by the Bloomsbury CAAC as the proposed equipment is at roof level and the main focus within the area is what is going on at ground level.
- 2.20 The appellant contends that the overall character and appearance of the area will not be undermined and the important function of the proposed mast will offset any perceived negative impacts. In such an active location there are multiple distractions. The majority of activity is at ground level and the tendency will be to look along the length of the road rather than up. Furthermore, other rooftop apparatus is visible and the limited visual impact

from certain viewpoints only will be offset by the advantages that the development will bring to the area and the ESN.

Cabinets

- 2.21 The location and appearance of the proposed cabinets is shown in drawings 215 and 265 (Appendix 5). These cabinets are all required for the accommodation of the new equipment to provide the 5G services. The proposed development includes the retention of 2 no. existing cabinets, the removal of 3 no. cabinets and the installation of 4 no. cabinets to support the activities of both operators. As all the cabinets are located towards the rear of the building they are unlikely to be visible at all from ground level The cabinets should not, therefore be regarded as adversely affecting the character and appearance of the area. The proposed development will not, therefore, be out of character with the street scene more generally.
- 2.22 In summary, taking all these factors together, it is considered that whilst a degree of visual obtrusion may arise it will not have an unacceptable impact on the character and visual amenities of this location. Any perceived negative impacts are outweighed by the important function that this development will perform supporting the emergency services and introducing 5G to the area.

Impact on nearby Conservation Areas

- 2.23 The boundary of Fitzroy Square Conservation Area lies directly opposite the host building, whilst the boundary of Bloomsbury Conservation Area lies to the South of the property and beyond the hospital to the East. There is no marked change in the street scene however as the main areas of interest within the adjacent conservation areas lie to the west of the site and to the south and east.
- 2.24 Whilst it is true to say that the proposed stub tower may be visible looking up from the corner adjacent to Warren Street tube station and potentially at an oblique angle from Grafton Way, being such a vibrant location the eye is drawn to the activity at ground level. This is discussed in further detail below.
- 2.25 The supplementary information template under section 3 identifies nearby listed buildings but similarly concludes that their orientation and the height of buildings nearby mean that they will not be unduly affected by the proposed rooftop development. Furthermore, many of the surrounding buildings host telecommunications equipment and accordingly the host property is not alone in this respect. It is part of the London skyline.
- 2.26 The appellant does not agree with the views expressed by the Bloomsbury Conservation Area Association that the proposed development would have a detrimental impact on the Bloomsbury Conservation Area. The street pattern within the area is tighter, there are a number of street trees which may limit views and also multiple multi-storey buildings such the proposed mast will barely be visible and if it is visible it will be at an oblique angle due to the location of the tower in the northern section of the building towards the rear.

No objections were received by the Fitzroy Square Conservation Area Association.

2.27 The fact that the stub tower may be visible from any areas close by does not in itself indicate harm. Indeed at paragraph 3.8 of the planning officer's report the officer states "It is accepted that telecommunications equipment by the nature of their functional design and aesthetic may not blend seamlessly with an existing building" However the appellant does not accept the assertion that the antennas and poles by virtue of their number, height and prominent siting would result in a proliferation of harmful visual clutter which would be unattractive and over-dominant on the host building causing harm to the character and appearance of the wider townscape. The proposed stub tower (not towers as stated in paragraph 3.9 of the officer's report) is set well back from the main frontage at the rear of the building as highlighted above. For all these reasons the appellant contends that there would be no demonstrable impact on the historic character and architectural appearance of the nearby conservation areas. Furthermore the reason for refusal does not make reference to impact on nearby listed buildings or conservation areas.

Impact on Amenity

2.28 The Officer's delegated report concludes that the proposed mast would not cause harm to neighbouring amenity by way of loss of daylight/sunlight or privacy as set out in paragraph 4.2 of the planning officer's report. The appellant agrees with this view. No objections were received from neighbouring residents.

Health Grounds

2.29 The application is accompanied by an ICNIRP certificate confirming the adherence to the relevant requirements. Accordingly, potential effect on health, or fears about health are not relevant to this case.

Summary

- 2.30 The proposed development provides an important upgrade to telecommunications infrastructure in this part of Camden within Central London by improving both mobile telecommunications service capacity and enabling 5G networks in this area and importantly upgrading the ESN. This will support economic development and improve access for all sections of the community to a wide range of services and information. Upgrading ICT networks is a key national and local government objective.
- 2.31 The current appeal is for the replacement of an existing telecoms base station on an established telecommunications site already hosting multiple operators. The proposed site provides the optimum solution in the locality to support the introduction of 5G technology to the area and upgrade the ESN. The design of the proposal is the minimum to support the proposed

technologies. Equipment lower in height would fail to comply with ICNIRP standards due to the site's location to the rear of the building. Moving the sub tower further forward would be likely to raise greater concerns in terms of visual impact. The proposal will not significantly affect the visual character of the area nor will it affect residential privacy, amenity or health. In all these circumstances it is considered to be acceptable

3.0 **REVIEW OF PLANNING POLICIES**

- 3.1 The reason for refusal identifies that the proposal would be contrary to Policy D1 Design of the Camden Local Plan 2017. However, other policies are also relevant to the determination of this appeal including:
 - National Planning Policy Framework 2021, paragraphs 81, 83, 86, 114, 115, 117 and 126.
 - London Plan 2021 Policies- GG2 Making the4 best use of land, GG5 Growing a good economy, D3 Optimising site capacity through the design-led approach, D4 Delivering good design, HC1 Heritage and growth, S1 6 Digital connectivity infrastructure
 - Camden Local Plan 2017 Policies G1 Delivery of location growth, A1 Managing the impact of development, D2- Heritage, T1-Prioritising walking, cycling and public transport, T4 Town Centre uses.
 - Supplementary Guidance- CPG (Design) (2021), CPG Amenity (2021), CPG Digital Infrastructure (2018)

NPPF 2021

- 3.2 The NPPF 2021 replaces the 2019 version which was still valid at the time of submission of the planning application. The NPPF sets out the Government's economic, environmental and social planning policies and how these are to be applied in relation to all planning applications.
- 3.3 At the heart of the NPPF is a presumption in favour of sustainable development. Under Section 6 paragraph 81 the NPPF advises...." Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development." Paragraph 83 states..." Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries...... The application site is located in Central London, adjacent to major transport routes and interchanges and sits alongside one of London's major hospitals, University College London Hospital. Accordingly the need for fast and efficient telecommunications in the area is paramount. On top of this, as EE provides the service for the ESN the service provided in this area needs to be the best available. Paragraph 86 advises that planning policies and

decisions should support the role that town centres play by taking a positive approach to their growth, management and adaptation.

- 3.4 In section 10 of the new NPPF at paragraph 114 states "Advanced, high quality and reliable communications infrastructure is essential to economic growth and social wellbeing". It advises that "planning policies and decisions" should support the expansion of electronic communications networks including next generation mobile technology (such as 5G) and full fibre broadband connections." Paragraph 115 states" The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged." The proposal allows for the use of an existing high rise building to allow for equipment to improve the efficiency of MBNL's existing transmission network. The proposed equipment is the most up to date available to provide the required network improvements. The height of the building and the location of the equipment back from the main frontage will minimise views of the equipment at ground level.
 - 3.5 Paragraph 116 continues" Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:

a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and

b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services."

- 3.6 The scheme will not cause any undue impact on the services outlined above and fully complies with ICNIRP standards. An ICNIRP certificate is enclosed with the application. The proposal has been designed with the aim of achieving a balance between minimising visual impact and achieving the technical requirements for an upgraded base station providing improvements to local businesses, residents and visitors to and through the area as well as upgrading the service provided to the ESN next to one of the capital's main hospitals.
- 3.7 Paragraph 117 the NPPF advises that applications for telecommunications equipment should be supported by evidence to justify the proposed development including the outcome of consultations and an ICNIRP Certificate. The appellant carried out pre-application consultation as set out

in the Supplementary Information template on page 2. No response was received from any of the parties consulted, other than the LPA who advised that the fee for dealing with a pre-application consultation was over double the cost of dealing with a full planning application. It was therefore considered more appropriate to move to the submission of an application.

- 3.8 The proposed development will make effective use of the land as set out under Section 11 of the NPPF. Section 12 of the NPPF promotes achieving well-designed spaces.at paragraph 126 it states" *Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*" The proposed development not only utilises an existing high rise building which has been used for telecommunications apparatus for a considerable length of time, it also ensures that form of development will achieve the objectives of the NPPF and will be easily assimilated in this environment.
 - 3.9 **Conclusion:** The proposed development is strongly supported by the NPPF which identifies that weight should be attached to this type of investment. The proposal fully satisfies the NPPF's requirements to make the best use of land and utilise existing locations and high rise buildings for telecommunications infrastructure where possible. The proposal will provide high quality up to date communications infrastructure essential for economic growth and social well-being and will upgrade the ESN at this important location adjacent to major transport routes and interchanges and adjacent to one of London's main hospitals.

THE LONDON PLAN 2021

- 3.10 Policy GG1 of the London plan seeks to encourage strong and inclusive communities. By ensuring that the latest telecommunication technologies are available to all the economic security of the area will be secured and good and inclusive growth will be achieved.
- 3.11 Policy GG2 concerns making the best use of land. The host building is an existing telecommunications site located at an important juncture within Central London, adjacent to major transport routes and interchanges and a major London hospital. The proposed development seeks to update and replace existing telecommunications infrastructure to enhance the service provided in the area and importantly to upgrade the Emergency Services Network (ESN). Maple House is not a building of any distinct architectural merit and does not lie within a conservation area. Views of the proposed apparatus from ground level will be limited as the proposed apparatus is set back from the main frontage. The host building is sited on one of the busiest streets in London. Due to the active nature of the area, its location adjacent to Warren Street underground station and the busy traffic along both Tottenham Court Road and Euston Road, the majority of people will be looking along the length of the road and not up. There are cranes and gantries on adjacent buildings providing other roofscape infrastructure also and a plethora of street furniture at ground level. In all these circumstances

intensifying the use on this site represents the best solution to the need to upgrade the service provided in this case.

- 3.12 Policy GG5 refers to growing a good economy. The proposal to introduce 5G technologies will inevitably ensure the economic success of the area by allowing it to remain competitive, as encouraged by the NPPF. The equipment will ensure that local residents, businesses and visitors to and through the area will have efficient, up to date, high speed technologies at their disposal supporting both economic and social activity.
- 3.13 Policy D2 concerns optimising site capacity through the design-led approach to encourage the best use of land. Being within Central London in a very busy location it makes sense to maximise the use of the existing rooftop telecommunications site to provide the enhanced service that will allow for expansion of the Emergency Services Network, as well as allowing for the introduction of 5G technologies to the area. The proposal seeks to replace the existing apparatus with up to date equipment to enhance coverage and capacity also. Immediately adjacent to the site lies University College Hospital, made up of a number of modern buildings including a high rise element to the North East of the site, as well as a crane and gantry on the adjacent building. The street pattern in the surrounding streets is close knit such that views towards the property are limited. Views from the nearby Conservation areas are also limited by the scale of the buildings surrounding the host property.
- 3.14 The proposed equipment is located away from the front edge of the building and will only be visible from certain viewpoints. By installing the equipment on a modern multi-storey building of no distinct aesthetic merit, it avoids the need for additional base stations in the locality which are likely to have a far greater impact on the character and appearance of the area that the proposed rooftop equipment. In all these circumstances the proposal will make the best use of land and will not cause any undue harm to the character and appearance of the area or its environs.
- 3.15 Policy D4 concerns delivering good design. The policy encourages using a design-led approach and highlights the use of modelling to convey impact on the environment. The application is accompanied by photomontages which demonstrate that the proposed development will be assimilated in the street scene without causing any undue harm to the character and appearance of the area or the locality at this busy location within Central London. (See Appendix 13)
- 3.16 Policy HC1 concerns heritage conservation and growth. The application site is not a listed building, nor does it lie within a conservation area. However the site lies close to Fitzroy Square Conservation Area and Bloomsbury

Conservation Area. There are also a limited number of listed buildings nearby on Grafton Way and some listed lampposts between Goodge Street and Warren Street.

- 3.17 The buildings directly opposite the site are significantly lower in scale than the subject property. In view of the fact that the proposed mast is well set back from the frontage of Maple House it is unlikely that the proposed stub tower will be visible, except perhaps from the uppermost storeys if at all. Views from surrounding properties would be at an oblique angle only looking upwards also. Buildings to the South and East of the subject property form part of University College London Hospital. Parts of the main hospital and the newer multi-storey element lie outside the Bloomsbury Conservation Area. The university buildings lie further to the East and South East but are shielded from view by the intervening properties. The multi-storey nature of the buildings within the area and closer knit road pattern surrounding Tottenham Court Road, other than Euston Road, help to screen the proposal from view from these more sensitive locations.
- 3.18 Whilst the proposed rooftop stub tower will be visible from within the Fitzroy Square Conservation Area towards the end of Warren Street it will be seen in the context of an very active street scene, with abundant signage and street furniture which distract the eye such that it will not cause any undue to harm to the setting overall. The listed properties along Grafton Way are all orientated south eastwards such that they are not seen in the same plane as the proposed rooftop equipment on maple house. As such the historic character and special architectural appearance of these properties will be maintained. The listed lampposts between Warren Street and Goodge Street are located at street level and will not be seen in the same context as the proposed rooftop development and as such their general setting will be maintained.
- 3.19 Bearing in mind the fact that the host building is of no aesthetic merit and is surrounded by more sensitive areas it seems logical to allow additional telecommunications apparatus to be located on the rooftop which has historically been used for telecommunications apparatus. This would avoid the need for additional base station to be established in the area which may have far more impact on the nearby historic assets than the proposal.
- 3.20 The proposed equipment is to be set back from the main frontage of the building and due to its rooftop location and orientation will not be seen in the same plane as the nearby listed buildings. Views of the proposed equipment from the surrounding area are likely to be limited due to the scale of the host building, its orientation and the surrounding street pattern.
- 3.21 Policy SI 6 specifically concerns digital connectivity infrastructure. The appellant contends that the proposed development entirely accords with the aims and objectives of the policy by updating the technologies available to local residents, businesses and visitors to and through the area. The site is an existing rooftop already accommodating telecommunications apparatus

and the proposed equipment will allow for the introduction of 5G technologies, whilst at the same time respecting the built form of the host building and its setting close to listed buildings and adjacent to two conservation areas. The equipment is well set back from the building edge to limit its view from ground level. Furthermore, it is of simple form and the minimum height capable of providing the required services whilst at the same time satisfying ICNIRP requirements. The improvement in the services available and connectivity more generally will enable to area to remain competitive.

3.22 It is imperative that support is given to the introduction of 5G technology as this will allow networks to be able to handle more data and connect more devices simultaneously at much faster speeds than is possible using the existing technology. This will support the Government's ambition for the UK to become a world leader in 5G. The 5G network is to be the fastest service that operators can provide. The new technology will enable easy and rapid access to information. The services provided by the rooftop equipment will benefit the local community, businesses and visitors alike.

THE CAMDEN LOCAL PLAN 2017

- 3.21 Policy G1 of the Local Plan encourages the delivery of growth by securing high quality development and the efficient use of land and buildings. In this instance the rooftop of Maple House is already an established telecommunications site hosting multiple operators. A concurrent planning application has been submitted by CTIL for expansion of their existing application reference 2021/4249/P. infrastructure under Whilst the development proposed under this application is more modest it should be noted that EE are the network provider for the Emergency Services Network and accordingly their requirement is greater than that of CTIL who are only seeking provision for local customers. Nevertheless both proposals are seeking to maximise the locational advantages of Maple House to ensure efficient use of precious land in a highly active location within Central London.
- 3.22 Policy E1 which relates to economic development makes reference to the need to ensure the provision of high speed digital infrastructure as sought by MBNL. Mobile operators have been under intense pressure particularly recently to provide up-to-date telecommunications functionality. This has been particularly apparent during the ongoing pandemic where changes in working practices have taken place, with resultant changes in network requirements and the emergency services have been under intense pressure. 5G is the next generation of technology to enable increased connectivity and data speeds. The proposal seeks to upgrade the existing telecommunications equipment on the rooftop of an office building with retail uses at ground floor level, to provide advanced high quality communications infrastructure essential for economic growth.
- 3.23 Policy A1 deals with managing the impact of development. The application site lies on the rooftop of a multi-story building in Central London on Tottenham Court Road, close to its junction with Euston Road. Maple House

lies adjacent to University College London Hospital and close to Warren Street underground station. It lies adjacent to but outside two conservation areas and close to a number of listed buildings. However, due to the orientation of the host property, the rooftop location of the site and the nature of the surrounding uses it is contended that the proposal will have limited impact on the surrounding development and the amenities of nearby occupiers will remain unharmed. Whilst the proposed stub tower may be visible from views further away to the north of the site it will nevertheless be seen in the context of the plethora of street furniture, the crane and gantry on the adjacent building and surrounding multi-storey buildings with the BT tower dominating the skyline. It is therefore contended that the aims and objectives of policy A1 will be adhered to and the amenities of nearby occupiers will not be unduly harmed.

- 3.24 The application was refused under the terms of Policy D1 by reason of the location, scale, height and design of the apparatus, causing visual clutter on a prominent roofscape causing harm to the character and appearance of the host building and wider streetscape. The appellant contends that the proposed equipment whilst larger than what is already there will amalgamate the equipment spread out over the rooftop into one simple form. The building itself is not listed; neither does it lie within a conservation area. Maple House has protruding ground, first and second floors with the upper storeys well set back from the main frontage. The proposed stub tower is to be located to the rear of the upper storey and as such will be well set back from the main frontage.
- 3.25 The appeal site lies within a highly active Central London location, adjacent to a major hospital which has a crane and gantry on the adjacent building and a high rise building beyond. The junction of Euston Road with Tottenham Court Road is wide and extremely busy with multiple lanes of traffic, a plethora of street furniture. Warren Street underground station also lies within close proximity of Maple House. As such the area is a hive of activity and as a result views from street level will be limited. Being one of the busiest streets in London, the majority of people will be focused on their direction of travel and the abundant traffic rather than looking up at the roofscape. The proposed stub tower whilst visible from certain perspectives will not be an alien feature in this context. The rooftop already accommodates telecommunications apparatus across its length. The proposed stub tower will amalgamate much of MBNL's equipment, will enhance the Emergency Services Network and will introduce 5G technologies to the area.
- 3.26 The London roofscape is varied which provides interest and rooftop structures and cranes regularly puncture the skyline. The proposed stub tower will be apparent from certain perspectives but it will be seen in the context of for example the BT Tower and other high rise buildings in the vicinity, as well as the extensive street furniture in the locality. High rise buildings are by their very nature suitable for telecommunications equipment and indeed the NPPF encourages their use and the use of existing sites as is the case in this instance. The alternative would be the provision of a

number of large monopoles 20m in height which would have far greater effect on the street scene than the proposed rooftop equipment.

- 3.27 The streets surrounding the site within the Bloomsbury Conservation Area and Fitzroy Square Conservation Area are narrower, with some street trees and multi-storey buildings restricting views towards the site. Views towards the rooftop equipment from the northern section of Grafton Way are restricted by the intervening buildings. Views from the section of Grafton Way within the Fitzroy Square Conservation Area are limited to the junction with Tottenham Court Road and also the junction of Warren Street with Tottenham Court Road. However, the main areas of interest within the adjacent conservation areas lie to the West, South and East of the site. These areas of interest will not be seen in the same plane as the proposed development. It is the appellant's contention that the mere fact that the equipment can be seen from these areas does not necessarily construe harm. Indeed the LPA have not referenced impact on the adjacent conservation areas within the reason for refusal and only one objection was received from Bloomsbury CAAC.
- 3.28 Any potential impact needs to be balanced against the public benefit that the proposed mast will provide. The site lies adjacent to a major hospital, a major road junction and through routes, with an underground station directly opposite, as well as being close to a university in a Central London location. All these activities, as well as the offices, shops and residential units nearby rely on the Emergency Services being available if required. The proposed mast will enhance the ESN, as well as introducing 5G to the area. 5G is seen as being essential to economic growth in the longer term as it will allow for greater speed and responsiveness of the wireless network. The benefits of 5G are highlighted above at paragraphs 2.9-2.10. Failure to achieve comprehensive 5G network coverage will undermine its effectiveness and the benefits for users. The Government's current approach is to support the introduction of 5G and encourage planning to be granted unless there are compelling reasons why it should not. It is the appellant's view that the benefits of the upgraded installation would significantly outweigh any potential harm caused to the area.
- 3.29 The re-use of existing telecommunications sites is referenced in the NPPF and the intensification of use proposed represents the most sustainable approach to the need to upgrade the existing equipment whilst also complying with ICNIRP requirements. The height of the proposed mast is determined by the need to comply with Public and Occupational ICNIRP requirements on the host building and the adjacent rooftops. A lower height would result in non-compliance with at least one nearby compliance zone.
- 3.30 Then proposed development will provide an important public benefit and the appellant contends that this benefit outweighs any perceived visual impact that may occur from allowing the development to proceed. The proposed development will also future proof the site and avoid the proliferation of base stations in the area.

- 3.31 Policy D2 which seeks to protect heritage assets is also relevant to the appeal. The application site lies adjacent to but outside two conservation areas as highlighted above. There are also a limited number of listed buildings nearby on Grafton Way and some listed lampposts between Goodge Street and Warren Street. The buildings directly opposite the site are significantly lower in scale than the subject property In view of the fact that the proposed mast is well set back from the frontage of Maple House it is unlikely that the proposed stub tower will be visible, except perhaps from the uppermost storeys if at all. Views from surrounding properties would be at an obligue angle only looking upwards also. Buildings to the South and East of the subject property form part of University College London Hospital. Parts of the main hospital and the newer multi-storey element lie outside the Bloomsbury Conservation Area. The university buildings lie further to the East and South East but are shielded from view by the intervening properties. The multi-storey nature of the buildings within the area and narrower width of the roads surrounding Tottenham Court Road, other than Euston Road, help to screen the proposal from view from these more sensitive locations.
- 3.32 Whilst the proposed rooftop stub tower will be visible from within the Fitzroy Square Conservation Area towards the end of Warren Street it will be seen in the context of an very active street scene, with abundant signage and street furniture which distract the eye such that it will not cause any undue to harm to the setting overall. The listed properties along Grafton Way are all orientated south eastwards such that they are not seen in the same plane as the proposed rooftop equipment on maple house. As such the historic character and special architectural appearance of these properties will be maintained. The listed lampposts between Warren Street and Goodge Street are located at street level and will not be seen in the same context as the proposed rooftop development and as such their general setting will be maintained. As such there will be no harm to any of the above listed buildings through an effect on their setting, nor will the historic character and architectural appearance of the adjacent conservation areas be undermined. In all these circumstances the appellant contends that the aims and objectives of Policy D2 are adhered to.
- 3.33 The final policy of some relevance to the case is TC4 Town centre uses which seeks to ensure that proposed development will not cause harm to its environs. The proposed development which seeks to upgrade an existing telecommunications site aims to support the uses carried out in the surrounding area. EE (UK) Itd is the nominated network provider for the Emergency Services Network, critical to enabling the emergency services being able to respond in a co-ordinated manner in this Central London location, adjacent to a major hospital. The site also lies on a major transport thoroughfare, close to major London railway stations and opposite Warren Street tube station. The site is therefore in a highly active location surrounded by mixed uses and the building itself accommodates retail uses at ground floor level with offices above. There is therefore a need to ensure that the area is served by the most up to date technologies available and the use of an existing telecommunications site represents the most sustainable

approach available, as supported by the NPPF. The appellant contends that whilst the proposed equipment will be visible from certain perspectives, its location at the rear of a high rise building in an active location within central London and the public benefit that will accrue will outweigh any perceived negative impacts such that the development will be easily assimilated in the street scene without causing any undue harm.

Summary

3.34 The above review of planning policy demonstrates that the proposed development supports, and is supported by, the provisions of the development plan and other material considerations. Accordingly planning permission should not be withheld.

Planning Balance – the Benefits of the Proposed Development

- 3.35 The appellants consider that the proposal provides substantial and important benefits for the local area in terms of enhanced communications infrastructure which need to be taken into account in the determination of the current appeal. The current crisis related to Covid-19 has further highlighted the importance of having the highest quality communications networks in the country as highlighted above. It highlights the need to increase capacity and coverage to allow the public and businesses to work from home. Telecommunications are identified as a critical service and it is all the more important to ensure that the quality, capacity and operational performance of networks are enhanced so that there is uninterrupted access to crucial mobile and broadband services. The importance of upgrading the Emergency Services Network also needs to be taken into account in this context.
- 3.36 The thrust of government policy identified in the Supplementary Information form at Appendix 6, is that planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G). Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The policies relevant to this appeal encompass a wide range of matters some of which focus on the benefits of improving digital infrastructure whereas others are concerned with visual impacts and characters of areas amongst other matters. In this way Policy SI 6 of the London Plan emphasises the importance of improving digital infrastructure. The key point is that, in making a decision in accordance with the development plan a balance must be struck between different planning considerations - in this case the key issues being the benefits of the proposed development through improving communications infrastructure, and visual and related impacts on the character of the local area. It is the appellants' contention that the planning authority has significantly underestimated the benefits of the proposal that arise from the substantial improvement of digital wireless communications arising from the upgrading the network to 5G for the reasons outlined above.

4 CONCLUSION

- 4.1 This appeal concerns the refusal of planning permission by London Borough of Camden Council for a new replacement digital telecommunications base station comprising 10m stub tower and associated equipment to replace the existing base station on the rooftop of Maple House, 149 Tottenham Court Road, London W1T 7NF. This Statement has shown that:
 - The proposal provides an important upgrade to the digital telecommunications in this part of Camden allowing for additional coverage and capacity, including the incorporation of 5G technology and a significant upgrade to the Emergency Services Network.
 - Upgrading existing ICT infrastructure, including provision of 5G technology, is a key Government aim which will support enhanced economic growth and social inclusion and well-being.
 - The appellants considered a range of alternatives for the location of the upgrade, however, in accordance with the NPPF the re-use of an existing site on a high rise building was considered to provide the most sustainable solution in this instance with the most limited impact on the surrounding area possible.
 - The siting of the proposed base station has taken into account the relationship to existing properties, the presence of existing vertical structures within the area, the location of more sensitive areas within the vicinity and the screening afforded by surrounding buildings and street trees nearby to limit any potential impact. The appellant contends that a balance has been achieved which will bring positive benefits to the public and the ESN whilst maintaining the character and appearance of the area more generally. Any perceived harm is balanced by the improvements to the telecommunications network which will secure the economic future of the area enabling it to remain competitive.
 - The proposal will not significantly adversely affect the character of the local area nor will it affect local amenity.
- 4.2 The proposal strongly supports and is supported by the NPPF, Government policy and the London Plan to upgrade existing ICT infrastructure and promote 5G telecommunications, whilst at the same time upgrading the ESN. Furthermore, it has been demonstrated that the proposal does not conflict with the provisions of policies within the development plan and other material considerations.
- 4.3 It is, therefore, respectfully submitted that this appeal should be upheld and planning permission granted for the proposed development.