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30th March 2022

By Email: edward.hodgson@camden.gov.uk

Mr Edward Hodgson
Development Management
Camden Town Hall
Judd Street
WC1H 9JE

Dear Mr Hodgson,

OBJECTION TO PLANNING APPLICATION REFERENCE: 2022/0083/P

THE PROPOSED INSTALLATION OF A TELECOMMUNICATIONS BASE STATION COMPRISING 6 NO ANTENNAS (HEIGHT TO TOP 26.6M) ON TRIPOD FRAMES, 1NO COMBINED SERVICES CABINET (800 X 660 X 1780MM HIGH) TOGETHER WITH ANCILLARY DEVELOPMENT THERETO

This statement has been prepared by YoungsRPS Ltd ('the Agent') on behalf of the Superior Landlord, Knighton Estates Limited (our client), and is submitted in objection to a planning application to Camden Council (the 'Local Planning Authority') for the installation of a telecommunications base station comprising 6 no antennas (height to top 26.6m) on tripod frames, 1no combined services cabinet (800 x 660 x 1780mm high) together with ancillary development thereto at 33-34 Alfred Place, Bloomsbury, London WC1E 7DP (the 'Site'). This letter has been reviewed by the freehold owner of the Site, The Mayor And Commonalty And Citizens Of The City Of London, who support and agree with its contents.

In summary our objection is as follows:

- No proper analysis has been put forward with the application to justify the selection of this site. There is not even any analysis demonstrating that existing infrastructure cannot be used for this apparatus so as to justify the need for an additional location for it. This is contrary to national and local policy.
- Any meaningful assessment undertaken by the applicant would have highlighted that the site is plainly an inappropriate location for telecommunications apparatus. The Site is located within a conservation area and close to numerous buildings that individually have been identified as making a positive contribution to the character of the area. Installing apparatus of this nature would represent an incongruous feature in the conservation area. As such it would fail to preserve and enhance the character of the Bloomsbury Conservation Area. This is not only

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contrary to policy; approval would contravene the statutory duty on the Council to pay special attention to the impacts on the conservation area, as confirmed through case-law in numerous judicial review challenges.

- In light of the above the Council should clearly refuse the application. Indeed, it would be irrational to permit it.

There follows a more detailed analysis developing these points.

Our client wishes to express their objection to the above proposal on the grounds that it conflicts with local and national planning policy and fails to meet the key principles of Bloomsbury Conservation Area, as specified within the Bloomsbury Conservation Area Appraisal and Management Strategy.

Section 70(2) of the Town and Country Planning Act 1990 states that where an application is made to a local planning authority for planning permission, the authority shall have regard to the provisions of the development plan, so far as material to the application. The development plan in this instance comprises policies set out in the Camden Local Plan 2017 (CLP). Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise, the National Planning Policy Framework 2021 (NPPF) and relevant Supplementary Planning Documents (SPD) are material considerations.

At the heart of the NPPF is a 'presumption in favour of sustainable development'. Achieving sustainable development means that the planning system has three overarching objectives: an economic objective, a social objective, and an environmental objective. These aims are interdependent and need to be pursued in mutually supportive ways. In this case, the harmful impacts to the environment outweigh any associated economic benefits – especially once one heeds the statutory duty to pay special attention to the impact of development on the Conservation Area.

Site Context

33 – 34 Alfred Place is located within part of Sub Area 4 (Grafton Way/Alfred Place/Tottenham Court Road) of Bloomsbury Conservation Area. Bloomsbury maintains historic value with elements of development dating to Georgian and earlier eras; numerous extensions have reflected the growing appreciation of Victorian and Edwardian high quality 20th century architecture. In 1968, Bloomsbury became designated as a Conservation Area, defined within the Bloomsbury Conservation Area Appraisal and Management Strategy (Adopted 2011) ('The Appraisal').

Covering 160 hectares, the Conservation Area holds a strong and well-defined special character. Due to the relatively flat topography of the area, views are not attributable to changing levels. Visual characteristics are attributable to *"the experience of moving between streets, squares and other spaces, and the contrast created between enclosure and open spaces"* (paragraph 3.14). The importance,

therefore, of maintaining and preserving views is of the utmost significance; views are shaped through built development rather than landform. The Appraisal further recognises that *“The increase in the number of mobile phone users is leading to an increased demand by operators for telecommunications equipment. Masts are frequently mounted on tall buildings and could potentially be prominent within the Conservation Area”* (paragraph 5.6).

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay *“special attention to the desirability of preserving or enhancing the character or appearance of the area”* (section 72). It is a duty which the Courts have confirmed should be accorded special weight above other material considerations. We consider that the application has not considered or assessed the impact from a conservation perspective, and in our view, the proposal would have a significant detrimental impact on the amenity and character of Bloomsbury Conservation Area and 33-34 Alfred Place.

National Planning Policy

Paragraphs 115 – 118 of the NPPF relate to the development of communications infrastructure and consideration of potential impacts, highlighting the use of and redevelopment of existing sites, together with the need to ensure planning decisions are determined on planning grounds only.

Paragraph 115 gives weight to the use of existing telecoms sites: *“the use of existing masts, buildings, and other structures for new electronic communications capability (including wireless) should be required”*. Paragraph 117 furthers this, stating that applications for new communications development should be supported by evidence necessary to justify the proposed development, including but not limited to:

- 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”*.
- 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.”*

Paragraph 118 gives rise to the need for Local Planning Authorities to determine applications on planning grounds only by which health considerations, such as those set by International Commission guidelines for public exposure, must be followed to the necessary standard set by the Commission.

Local Planning Policy

London Plan Policy HC1 seeks to ensure that proposals affecting heritage assets and their settings should avoid harm and identify opportunities for enhancement, whilst Policy HC3 looks to ensure that strategic views of urban landscapes are preserved, by which criterion (a) states that *“development*

proposals must be assessed for their impact on a designated view if they fall within the foreground, middle ground or background of that view”.

It is accepted that the London Plan acknowledges the importance of digital connectivity infrastructure. In terms of mobile digital infrastructure and connectivity, Policy SI 6 states that development proposals should meet the expected demand for mobile connectivity generated by the development (2); take appropriate measures to avoid reducing mobile connectivity in surrounding areas (3); and support the effective use of rooftops and the public realm (such as street furniture and bins) to accommodate well-designed and suitably located mobile digital infrastructure (4). Development plans should support delivery of digital infrastructure, particularly where areas suffer from gaps in connectivity and barriers to digital access. However, Policy D1 of the CLP seeks to secure *“high quality design in development”*. Specifically, the Council require that development *“(a) respects local context and character; (b) preserves or enhances the historic environment and heritage assets...; (m) preserves strategic and local views; and (o) carefully integrates building services equipment”*. Policy D2 considers matters relating to conservation areas, by which the Council: *“(e) require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area”*.

The Digital Infrastructure Camden Planning Guide (2018) states that *“...the Council will aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum, consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used unless the need for a new site has been demonstrated to the satisfaction of the Council. Where new sites are required, equipment should be sympathetically designed and appropriately camouflaged where possible”* (Paragraph 13).

Assessment of Development

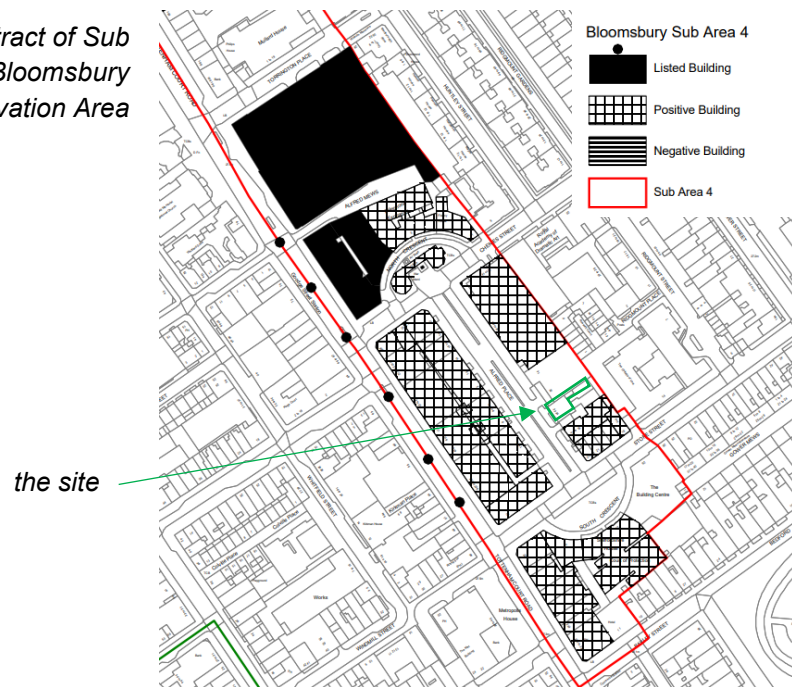
The proposal has been prompted by the desire to develop a new base station on the rooftop of 33-34 Alfred Place.

We consider that the applicant has not provided anything approaching sufficient evidence to constitute a justification for the utilisation of this site within the context of the Conservation Area; a planning or heritage assessment has not been undertaken by the applicant and the application does not present the required assessment of alternative more suitable sites nor the justification for why existing infrastructure cannot be used. Either of these factors alone would be sufficient grounds for the Council to refuse the application. Cumulatively they constitute a compelling reason to do so.

The Bloomsbury Conservation Area Appraisal and Management Strategy gives regard to the character of the buildings which form an integral part of the significance and character of the Conservation Area. Figure 1 (see below) is a map extract from Sub Area 4 of Bloomsbury Conservation Area which presents the southern periphery of the Sub Area: between Torrington Place Road and Bayley Street. The Appraisal identifies the buildings which posit a ‘positive’ contribution to the Conservation Area; also

included are those which posit a 'listed' and 'negative' contribution. The map demonstrates that the site, 33 – 34 Alfred Place (identified in green below), exists as a “*neutral element in the landscape*” (paragraph 5.57).

Figure 1 – Extract of Sub Area 4 Map: Bloomsbury Conservation Area



Whilst it is acknowledged that the site itself is considered as no more than a neutral element, it is clear that there are a significant number of buildings adjacent to and within close proximity to the site that make a positive contribution, including two listing buildings to the north. A high-level review of the extract above identified twenty-five buildings which maintain a positive contribution, compared to four which are neutral. Whilst these figures are an estimation, they are indicative of the degree to which the buildings in the area contribute positively towards the significance of the Conservation Area, and as such, any assessment of the proposals must assess the likely impacts on the settings of important buildings and on the character of the conservation area as a whole.

It is considered that the siting of the applicant's proposal clearly inhibits the 'positive' value of the area to the extent that it would cause intrusive views for local users and visitors and undermine local vernacular: the “*utilitarian architectural theme*” that exists along the western side of Alfred Place (paragraph 5.56 of The Appraisal) would be subject to detriment.

Whilst it is recognised that the siting of telecommunications apparatus is acceptable in principle, as acknowledged within The Appraisal: the degree of this acceptance extends only to the degree by which the apparatus does not cause harm to the appearance of the building and if it provides a discrete solution appropriate to the character of the area (paragraph 5.41). Given the number of positively contributing elements within the area, from both a visual and heritage perspective, proposals which come forward will be expected to contribute positively to the character of the area rather than detract from it.

A high-level review of the existing built form of roofs within the immediate area demonstrate that telecommunications equipment does not currently form part of this roofscape; the roofscape retains plant equipment (such as ventilation and M&E works) which are necessary for the functioning of the building but, crucially by design, are not considered to be incongruous to its setting or views of the Conservation Area due to their relative scale and screening and their positioning on rooftops.

The applicant's proposal will also not be screened from prominent views along Store Street, Alfred Street, and Chenies Street. Whilst it is recognised that various trees exist along this street to form partial screening of the site, the degree of screening is subject to seasonal variation. The Appraisal recognises trees within streets and squares are subject to changes in form, by which *"there is a notable difference in the visual characteristics in summer and winter months"* (paragraphs 3.14).

As noted previously, views within the Conservation Area are attributable to *"the experience of moving between streets, squares and other spaces, and the contrast created between enclosure and open spaces"* (paragraph 3.14 of the Appraisal). This highlights the utmost importance of considering the experiences of how people move through spaces (i.e. the Conservation Area), including the contribution key vistas make to achieving this; this in turn, emphasises the significance of minimising negative visual impacts arising from unsympathetic telecommunication infrastructure. It is considered that the applicant's proposal would cause a detriment to these views as it would result in a form of development that would be incongruous with the roof forms of existing buildings and would cause a blight upon nearby views from local streets and open spaces (and also adjacent office spaces) and, thereby, a blight on the settings of buildings making a positive to the conservation area and to the conservation area as a whole.

Under paragraph 115 and 117 of the NPPF, applicants are required to give consideration towards the use of existing telecoms sites, by which a commensurate level of evidence is to be provided in order to justify the erection of a new mast or base station on a building; the applicant must provide evidence that the possibilities of utilising existing base stations have been explored.

Review of the submitted application documents demonstrates that this has not been undertaken. The applicant has also not presented any substantive justification as to why 33-34 Alfred Place has been selected nor to the status of alternative sites in the area that are more appropriately located away from heritage assets. As such, the lack of this evidence directly conflicts with paragraphs 115 and 117 of the NPPF, and thereby conflicts with national planning policy which pertains to the siting of telecommunications equipment.

The importance of exploring alternative sites is recognised within a recent application to the Council (2021/0598/P). Here, an application for the *"installation of electronic communications equipment on rooftop comprising 6 x antennas on tripod structures, 4 x dishes..."* was refused by Camden Council. The case officer's report for the application attributed the reason for refusal to the lack of consideration

for alternative sites: *"inconsistent and misleading rationale for selection and rejection of alternative sites, including lack of consideration for other possible and more suitable local sites"* (p. 4 of the case officers report). As this demonstrates, a strong premise exists for the extensive consideration and analysis of alternative sites; a premise which the applicants proposal falls short off. The decision notice for the application further highlights the additional high hurdle to be cleared for development within Conservation areas:

"The proposed electronic communication equipment located at roof level, by reason of its design, size, height, number and location, would result in visual clutter which would detract from the character and appearance of the host property and the Dartmouth Park Conservation and Neighbourhood Areas, and would cause harm to the openness and character of the nearby public parks" (page, 1).

Policy HC3 of the London Plan looks to ensure that strategic views of urban landscapes are preserved. Policy D1 of the Camden Local Plan seeks to secure high quality design in development, by which development is to *"(a) respect the local context and character"* of an area whilst *"(m) preserving its strategic and local views"*. The preservation and sustainment of the views which define Bloomsbury Conservation Area, and its positive element buildings, are considered to be crucial in supporting and maintaining the character of the area. Our client considers that these views (thus the character of the area) will be impacted adversely by the applicants' unwelcomed provision of telecommunications equipment.

In conclusion the applicant has not complied with policy requirements to assess the feasibility of using existing apparatus. It has not undertaken any meaningful assessment of alternative sites. It has not conducted a planning or heritage assessment within the application submission. Given the site's location within Bloomsbury Conservation Area, we consider both the location and the building unsuitable for a telecommunications mast. The proposal would compromise the setting of the 'positive' and 'listed' elements of buildings in the area, together with the character and appearance of the wider area recognised as part of Bloomsbury Conservation Area. These are considerations which statute requires the Council to pay special regard to. The proposal, therefore, conflicts with local and national planning policy, insofar as the harm resulting from the proposal significantly outweighs any associated benefits and, therefore, constitutes inappropriate development in this sensitive location. It would be irrational for the Council to approve this proposal.

Yours sincerely,



Tom Hutchinson
Planning and Development Assistant
For and on behalf of YoungsRPS