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Your Ref: APP/X5210/W/22/3291415
Our Ref: 2021/2805/P

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Darren Cryer
The Planning Inspectorate
3M Kite Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Mr Cryer,

Town and Country Planning Act 1990 (as amended)
Appeal by BEACONCOMMS
Maple House, 149 Tottenham Court Road, LONDON, W1T 7NF

I write in connection with the above appeal against the refusal of Planning Application (Ref: **2021/2805/P**) for the ***installation of a 10m rooftop sub 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.***

The application was refused on grounds of unacceptable dominant visual clutter on a prominent roofscape. It is contrary to policy D1 which seeks to secure high quality design:

- a. “respects local context and character” and**
- b. “preserves or enhances the historic environment in accordance with D2 which relates to Heritage”.**

The reason for refusal is amplified below and in the delegated report

1.0 Summary

1.1 The appeal site comprises of protruding ground, first and second floor with six set

back storeys above. The ground floor is in retail use with offices on upper floors. Maple House is bounded to the north by Beaumont Place, to the west by Tottenham Court Road and to the south by Grafton Way. Beaumont Place leads to the rear entrance of University College Hospital. The site is close to the busy junction between Tottenham Court Road and Euston Road. The host building abuts the northern boundary of the Bloomsbury Conservation Area and the eastern boundary of the Fitzroy Square Conservation Area. There are 2 x OLO antennas, 1 x 0.3m dish, 4 x cabinets and 2 x cabinets on a steel platform telecoms equipment at roof level, it is proposed to retain the 2 x OLO antennas, 4 of the existing cabinets are to remain and an additional 4 cabinets are to be provided together with ancillary equipment development.

- 1.2** Planning Permission was refused on 12 August 2021 for the installation of telecommunications equipment comprising of 1 x new 10m high stub tower supporting 12 no. antennas installed on new support poles fixed to the new tower headframe, 3 no. 0.6m dishes. It was refused 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.

- 1.3** The Council's case is set out in detail in the attached Officer's Delegated Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire. In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

- 2.1** In determining the abovementioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.
- 2.2** The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and has replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reason for refusal are:

D1 – Design

- 2.3** The Council also refers to supporting guidance documents. The Camden Planning Guidance (CPG) was adopted following the adoption of the Camden Local Plan in 2017.

CPG Design (March 2021)

- Section 2: Design Excellence

CPG Digital Infrastructure (March 2018)

- Telecommunications Equipment

- 2.4** The Council also refers to the following legislation, policies and guidance within the below appeal statement and the body of the Officer's Report:

National Planning Policy Framework (2021)

- Section 10 – Supporting high quality communications

Comments on the Appellant's Grounds of Appeal

- 2.5** The appellant has raised the following as Procedural Matters:

- The agent 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, including pre-application with the Local Planning Authority and consultation with 3 Local Ward Councillors. No response was received.

- 2.6** The appellant claims that this appeal follows extensive pre-consultation, including a pre-application request to the Local Planning Authority, to which they received no response. Whilst a pre-application advice request was indeed submitted to the Council on 26 June 2021 (ref. 2021/2628/invalid), the required fee of £1,050.00 was not paid. The fee was requested, but no response was forthcoming from the appellants. The pre-application advice request, therefore, remained invalid until it was closed by the Council on 05 July 2021 without any pre-application advice being issued. The planning application currently under appeal was submitted to the Council on 09 June 2021. The Council would have welcomed the opportunity to discuss the proposals prior to submission of the planning application through the submission of a valid pre-application advice request, as it is considered that the refusal of the application and the submission of the subsequent appeal could have been avoided if the appellant had a better understanding of the issues with the proposal related to the reason for refusal; in particular the prominence of the proposal from the neighbouring conservation areas.

2.7 The appellant's grounds of appeal are summarised as follows:

- The benefits of the proposals outweigh the impact upon the character and amenity of the area: The appellant confirmed that alternative site was not explored 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. However, the appellant believe 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 architectural merit, to enable the introduction of 5G and to upgrade the ESN. It is also relevant to note that two conservation areas about the site further limiting options available nearby.

3.0 Response to grounds of appeal – The benefits of the proposals outweigh the impact upon the character and amenity of the area

- 3.1 The proposed development on the existing roof is arguably the most convenient to the appellant as they admitted not seeking alternative sites. Thus, given that alternative sites were not explored there is no justification that the proposal would 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 and it is stated in paragraph 126 that “*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 telecommunication sub-tower is clearly contrary to paragraph 126 of the NPPF given the proposal would result in the proliferation of telecommunication equipment and given the height of the building and the surrounding conservations areas which is designated heritage asset considerable importance and weight should be placed to the harm arising from the proposal and LPA has a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.2 Notwithstanding the above, the importance of high quality communications infrastructure and support for it is to be found both in national and local planning policy and mast sharing solutions are promoted. The social and economic benefits that would result from this proposal weigh in favour of the installation is also material considerations. However, the need for the base station and the benefits it would bring have to be balanced against the impact of the apparatus and associated screening on the urban environment. In this case, existing telecommunication equipment is not visually prominent, comprising equipment measuring approximately 2-3m in height. This is a prominent roofscape and the proposed addition of a 10m high sub-tower which is much larger and bulkier than the existing equipment along with retaining the 2 x OLO antennas, as well as 4 of the existing cabinets together with the additional 4 cabinets combined would fail to enhance the historic and special character of the neighbouring conservation areas.

- 3.3 In this respect the operators' licence agreements stipulate that both coverage and capacity for customers must be provided. The technical need for a base station for EE (UK) Ltd.'s and H3G (UK) Ltd is not disputed and the benefits of sharing a site are recognised. However, as discussed above no sequential approach to site selection was undertaken in this case, the agent reasoning for the use of existing sites quoted as *"the existing site is considered to provide the optimum solution and accordingly the proposed site upgrade should be viewed positively"*. Consequently, no alternative locations were sought in this instance. Identifying a suitable location which would meet the operators' technical requirements and would be acceptable both in planning terms and to the relevant landowner was not fully explored.
- 3.4 The appellant maintains that *"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"* and state that 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.
- 3.5 The council disagree with that assertion. CPG Digital Infrastructure 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.' This is consistent with the guidance on telecommunications infrastructure set out in section 10 of the NPPF.
- 3.6 Local Plan Policy D1 (Design) aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 3.7 The existing mast is less than 3m in height, this is considerable smaller than the 10m (without the projecting antennas) high sub-tower being proposed along with the 2 x OLO antennas being retained. Crucially, the appellant concede *"whilst it is true to say that the proposed sub-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 .*

- 3.8 There are no comparable sub-tower at the scale of what is being proposed here, in the wider area and if allowed this would set an unwelcomed precedent. The proposed sub-tower over double the height and quadruple the diameter of the existing 2-3m high antennas to be retained at the site. The top of the 10m high substation would also accommodate additional antennas. The design and size of the proposed sub-station would be unattractive and incongruous, as it would tower significantly above all existing radio equipment. It would appear very visible and dominant both up close and in longer views along as discussed above, and it would appear as a prominent discordant feature in the unobstructed from the neighbouring conservation. Consequently, the proposal would impede upon and harm the setting of the character and appearance of the street scene. It is therefore considered that the proposed substation would be inappropriate development and would thus harm the historic environment.
- 3.9 The Council have attached substantial weight conservation area, as per the above local and London Plan policies and NPPF guidance on conservation areas. The appellant's failure to acknowledge importance of the conservation areas confirms that the appellant has given no consideration to the harm that the proposal would cause to the openness and character of these areas. The appellant's statement that the proposal would not result in harm to the character of the area is therefore unsubstantiated.
- 3.10 The need for the mast and any benefits that it would bring have to be balanced against the impact of the proposed monopole on the wider surroundings. It is clear from CPG Digital Infrastructure guidance that new sub-tower should be treated as a last resort option when all other alternative sites have been fully investigated and discounted.
- 3.11 The Council does not dispute that the site is an existing telecommunications site with an existing 2.3m high antennas and associated equipment cabinets. However, the most prominent of the existing equipment would be retained at the site following the erection of the proposed 10m high sub-station and associated equipment cabinets. The National Planning Policy Framework (NPPF) section 10 and Camden Planning Guidance CPG Digital Infrastructure state that 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. This includes evidence that the possibility of erecting antennas on an existing building, mast or other structure has been explored. As the appellant states in paragraph 2.15 of their appeal statement, *'site was considered to provide the most sustainable solution to upgrading the existing equipment rather than seeking a new site nearby'*.
- 3.12 The appellant argues that the proposed development is necessary to provide enhanced coverage for the Emergency Services Network (ESN). The proposed mast would include 5G coverage as well as 2G/3G/4G coverage to support the existing network. The appellant claims in paragraph 2.16 of the appeal statement that the proposal 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, and any refusal would delay and inhibit this delivery.

- 3.13 As such, the evidence provided to justify the need for and public benefit of the proposals is insufficient to meet the requirements of CPG Digital Infrastructure, and to warrant 'very special circumstances' in the context of the NPPF given the impact the proposal would have on the neighbouring conservation areas and the fact that no alternative sites were explored by the appellant. Whilst this and balancing the need for high quality communications infrastructure and support for it a requirement at both national and local planning policy including the social and economic benefits that would result from this proposal weigh in favour of the installation. However, the need for the sub-station and the benefits it would bring have to be balanced against the impact of the apparatus and associated screening on the urban environment. In this case, the proposed sub-station given its visual impact on the wider area would not be outweighed by the public benefits of the proposal.

3.0 Conclusion

- 3.1 Based on the information set out above and having taken account of all the additional evidence and arguments made, it is considered that the proposal remains unacceptable in that it would be contrary to policies D1 of the London Borough of Camden Local Plan 2017.
- 3.2 The information submitted by the appellant in support of the appeal does not address or overcome the Council's concerns. The proposed development by reason of its design, height and location, would detract from the character and appearance of the street scene, and the height and bulk of the proposed sub-station would result in the development being very prominent in views from conservation areas thus cause harm to their settings.
- 3.3 For these reasons the Inspector is respectfully requested to dismiss the appeal.

Yours sincerely,

Obote Hope

Planning Officer - Planning Solutions Team
Supporting Communities Directorate
London Borough of Camden

Appendix A Officers Report

Delegated Report	Analysis sheet		Expiry Date:		04/08/2021	
	N/A / attached		Consultation Expiry Date:		01/08/2021	
Officer			Application Number(s)			
Obote Hope			2021/2805/P			
Application Address			Drawing Numbers			
Maple House 149 Tottenham Court Road London W1T 7NF			Please refer to decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature			
Proposal						
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 steelwork with associated works						
Recommendation:		Refuse planning permission				
Application Type:		Full Planning Permission				
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice				
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:		Site notices were displayed on Tottenham Court Road and at the junction with Huntley Street and Grafton Way on 08/07/2021 (expiring 01/08/2021). No objections were received from neighbouring residents.				

CAAC comments:

The Bloomsbury CAAC submitted the following objection:

- The proposed 10m tower would be highly visible when looking South down Tottenham Court Road from its junction with Warren Street. The tower is an unsympathetic accretion to the host building and would have a detrimental impact on the Bloomsbury CA, we therefore urge that the proposal is refused.

Site Description

Maple House is bounded to the north by Beaumont Place, to the west by Tottenham Court Road and to the south by Grafton Way. Beaumont Place leads to the rear entrance of University College Hospital. The site is close to the busy junction between Tottenham Court Road and Euston Road.

The building features a protruding ground, first and second floor with six set back storeys above. The ground floor is in retail use with offices on upper floors.

The site is not located in a conservation area, nor is it listed, but it abuts the northern boundary of the Bloomsbury Conservation Area and the eastern boundary of the Fitzroy Square Conservation Area.

Relevant History

Application site

2011/3630/P - Replacement of x 3 2G O2 antennas and x 3 3G antennas with x 3 O2/Vodafone dualband antennas and x 3 3G O2/Vodafone triband antennas, including installation of x 4 radio equipment cabinets and ancillary equipment at roof level. **Granted** 16/09/2011

2006/3459/P - Installation of 6 antennae, 4 microwave transmission dishes and 6 equipment cabinets on the roof of the building in office (class B1) use. **Granted** 22/09/2006

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden's Local Plan (2017)

- A1 - Managing the impact of development
- D1 - Design
- D2 – Heritage
- T1 - Prioritising walking, cycling and public transport

Supplementary Guidance

- CPG Design (2021)
- CPG Amenity (2021)
- CPG Digital infrastructure (2018)

1. Proposal

- 1.1 The proposal involves 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 with associated works.
- 1.2 The existing roof level of the building is approximately 31m above ground level. The top of the highest proposed mounting pole, at approx. 10m high, would result in an overall maximum height above ground level of approximately 41m.
- 1.3 There are 1 x 0.3m dish, 4 x cabinets and 2 x cabinets on a steel platform telecoms equipment at roof level which would be retained as part of the proposal.

2. Assessment

- 2.1 The main considerations in relation to this proposal are:
 - Design
 - Amenity

3. Design

- 3.1 Local Plan Policy D1 (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area.
- 3.2 CPG Digital Infrastructure 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.”
- 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 camouflaged where appropriate.
- 3.4 The applicant’s supplementary information document states that although the host building is in a reasonably sensitive location it already accommodates a significant amount of telecommunications infrastructure at roof level. However, the LPA maintains that the existing telecommunication is not significant and the existing plant is not prominent in long views north and south on Tottenham Court Road or from Grafton Way. Whilst the property is located in a very busy part of Central London, on a major transport route and close to major transport hubs, this alone is not justification for the installation of such prominent telecommunication equipment and no alternative site has been explored.
- 3.5 The existing telecommunication equipment is not visually prominent, comprising equipment measuring approximately 2-3m in height. 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 the neighbouring streets. This includes views from the Fitzroy Square Conservation Area to the west, and some views from the Bloomsbury Conservation Area to the south. The visual clutter and the proliferation of insensitively sited,

prominent and bulky telecommunications equipment would have a detrimental impact on these long and short views, detracting from the appearance of the host property and the wider streetscape.

- 3.6 Camden policy D1 supports uncluttered roofscapes which do not detract from the surrounding environment. Any intervention at roof level for telecoms equipment should harmonise with the underlying design ethos of the host building and streetscape rather than detract from its character and appearance. It is considered that the equipment in terms of its siting, bulk and proliferation has not been carefully considered and no attempt has been made to screen or conceal the equipment.
- 3.7 It has been noted that no consideration has been made to enhance the host building by siting apparatus sympathetically or including screening which may soften the appearance from street level, and to address the requirements of Section 10 (Telecommunications) of the NPPF (2021).
- 3.8 It is accepted that telecommunications equipment by the nature of their functional design and aesthetic may not blend seamlessly with an existing building. However, given the above, it is considered that the antennas and poles, by virtue of their excessive number and height and their prominent siting, would result in a proliferation of harmful visual clutter which would be unattractive and over-dominant on the host building and would cause harm to the character and appearance of the wider townscape.
- 3.9 Little justification has still been provided as to why an alternative site was not explored, nor whether alternative locations on the host building would reduce the visibility of the equipment. However, given the size of the proposed towers, officers question whether an alternative rooftop location would sufficiently reduce visibility of the development to overcome concerns regarding the visual harm caused.
- 3.10 Without sufficient justification on alternative sites and number of antennas, the Council is not satisfied that all options have been reasonably explored by the applicant, and therefore, the harm caused to the character and appearance of the host building would be contrary to policy D1 and would form a reason for refusal.

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 location and nature of the proposals, the equipment is not considered to cause harm to neighbouring amenity by way of loss of daylight/sunlight or privacy. Although visible from neighbouring windows, it is not considered to cause such harm to neighbouring outlook as to form a reason for refusal on this basis.
- 4.3 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, 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.

4.4 The applicant has provided supplementary information outlining that there is 1 school within 180m from the site and consultations were undertaken; the site is not located within 3km of an aerodrome or airfield and as such the Civil Aviation Authority and Secretary of State have not been notified. A declaration of conformity with ICNIRP Public Exposure Guidelines has also been submitted so there should be no harmful impact on public health.

5. Recommendation

5.1 The proposal would fail to accord with policy D1 of the Camden Local Plan 2017 and paragraph 115 of the National Planning Policy Framework 2021. The development would create overly dominant visual clutter on a prominent roofscape, causing harm to the host building and local views from the street.

5.2 Therefore it is recommended that the application is refused 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.

Appendix B Condition

Should the Inspector be minded to allow this appeal then the Council requests the imposition of the following conditions:

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 002; 100; 150; 215; 265; 330 Rev C; Supplementary Information Template; ICNIRP; Pre-application consultation to LPA; DDCMS and MHCLG Collaborating for Digital Connectivity; MBNL 5G and Future Technology; Connected Growth Manual; Mobile UK Councils and Connectivity; Mobile UL 5G and Health and covering letter ref: CMN013.

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

4. The colour of the proposed antennas and cables shall match as closely as possible the external surface to which they are attached. All other new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: In order to minimize the impact on the appearance of the building and local environment in accordance with the requirements of policies D1 of the London Borough of Camden Local Plan 2017.

5. The apparatus hereby approved shall be removed from the building as soon as reasonably practicable when no longer required.

Reason: In order to minimize the impact on the appearance of the building and local environment in accordance with the requirements of policy D1 of the London Borough of Camden Local Plan 2017.