

**CMN013- Telecommunications Site**

Maple House, 149 Tottenham Court Road, London, W1T7NF

**Planning Appeal- Telecommunications Site-**

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 on a steel platform, the removal of redundant equipment and associated works.

**RESPONSE TO LPA’S STATEMENT OF CASE**

Camden Council,

Application Reference:- DM2019/01838



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TITLE

Response

DATE

04/05/2022

WRITTEN BY

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REVISION

1.

REFERENCE  
CMN013

- 1.0 This statement has been prepared in response to the statement received from the London Borough of Camden in order to clarify the appellant's position on certain points raised by the LPA.
- 1.1 Para. 2.6 of the LPA's statement refers to pre-application consultation. The LPA concedes that the appellant submitted a pre-application advice request but that a fee of £1,050.00 was not paid. The appellant also consulted Ward Councillors, the University College London Hospital and University College London also and received no response. There is no requirement that any applicant should use the Council's formal pre-application service for which a fee would be charged. In this instance as the proposed fee was considered to be excessive, being over double that for a full planning application, the appellant considered it more appropriate to move to a formal planning application having received no formal advice from the LPA.
- 1.2 The lack of response by LPA is directly contrary to the request from DDCMS & MHGLG (App 10) that authorities should "*have policies and procedures in place that promote effective engagement with the digital communications industry and minimise barriers to deployment*" (App 10 para 4).
- 1.3 The appellant does not accept the comment at para 3.1 that "*given that alternative sites were not explored there is no justification that the proposal would make effective use of land*". Paragraph 115 of the NPPF 2021 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.*" If the appellant had chosen an alternative site it would have been contrary to the NPPF.
- 1.4 Intensification of use by definition engenders effective use of land. This is particularly important given the location of the site in a highly active urban location. The re-use of a telecommunications base station on a building of no distinct architectural merit outside the nearby conservation areas is also clearly preferably to creating a new base station on a building either within or outside the adjacent conservation areas. Otherwise telecommunications sites would not have been kept to a minimum. Hence the existing base station should always represent the starting point when an upgrade is required in the sequential approach to avoid a proliferation of base stations. Furthermore, there is no alternative location available on the rooftop that would not interfere with co-existing equipment or cause ICNIRP issues. Later on in the Council's statement at paragraph 3.5 the CPG Digital Infrastructure is quoted confirming that existing masts, buildings and structures should be used unless the need for a new site has been satisfactorily demonstrated to the satisfaction of the Council.

- 1.5 In terms of the design of the equipment as set out in the appellant's statement the height and form of the equipment is dictated by the site's location on the rooftop away from the edge of the building, the need to comply with ICNIRP requirements and the upgrade required in order to introduce 5G technologies to the area. Whilst other equipment on the building which also introduces 5G technologies is smaller than that proposed, it is able to be smaller as a result of its location towards the corners of the building. The appellant's site being set back from the edge would result in clipping if it were to be any smaller. The proposed upgrade meets the operator's technical requirements and it's from follows the function which is intended to provide. It will also provide an important upgrade to the ESN which is vital in such a vibrant location adjacent to one on London's main hospitals.
- 1.6 In terms of its general appearance, it is important to note that whilst there are no stub towers at the scale proposed in the vicinity, the London skyline is littered with other features, such as the lift gantry on the adjacent building, cranes which whilst temporary are a feature everywhere throughout London. The Post Office Tower also provides a stark contrast on the skyline. 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. Furthermore, as stated at paragraph 2.19 of the appellant's statement, "*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.*" The appellant also does not accept that "*the equipment would be visible and dominant both close up and in longer views*". Close up views would be restricted by not only the protruding ground, first and second floors of the subject building, but also by the surrounding close knit street pattern and the multiple items of street furniture, street trees and distractions created by general activity in the area.
- 1.7 Any views that there may be a restricted to a small number of locations primarily north of the site, rather than being within the street scene more generally due to the high rise form of development surrounding the site. Views from within the adjacent conservation areas are also limited. In any event, the fact that something is visible does not necessarily indicate harm. (See Appeal decision APP/N5090/W/20/3245093– O/S Tesco, Colney Hatch Lane, London, N11 3NN which considered a 20m monopole and associated equipment. The Inspector advised at paragraph 8 "*The proposed monopole would be significantly taller than the existing monopole, and would be of greater height than any other building, structure or street furniture within the immediate vicinity. It would also be higher than the adjacent tree canopy and would undoubtedly be visible from the surrounding area, including from dwellings to the east of Colney Hatch Lane. However, the fact that the development would be visible is not in itself an indication of harm.*")
- 1.8 The surrounding conservation areas are different in character to the subject site, hence their designation. However views of the proposed equipment from within the conservation areas are limited as the appellant has already

demonstrated. Given the close knit street pattern and ambient height of buildings in the vicinity the appellant does not believe that demonstrable harm will be caused to either the street scene more generally for the reasons set out above and in evidence or that it would cause harm to the setting of the nearby conservation areas.

- 1.9 At para 3.10 the LPA appear to be treating the proposed stub tower as a new site and at paragraph 3.13 appear to be questioning the need for the development. This is definitely not the case. The proposed development represents an upgrade of an existing telecommunications site. In terms of the arguments expressed in terms of need, not only will the proposed upgrade allow for the introduction of 5G and a consequent upgrade to the ESN, paragraph 118 of the NPPF states” *Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.*” Network planners have identified the need for the proposed upgrade and the proposed upgrade represents the optimum solution available in this instance whilst avoiding interference with other operator’s equipment and complying with ICNIRP requirements.
- 1.10 Finally, it is also interesting to note also that revisions to the GPDO which came into force on 4<sup>th</sup> April 2022 have taken place since the appeal was lodged, allowing for an increase in the forms of telecommunications development that are regarded as permitted development. It is therefore clear that the Government is clearly supportive of the expansion of the 5G network, to secure the economic future of local communities and changes to permitted development rights have taken place which demonstrate this. Mobile networks have been under extreme pressure during the COVID-19 pandemic to provide the necessary coverage for local communities and people working from home. The proposed rooftop telecommunications equipment will increase coverage and capacity in the area. For the reasons outlined above and in evidence it is therefore respectfully requested that the appeal be allowed.