

Delegated Report		Analysis sheet		Expiry Date:	25/05/2022
		N/A		Consultation Expiry Date:	18/06/2022
Officer			Application Number(s)		
Amy Ly			2022/1954/P		
Application Address			Drawing Numbers		
Pavement adjacent to Weech Hall Fortune Green Road NW6 1DJ			<i>Refer to Draft Decision Notice</i>		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Prior approval for the installation of 20m telecommunications monopole, 3 ancillary equipment cabinets and associated works on the footpath.					
Recommendation(s):	i) Prior approval required ii) Prior approval refused				
Application Type:	GPDO Prior Approval Part 16, Class A				

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	10	No. of objections	10
Summary of consultaion responses:	A site notice was displayed outside the property from 25/05/22 to 18/06/22.					
	<p>10 objections were received during the consultation period, which are summarised as follows:</p> <ol style="list-style-type: none">1. Lack of consultation2. Health concerns3. Design out of character with the local area, highly visible in multiple views due to height and prominent location. Scale and siting is inappropriate, significantly higher than neighbouring buildings and within close proximity to residential occupiers4. Harm to the nearby conservation area and registered historic park5. Breach of GDPO criteria6. Insufficient justification for site selection and need for telecoms equipment7. Neighbouring property devaluation concerns8. Loss of outlook for residents of Weech Hall and blocked access for Weech Road properties9. Construction impact <p><u>Officer's Response</u></p> <ol style="list-style-type: none">1. 2 site notices were displayed on 25/05/2022 outside of Weech Hall and on the opposite side of the road by the Tesco Express on Fortune Green Road. The Council has sufficiently given notice of the proposed development in accordance with the prior approval procedure outlined in Class A.2. See paragraphs no.1 and 3 – Health is not a part of the considerations for this prior approval. However, officers agree that not enough sufficient evidence has been provided by the applicant to justify that the proposal is in compliance with International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards on emission levels in accordance with government guidelines, in relation to public health.3. and 4. See paragraphs no.4 and 6 - Officers agree that the siting and appearance of the proposed telecoms equipment would constitute harm.5. See paragraph no.2 – The proposal (electronic communications apparatus and radio equipment housing) is permitted under Class A subject to the prior approval procedure.6. See paragraph no. 3 and 6 – Officers agree that not enough sufficient justification has been provided regarding site selection and discounted alternative sites. The need for telecoms equipment is not a part of the considerations for this prior approval.7. Potential changes to neighbouring property valuations are not material considerations in this prior approval.					

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| | <p>8. See paragraph 6 – Amenity. Officers agree that the proposal would result in a negative impact on residential neighbours in terms of loss of outlook and obstruction of an access way.</p> <p>9. <i>All construction work has amenity impact, and considering the scale of the development, construction would be temporary.</i></p> |
| CAAC/Local groups comments: | N/A |

Site Description

The application site is located on the footpath outside of Flats 9-16 Weech Hall, which fronts Fortune Green Road and is opposite Joan Court.

Weech Hall is not listed and the site is not within a conservation area but it is located near the West End Green Conservation area to the south-east, and Redington Frogna Conservation area to the north-east. It is also within close proximity to the registered historic Hampstead Cemetery on the opposite side of the road, the locally listed Fortune Green Open Space to the south and a grade II listed dwellinghouse (128 Fortune Green Road) to the north and 2 grade II listed phone boxes to the south.

The site is located within the Fortune Green and West Hampstead Neighbourhood Plan Area.

Relevant History

Fortune Green Road

2006/0391/P- Central Reservation opposite, West Hampstead Fire Station, Junction of West End Lane/Fortune Green Road - Installation of 8m high telecommunications pole and one equipment cabinet on southern corner of central reservation – Refused 20/03/2006. **RfR:**

- 1. The southern apex of the central reservation is highly exposed and it is not considered that a telecommunications pole or equipment cabinet would either protect local amenity or be sensitive or sympathetic to the visual character and appearance of the streetscene or conservation area.*
- 2. The proposed equipment, especially cabinet, is poorly positioned in relation to the banks and toilet, creating additional visual clutter and chaos rather than rationalising it or producing a more orderly arrangement. In addition, the street environment around West End Green has been earmarked for improvement as part of the Council's Boulevard Project. The programme utilises a range of measures to improve the local street environment including the removal of unnecessary street furniture. A telecommunications pole and equipment cabinet would be contrary to the aims of this programme to minimise the amount of visual clutter in the street and it is recommended that planning permission is refused.*

Relevant policies

Town and Country Planning (General Permitted Development) Order 2015
Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020

National Planning Policy Framework 2021

London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open space

D1 Design

D2 Heritage

C6 Access for all

T1 Prioritising walking, cycling and public transport

Camden Planning Guidance

CPG Amenity (2021)

CPG Design (2021)

CPG Transport (2021)

CPG Digital Infrastructure (2018)

Assessment

1. Proposal

- 1.1. The application has been submitted under Part 16 of schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015 (as amended). The order permits the Council to only consider matters of siting and appearance in determining GPDO prior approval applications. As a result, it is not possible for objections to be raised on any other grounds, such as health.
- 1.2. The proposal involves the erection of 20m high monopole incorporating a wrap-around cabinet at its base and 3 other cabinets and ancillary works, all on the pavement.
- 1.3. The base station cabinet of the mono pole measures 0.7m deep x 2m wide x 1.5m high. The other cabinets are 0.7m deep x 1.9m wide x 1.7m high, 0.7m deep x 0.6m wide x 1.2m high, and 0.6m deep x 0.6m wide x 1.6m high.
- 1.4. A decision is needed to be made within 56 days of the application's receipt (6th May 2022). Thus if the applicant does not receive the Council's decision by 24th June 2020, the proposals will have deemed approval by default according to GPDO legislation.

2. Assessment

- 2.1. Prior approval is required for this type of development as it includes the installation of a mast, under Condition A.2 (3) (c) (i).
- 2.2. The main considerations in relation to this proposal are:
 - Applicant's Justification
 - Siting and Design
 - Planning balance

3. Applicant's Justification

- 3.1 The proposal is based on the principle of meeting operational requirements of the mobile operator H3G (Three). It is for a new mast in the area and does not replace any existing equipment. The equipment would improve 5G coverage in the area.
- 3.2 The applicant has provided a lack of information for this specific site selection. The planning statement accompanying the application states the proposed site as being necessary for H3G Ltd to improve their coverage and reception in the area, and meet its specific operational and technical requirements. It states that 4 other alternative sites have been also identified to install the equipment. It is considered that not enough appropriate alternative sites were explored, nor sufficient justification given for this location. The discounted alternatives sites are all ground based installations which is at the least preferred end of the sequential approach. There is no justification provided to explain why mast and site sharing, and existing building structures are discounted.
- 3.3 The applicants have declared that all of the proposed equipment would comply with International Commission on Non-Ionizing Radiation Protection (ICNIRP) standards on emission levels in accordance with government guidelines. However, there is no indication on the

Commented [NM1]: Am I right about this? I'm just guessing but it will be a lot better if by the 'bottom' we mean least preferred as opposed to the first level of the cascade – which could also be perceived as "the bottom" (meaning the most preferred)?

documentation provided that the proposal is fully compliant with the ICNIRP regulations. It is considered that full compliance with ICNIRP guidelines has not been demonstrated.

4. Siting and design

- 4.1 Local Plan Policies D1 (Design) and D2 (Heritage) are 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; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including listed buildings.
- 4.2 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."
- 4.3 There was a refusal at the junction of West End Lane and Fortune Green Road (ref. 2006/0391/P) which is in close proximity to the site and this was on grounds of visual appearance and local amenity. More specifically the proposed design and location of that telecommunications equipment would add to the visual clutter at that junction and as such would be detrimental to the long views and character and appearance of the West End Green conservation area.
- 4.4 It is noted that the 2006 refused monopole on the junction with West End Lane, while inside the nearby conservation area was 8m high, significantly shorter than the 20m proposed in the current application. A more recent application was made for a 7m high stub tower on the roof of Weech Hall (ref. 2015/2851/P) and was subsequently withdrawn. It is noted that the application would have likely been refused in any case, by reason of its location, size and detailed design, which would result in visual clutter to the detriment of the visual amenity of the street-scene and the character and appearance of the wider area.
- 4.5 The proposed mast would measure approximately 20m in height and the new cabinets would range from 1.2 to 1.7m in height. The application site is a highly visible section of pavement which forms part of the street scene of Fortune Green Road. The location is also in proximity to a number of heritage assets including a grade II listed building at 128 Fortune Green Road to the north, 2 grade II listed phone boxes to the south on Fortune Green Road, Hampstead Cemetery, a grade II registered historic park to the west, as well as the locally listed Fortune Green Open Space which all add positively to the area's quality. Given the proposed height of the monopole, the low scale of the neighbouring buildings, the topography of the area and prominent location near to both statutorily and locally listed open spaces, the proposed equipment would be visible in short and long range views from a variety of vantage points including the nearby heritage assets. It would be the most prominent and dominant structure on this section of Fortune Green Road and the neighbouring streets.
- 4.6 The uncluttered visual openness of the street, while outside of any designated conservation areas forms part of the wider setting of the designated and non-designated heritage assets in the area, and also contributes to a distinct character and appearance of the area itself.
- 4.7 It is noted that the monopole is proposed to be installed on a stretch of footway where there are no existing tall items that obstruct the view of the street and long views of the nearby sites of historic interest. The street lamp on this section of footway is located on the edge of the footpath, and is sufficiently low to not impede on the appreciation of the heritage assets. Furthermore, these items are far more slender than the bulky pole proposed. To worsen matters, the monopole widens towards the top due to the position of the antennas to approx. 700mm diameter. These elements only serve to draw further attention to the pole,

increasing its bulkiness and adding to its incongruous appearance. Consequently, it is considered that the proposed installation causes harm to the setting, character and appearance of the surrounding buildings, streetscene and the nearby protected sites. The pole would be substantially taller than a lamp post and much thicker, with a large amount of associated cabinets at ground level. The pole would also be substantially taller than the neighbouring low-rise buildings. The monopole and associated 3 cabinets would appear bulky and very dominant in relation to the existing streetscene.

- 4.8 The proposed equipment due to its excessive height, number, bulk, and inappropriate siting would result in overly dominant visual clutter which would affect the openness and setting of the street and parks, causing material harm to the character and appearance of the street scene, the setting of the listed building and phone boxes, registered historic park and locally listed open space.

5. Transport

- 5.1. Policy T1 of the Local Plan (2017) outlines the need to promote sustainable transport by prioritising walking, cycling and public transport in the borough. It goes on to state that In order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments are easy and safe to walk through ('permeable') and provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate.
- 5.2. In support of the above, CPG Transport states that that the Council expects developments to consider the movement of people in and around a site, and to include the following: Ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities; Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by footway parking or by unnecessary street furniture.
- 5.3. The proposed monopole and cabinets would be installed on the pavement. While this would partially block the pavement, the plan indicates sufficient unobstructed footway would be maintained to allow pedestrians to pass unhindered. The proposed equipment would also not unduly block views for highway users. The Council's Transport officer raised no objection.

6. Amenity

- 6.1 Para 45 of the NPPF states that applications for telecommunications development should be supported by the necessary evidence to justify the proposed development. This should include, 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 on non-ionizing radiation protection guidelines. Para 46 states that local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.
- 6.2 It is considered that the applicants have not submitted an ICNIRP Declaration which certifies that the equipment is designed to be fully compliant with the precautionary guidelines set by the International Commission on Non- Ionizing Radiation Protection (ICNIRP). It is noted that a number of objections have been received to the proposed telecommunications equipment on health grounds. As noted above, the NPPF does not give scope for the local planning authority to determine health safeguards beyond compliance with ICNIRP. However in this case full compliance has not been demonstrated.
- 6.3 On account of the pole's siting in relation to other properties, the monopole is proposed to be located on a section of the footpath between Weech Hall and a short mixed commercial and

residential terrace. It would be positioned to the top of an existing access way between these two buildings, which is used to access the properties on Weech Road and a side door to the terrace properties. The proposed cabinets would also sit directly in front of 2 ground floor windows serving residential flats at Weech Hall. The impact on pedestrian movement and accessibility has already been discussed in the previous section and found not to be so great as to justify refusal. Similarly whilst there would be a certain level of impact on outlook which would add to the negative perception of the monopole on the part of the affected residents and its diminution of the amenities of their area in the ways discussed under 'siting appearance' above, this is not considered detrimental enough to justify an additional reason for refusal in itself.

7. Planning Balance

- 7.1 Local Plan Policies D1 and D2 are consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF (2019) which seek to preserve and enhance heritage assets, states that the Council will not permit the loss of or harm to a designated heritage asset, including conservation areas and Listed Buildings.
- 7.2 Para 196 of the NPPF (2019) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposal would result in 'less than substantial harm' to the long views and setting of the nearby listed buildings and phone boxes.
- 7.3 The Council acknowledges that the proposal would have public benefits in the sense that it would provide improved 5G coverage and reception in the area and would enable enhanced connectivity for residents, students, businesses and services. Nevertheless, weighing the 'less than substantial' harm caused to adjacent heritage assets as a result of the proposed development against this demonstrable public benefit, it is considered on balance that the benefit to the public arising from enhancing the local telecommunication coverage and increased capacity would not outweigh the harm arising to the area's significance as part of the wider setting of several heritage assets.
- 7.4 The proposal would therefore fail to accord with policies D1, D2 and A2 of the Camden Local Plan 2017. The development would create overly dominant visual clutter in a prominent position, causing harm to the neighbouring buildings, local views from the street, the listed open space and registered historic park, the grade II listed building and phone boxes.

8. Recommendation: Prior approval required - Approval refused on grounds of unacceptable siting and design.

Reason:

The proposed monopole, by reason of its height, bulk, size and alien appearance in this location, would result in overly dominant visual clutter in a prominent position which would cause material harm to the local visual amenity, and be detrimental to the character and appearance of the street scene, local views, and the setting of nearby Heritage Assets including a Grade II listed dwellinghouse at 128 Fortune Green Road, Hampstead Cemetery grade II listed historic open space and 2 nearby grade II listed phones boxes, contrary to policies D1 (Design), D2 (Heritage) and A2 (Open space) of the London Borough of Camden Local Plan 2017.