

The Planning Inspectorate

LISTED BUILDING CONSENT APPEAL FORM (Online Version)

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time, we will not accept the appeal.**

Appeal Reference: APP/X5210/Y/15/3133069

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

. . .

Company/Group Name

CTIL and Telefonica UK Ltd

Address

260 Bath Road
Slough
SL1 4DX

Preferred contact method

Email



Post



B. AGENT DETAILS

Do you have an Agent acting on your behalf?

Yes



No



Name

Mr Ian Waterson

Company/Group Name

Town Planning Solutions Ltd

Address

3 Croft Close
Bomere Heath
SHREWSBURY
Shropshire
SY4 3PZ

Phone number

07988876382

Email

ian.waterson@town-planning-solutions.co.uk

Your reference

CTIL-141281 LBC Appeal

Preferred contact method

Email



Post



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

London Borough of Camden

LPA reference number

2015/0071/L

Date of the application	18/12/2014
Did the LPA validate and register your application?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did the LPA issue a decision?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Date of LPA's decision	08/07/2015

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the appeal relate to an existing property?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Address	85 Gower Street LONDON WC1E 6HJ
Is the appeal site within a Green Belt?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

E. DESCRIPTION OF THE DEVELOPMENT

Has the description of the development changed from that stated on the application form?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please enter details of the proposed development. This should normally be taken from the planning application form.	
Retention of 2 no. microcell antennas	
Area (in hectares) of the whole appeal site [e.g. 1234.56]	0.01 hectare(s)
Area of floor space of proposed development (in square metres)	70 sq metre(s)

F. BUILDING INFORMATION

Please indicate the grade of the building	
Grade I	<input type="checkbox"/>
Grade II*	<input type="checkbox"/>
Grade II	<input checked="" type="checkbox"/>
Has a grant been made under section 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

G. REASON FOR THE APPEAL

The reason for the appeal is that the LPA has:

1. Refused listed building consent.	<input checked="" type="checkbox"/>
2. Granted listed building consent for the development subject to conditions to which you object.	<input type="checkbox"/>
3. Refused to vary a condition(s) in a previous grant of listed building consent.	<input type="checkbox"/>

4. Refused to remove a condition(s) in a previous grant of listed building consent. ☐
5. Failed to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

H. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations ☒

(a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ☒ No ☐

(b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? Yes ☐ No ☒

2. Hearing ☐

3. Inquiry ☐

I. FULL STATEMENT OF CASE

The full statement of case is set out in

☒ the box below

This is a Type B appeal. The LPA has issued a Listed Building Enforcement Notice at the appeal site. Therefore in accordance with the Development Management Procedure Order 2015 and PINS Procedural Guidance only Grounds of Appeal are being submitted at this time. The appellants' Full Statement of Case will be submitted within 6 weeks of the start date.

Grounds of Appeal

Retrospective Listed Building Consent should have been granted for the retention of the development carried out at the appeal site for following reasons:

1. The installed apparatus accords with the provisions of the Development Plan for the type of development carried out and the locality.
2. The installed apparatus accords with other material considerations relevant to the development carried out at the appeal site including, Government policy in the NPPF and Planning Practice Guidance, the Code of Best Practice on Mobile Network Development in England, and relevant judicial authority and appeal decisions.
3. Telefónica UK Limited, an Electronic Communications Code Operator, has a demonstrable need to retain the microcells at the appeal site, in order to meet its statutory duty to provide 2G services to this part of central London where there is a very high public demand for these mobile electronic communications services.
4. The installed microcell antennas and ancillary development do not affect the character of 85 Gower Street, the listed building on which they are sited, or harm the character or appearance of the Bloomsbury Conservation Area in which the development is located
5. All reasonable steps have been taken to minimise the impact of development carried out having regard to the technical and operational requirements that apply in this case. The installed microcell antennas and ancillary development are a wholly acceptable form of development at the appeal site. The siting, scale and appearance of the installed apparatus does not have a detrimental impact on

either the special architectural and historic interest of 85 Gower Street, or the character and appearance of the Bloomsbury Conservation Area.

6. Any other issues arising from the LPA's Questionnaire, when it is received.

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes ☐ No ☒

(b) Have you made a costs application with this appeal? Yes ☐ No ☒

J. SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see 'How To' guidance for a definition) of any part of the building to which the appeal relates;



CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see 'How To' guidance for a definition) of any part of the building to which the appeal relates, as listed below:



Owner's Name: Bedford Estates London LLP
Address at which notice was served: 29A, Montague Street, London WC1B 5BL
Date the notice was served: 21/08/2015

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.



K. SUPPORTING DOCUMENTS

01. A copy of the application form sent to the LPA. ☒

02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form). ☒

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. ☒

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☒

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA. ☒

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☐

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application. ☐

07. A copy of the design and access statement sent to the LPA. ☒

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. ☐

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion. ☐
09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA. ☐
10. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached. ☐
11. Any relevant correspondence with the LPA. ☒

L. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes ☒ No ☐

Please give details, including our reference number(s), if known.

Listed Building Enforcement Appeal Reference: APP/X5210/F/15/3131839
Planning Appeal also to be submitted

M. CHECK SIGN AND DATE

(All supporting documents must be received by us within the time limit)

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

Signature

Mr Ian Waterson

Date

21/08/2015 11:17:10

Name

Mr Ian Waterson

On behalf of

...

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under Privacy Statement.

N. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:
<http://www.planningportal.gov.uk/planning/appeals/online/tutorialshelp/appeal/sendingacopytothecouncil>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

O. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 3035, Bristol, BS1 9AY.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	01. A copy of the original application form sent to the LPA.
File name:	CTIL-141281 TEF-8350 Retrospective Application Form.pdf
File name:	CTIL-141281 TEF-8350 Retrospective FP and LBC Letter 18-12-14.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	03. A copy of the LPA's decision notice (if issued), or in the event of the failure of the LPA to give a decision, a copy of the LPA's letter in which they acknowledged the application.
File name:	CTIL-141281 TEF-8350 Retrospective LBC Refusal 08-07-15.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.
File name:	CTIL-141281 TEF-8350 Site Location Plan.PDF
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
File name:	CTIL-141281 TEF-8350 Submitted Drawings.PDF
File name:	CTIL-141281 TEF-8350 Retrospective Heritage Statement.pdf
File name:	CTIL-141281 TEF-8350 Retrospective ICNIRP.PDF
File name:	CTIL-141281 TEF-8350 Retrospective Supplementary Information Form.pdf
File name:	General Background Information.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.
File name:	List of Drawings and Documents.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	07. A copy of the design and access statement sent to the LPA. (Note: this does not apply to applications for conservation area consent).
File name:	CTIL-141281 TEF-8350 Retrospective Design and Access Statement.pdf
Relates to Section:	SUPPORTING DOCUMENTS
Document Description:	11. Any relevant correspondence with the LPA.
File name:	Exchange of emails with LPA.pdf

The documents listed below were already attached elsewhere with this form:

Relates to Section: SUPPORTING DOCUMENTS

Document Description: 02. A copy of the site ownership certificate and ownership details submitted to the LPA at application stage (this is usually part of the LPA's planning application form).

File name: Application Form

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

Completed by MR IAN WATERSON

Date 21/08/2015 11:17:10