

PD12729/JWB/SN

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Planning Department
Camden Council
5 Pancras Square
Kings Cross
London
N1C 4AG

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPLICATION FOR THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT

BT TOWER, 60 CLEVELAND STREET, FITZROVIA, LONDON, W1T 4JZ

On behalf of our client, we submit an application for full planning permission relating to the BT Tower at 60 Cleveland Street, Fitzrovia, London, W1T 4JZ.

The application proposes the following:

"Installation of 2no. 0.9m antennae dishes on the existing telecommunications tower."

Background

BT Tower (hereafter known as 'the Site') is located on the north side of Howland Street, and to the west of Cleveland Mews. The area is predominately characterised by commercial and residential properties.

The existing structure comprises of a communication tower to the height of approximately 190 metres. A variety of pieces of telecommunications equipment are mounted on the structure.

The Site is a Grade II Listed Building, and sits adjacent to the Fitzroy Square Conservation Area.

Planning History

Due to the nature of the Site, there is a high level of planning applications submitted in relation to telecommunications equipment. Therefore, the below have been summarised due to their relevance based on the current proposal.

Application Number	Description of Development	Decision (Date)
2014/7820/P	Installation of 2 x transmission dishes mounted on existing support poles.	Granted (04/02/2015)
2014/1863/P	Installation of 3 x transmission dishes.	Granted (09/06/2014)

2014/1892/L	Installation of 3 x transmission dishes.	Granted (09/06/2014)
2012/6464/L	Installation of 1.8m diameter dish aerial at roof level.	Granted (25/01/2013)
2012/0048/P	Installation of 5 x satellite dishes with associated equipment at roof level above fascia sign (Class B1).	Granted (16/02/2012)
2012/0054/L	Installation of 5 x satellite dishes with associated equipment at roof level above fascia sign (Class B1).	Granted (16/02/2012)

Proposal

Permission is sought for the installation of 2 no. 0.9m antenna dishes at 171m AOD on the existing telecommunications tower.

The function of the antennae dishes is to receive and transmit information in the same manner as other telecommunications equipment of a similar nature. The purpose of these antennae dishes is to facilitate the improvement of a private communications network.

This proposal is not for equipment that produces electromagnetic fields in the same manner in which mobile phone equipment does. The proposed equipment conforms with the International Commission on Non-Ionising Radiation Protection (ICNIRP) Public Exposure Guidelines.

Planning Policy Context

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with policies of the adopted statutory Development Plan, unless material considerations indicate otherwise.

National Planning Policy

The National Planning Policy Framework (NPPF) was published on the 19 February 2019 and supersedes previous national planning guidance. The NPPF sets out the Government's economic, environmental and social planning policies and is to have immediate effect on all planning decisions.

The NPPF states that plans and decisions should apply a presumption in favour of sustainable development running through both the plan-making and decision-taking process. This means approving development proposals that accord with the development plan without delay, and where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Adopted Development Plan

The Site falls within the administrative authority of the London Borough of Camden. The statutory development plan consists of the following documents:

- The London Plan (Consolidated with Alterations since 2011) (2016);
- Camden Local Plan (2017); and
- Fitzrovia Area Action Plan (2014).

Emerging Policy

The Mayor of London is currently in the process of producing a new London Plan. In terms of progress, the Planning Inspector's Report was published on the 8th October 2019.

Due to the stage the emerging plan has reached and the powers available to the Mayor for adoption, significant weight can be given to the emerging policies.

National Guidance

The NPPF is explicit in its support in facilitating high quality communications. Paragraph 112 of the NPPF states that, *"Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being"*. The proposed equipment will enhance a private data network that the applicant operates. The proposed equipment will add reliance to this network, and also improve its efficiency and the ability for the business to operate in a successful manner. Accordingly, the proposals accord with Paragraph 112 by further developing an advanced and high quality communications network.

The NPPF seeks to minimise the proliferation of structures for telecommunications equipment. To achieve this, an existing telecommunications tower which already includes telecommunication's equipment is to be used and therefore will not increase the proliferation of structures in the area currently.

Furthermore, when considering the location of proposed communication infrastructure, it is noted that the equipment should be sympathetically designed and camouflaged where appropriate. Due to proposed equipment being located on the existing telecommunications tower, it will be read sympathetically with existing telecommunications equipment on this Site. The proposal will therefore not have any significant visual impacts on the surrounding street scene or impact on the amenity of neighbouring uses.

Paragraph 116 of the NPPF also states that *"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."*

As noted earlier, the proposed dishes do not produce an electromagnetic field in the same manner as mobile phone equipment does. The equipment is ICNIRP compliant and does not pose a risk to the health of the occupants of the building.

Local Planning Policy

No planning policies relating to telecommunications are adopted in the current Development Plan. Significant weight should be given to the NPPF as the plan is absent and silent in this regard which engages the presumption in favour of development.

Heritage Considerations

The historical origins of the building are set out in the listing which states that:

"The BT Tower was built as a centre of national and international telephone communication by ultra high frequency (UHF) microwave transmission. The site was chosen at the rear of the Museum Telephone Exchange, because this exchange was already the focal point of the telecommunications system and the vision cables network for London, with cable connection to Broadcasting House (q.v. City of Westminster). However, as telephone use soared in the 1950s, and was correctly predicted to increase still more quickly in the 1960s, it became increasingly difficult to provide adequate cable links in central London. Radio telephones using low frequencies had long been used, but the use of high frequencies was in its infancy, and this commitment to the use of high frequencies on a potentially massive scale placed the tower at the forefront of international design. 'It will represent a considerable advance on any existing international centre' (Institution of Civil Engineers, 1965, p.33). The sensitive equipment meant that the tower had to be exceptionally stable to maintain the accuracy of the narrow beam transmitters. By means of tests in the National Physical Laboratory wind tunnel, it was stiffened so as to deflect only eleven inches in a hundred mile an hour gale. The cylindrical shape reduced wind resistance.

The height was raised to over 580 feet as building commenced, in order that the tower should be taller than the office buildings then being erected in London. Its waves were relayed across Britain via a series of masts, the nearest being at Harrow. [...]"

The BT Tower is a Grade II Listed Building and is located adjacent to the Fitzroy Square Conservation Area. The Tower was first listed in 2003, under List Entry Number 1350342, with reference to telecommunication equipment on the Tower being provided as follows:

"The aerials and dishes had to be mounted between 365 and 475 feet to achieve adequate ground and obstacle clearance, and were mounted on circular galleries to give the maximum flexibility for adjustment and for subsequent new equipment."

As described in the list entry, the main purpose of the BT Tower has been to act as a telecommunication tower with the inclusion of telecommunication equipment on the higher levels of the building. This purpose has long been established with a number of additional pieces of telecommunications equipment being installed since the building was first erected.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter "the 1990 Act") sets out the legislative duties of the decision maker in this case. The relevant provisions for this application are as follows:

Section 66(1) *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 72(1) *"In the exercise, with respect to any buildings or other land in a conservation area, of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Chapter 16 of the NPPF relates to conserving and enhancing the historic environment. Considerable weight is placed by the NPPF on understanding the significance of designated heritage assets and the contribution made by their setting. This understanding is a basis for development control decisions. The requirement for an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting, is set out at paragraph 189:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of

detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."

The policy approach to harm is set out in paragraphs 193 to 196. Consistent with the statutory duties set out above, paragraph 193 confirms that "great weight" should be given to the conservation of assets and "the more important the asset, the greater the weight should be." Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, "any harm to or loss of a designated heritage asset [...] should require clear and convincing justification".

Paragraph 196 indicates 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 securing its optimum viable use"*.

Due to the Site comprising a listed building, consideration should also be given to Policy D2 (Heritage) of the Local Plan which states:

"The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets."

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;*
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;*
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.*

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

[...]

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;*
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and*
- k. resist development that would cause harm to significance of a listed building through an effect on its setting."*

Consideration has been given to the proposal and whether this has any impact on the setting and appearance of the listed building. As mentioned above, since the development of the building it has been used as a

telecommunications tower for *"ultra high frequency (UHF) microwave transmission"*. A number of existing antennae and dishes are located on the higher levels of the tower. The proposal will seek to install 2no. antennae dishes which form a similar function to the existing equipment on the building. As such, this proposal is considered to have a neutral impact on the physical building due to the precedence from a number of similar existing pieces of equipment being located on the listed building.

Although the additional antennae dishes will be visible on the external façade of the building, they will be in a similar location to the existing telecommunications equipment on the building which form an integral part of the buildings character and appearance and will therefore be read in line with such equipment. Therefore, the proposal will have limited visual impact and will not have an adverse impact on the setting or appearance of the listed building. Therefore, the proposal would have no significant material harm to historic fabric or architectural interest of the Grade II Listed Building.

Consideration should also be given to the proposal and the possible impact it may have on the setting of the nearby conservation area. Although the proposal may be visible from certain viewpoints in the neighbouring conservation area, as mentioned above the proposed equipment will be read in conjunction with other similar equipment which already exists on the BT Tower. Therefore, it is considered that the proposal will relate to the existing use of the building, with equipment of a similar nature, and therefore will not cause significant harm to the setting of the Fitzroy Square Conservation Area.

In summary, the proposal will be of a similar nature to existing equipment on the listed building and will be read in line with the other telecommunication equipment. The listing makes specific reference that the Tower was *"built as a centre of national and international telephone communication by ultra high frequency (UHF) microwave transmission"*, with further reference to antennae and dishes forming part of the list, and this use continues with the inclusion of further telecommunication equipment being located on the Tower. As such, the proposal is not considered to significant material harm to historic fabric or architectural interest of the Grade II Listed Building, and will not cause significant harm to the setting of the Fitzroy Square Conservation Area. Therefore, the proposal accords with the NPPF and Local Policy D2.

Conclusions

The proposals seek to utilise an existing building which is already in use for the siting of communications equipment. This reduces the necessity for other structures in the area and accords with planning policy at the National and Local Level.

The existing building is already used for pieces of communications equipment, and the proposed development will be located so it is not considered to be visible from street level. Due to proposed equipment being located on the existing telecommunications building, it will be read sympathetically with existing telecommunications equipment on this Site. The proposal will therefore not have any significant visual impacts on the surrounding street scene or impact on the amenity of neighbouring uses.

Due to the nature of the listed building, and the proposal being read in line with existing telecommunication equipment, the proposal is not considered to significant material harm to historic fabric or architectural interest of the Grade II Listed Building, and will not cause significant harm to the setting of the Fitzroy Square Conservation Area.

As the proposals accord with the policies of the development plan, we respectfully ask that permission is granted without delay to facilitate its delivery.

Administrative Matters

The application fee of £462 has been calculated in accordance with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, and has been paid online.

To allow the Council to consider this application, the following plans and information are submitted alongside this supporting statement:

- Planning Application Form;
- Design and Access Statement;
- Site Location Plan; and
- Application Drawings.

We trust that the enclosed is sufficient for you to be able to register and validate the application. Should you wish to discuss the enclosed in further detail or require any additional information, please do not hesitate to contact Sam Neal (020 7312 7468 / sam.neal@montagu-evans.co.uk) or Jon Bradburn (020 7312 7452 / jon.bradburn@montagu-evans.co.uk) at this office.

Yours sincerely,

Montagu Evans

MONTAGU EVANS LLP

Enc.