ROYAL BOROUGH
OF
KENSINGTON & CHELSEA

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL

APPE

APPE

A·P·T
A Marconi company
Dolphin House, Albany Park, Camberley, Surrey GU16 7QH
Telephone: (01276) 605000 Fax: (01276) 683781
Web Site: www.aptelecom.com

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The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

My Ref: BMS/Apps/Waldon/AW/32404

6 June 2002

Dear Sirs,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY O_2 (UK) LIMITED (formerly BT Cellnet Ltd)

On behalf of O_2 (UK) Limited (formerly known as BT Cellnet Limited) please find enclosed a formal appeal against the decision of the Royal Borough of Kensington and Chelsea to refuse planning permission for a telecommunications development at 9 Wilbraham Place, Belgravia, London SW1X 9AE.

If you have any queries concerning this appeal or if you require any further information, please do not hesitate to contact the undersigned.

I can confirm that a copy of the appeal submission has been sent directly to the Local Planning Authority.

Yours faithfully,

B Stansfield

Ben Stansfield
For and on behalf of O_2 (UK) Limited
Tel: 01276 605016
E-mail: ben.stansfield@marconi.com

CC O_2 (UK) Ltd

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	10 JUN 2002				PLANNING	
N	C	SW	SE	APP	IO	RS
			ARB	PPLN	DES	

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The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date received

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PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our diversity helpline on 0117 372 8939.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

WARNING: If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name O2 (UK) Limited (Formerly called BT Cellnet Limited)

Address 1 Brunel Way
Slough

Postcode SL1 1XL

Daytime phone no 01753 564716

Fax no 01753 564062

E-mail address

B. AGENT DETAILS (if any)

Name APT Marconi

Address Dolphin House
Albany Park, Camberley
Surrey

Postcode GU16 7QH

Your reference BMS/Apps/Waldon/AW/32404

Daytime phone no 01276 605016

Fax no 01276 683781

E-mail address ben.stansfield@marconi.com

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA RB of Kensington & Chelsea

Date of the planning application 21.02.02

LPA's application reference no PP/02/00439/mnw

Date of LPA's decision notice (if issued) 19.04.02

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D. APPEAL SITE ADDRESS

Address 9 Wilbraham Place, Belgravia, London

Postcode SW1X 9AE

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box. ☐

E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed with the LPA)

Telecommunication Base Station Consisting of: 6 nos tripod mounted antennas, 2 tripods, 3 Nokia Ultrasite outdoor cabinets, 2 Nortel BTs outdoor cabinets and one external Diplexer cabinet, along with associated feeders and ancillary development.

Size of the whole appeal site (in hectares): Approx 0.002

Area of floor space of proposed development (in square metres): Approx. 20 square metres

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

*Please tick **one** box only* ✔

1. Refuse planning permission for the development described in Section E. ☑
2. Grant planning permission for the development subject to conditions to which you object. ☐
3. Refuse approval of details required by a previous outline planning permission. ☐
4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object. ☐
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). ☐

   or

6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval. ☐

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G. CHOICE OF PROCEDURE

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CHOOSE ONE PROCEDURE ONLY

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

Please note that when we decide how the appeal will proceed, we take into account the LPA's views

*Please tick **one** box only* ✔

1. WRITTEN REPRESENTATIONS ☑

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

2. HEARING ☐

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

3. INQUIRY ☐

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

Refer to our booklet 'Making your planning appeal' for help.

Please continue on a separate sheet if necessary.

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PLEASE REFER TO THE ATTACHED SUPPORTING STATEMENT

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H. GROUNDS OF APPEAL (continued)

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PLEASE REFER TO THE ATTACHED SUPPORTING STATEMENT

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I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES. Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, Certificate A will apply: *Please tick **one** box only* ✔

CERTIFICATE A ☐

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates;

OR

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 Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served
Boreas Investments Ltd	6 Sloane Street, London	20.02.2002
C/O Marcer & Marcer	SW1X 9LF	

CERTIFICATES C and D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.**

✔

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding; ☑

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below: ☐

Tenant's name	Address at which the notice was served	Date the notice was served

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J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, must be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

✔

1. A copy of the original **planning application** sent to the LPA. ☑
2. 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). ☑
3. A copy of the **LPA's decision notice** (if issued). ☑
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☑
5. A list and copies of all **plans, drawings and documents** sent to the LPA as part of the application. ☑
6. A list and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes). ☑

Copies of the following must also be sent, if appropriate:

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: ☐

8. Any relevant **correspondence** with the LPA. ☑
9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:
   (a) the relevant outline application; ☐
   (b) all plans sent at outline application stage; ☐
   (c) the original outline planning permission. ☐
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. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). ☐
12. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers. ☑

An appeal against the refusal of Listed Building consent submitted at same time as this appeal. LPA ref: LB/02/00440/clba

PLEASE TURN OVER AND SIGN THE FORM – UNSIGNED FORMS WILL BE RETURNED

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K. PLEASE SIGN BELOW

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA *(if you do not, your appeal will not normally be accepted).*
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature B. Stansfield (on behalf of) O2 (UK) LIMITED

Name (in capitals) BEN STANSFIELD (APT MARCONI) Date 6 June 2002

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

NOW SEND:

- **1 COPY to us at**:
  The Planning Inspectorate
  Customer Support Unit
  Temple Quay House
  2 The Square
  Temple Quay
  BRISTOL
  BS1 6PN

  We do not currently accept appeals by e-mail or fax.

- **1 COPY to the LPA**
  Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

1) Tell you if it is valid and who is dealing with it.
2) Tell you and the LPA the procedure for your appeal.
3) Tell you the timetable for us receiving further information or representations.
   YOU MUST KEEP TO THE TIMETABLE
   If information or representations are received late we may disregard them. They will not be seen by the Inspector but will be sent back to you.
4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by the Planning Inspectorate March 2001

Printed in the UK March 2001 on paper comprising 25% post consumer waste and 100% ECF recycled paper.

NEW APPEAL

DATE: 10-6-02

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TO: DEREK TAYLOR / PAUL KELSEY

JOHN THORNE / BRUCE COEY

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA - FILE(S) ATTACHED. THE SITE ADDRESS IS:

9 WILBRAHAM PLACE, SW1X

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING WITH THIS APPEAL:

Anne Salman

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE APPEAL TO BE DETERMINED:

- ✓ WRITTEN REPRESENTATIONS
- HEARING
- PUBLIC INQUIRY

N.B. The appellant has requested Written Reps / a Hearing / an Inquiry. The appellant has the right to be heard. If the appellant wants a Hearing and you choose Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. **YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE AT THIS STAGE**

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE APPEALS SECTION **WITHIN 24 HOURS**

THANK YOU

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APPEALS TIMETABLE

ADMINISTRATION	Initials	Time Hours	Cost LAWJ
(1) Notification of appeal to third parties			
(2) Pre Statement Inquiry/hearing			
(3) Preparation of Statement and Documentation			
(4) Notification of appeal decision			

CASE OFFICER

(1) Preparation

(2) Meeting

- Legal
- Counsel
- Transportation
- Design
- Policy
- BEHO
- Other Parties

(3) Statement

(4) Public Inquiry/Local Hearing

Policy

- Preparation
- Meetings
- Statement if applicable

Design

- Preparation
- Meetings
- Statement if applicable

Transportation

- Preparation
- Meetings
- Statement if applicable

The Planning Inspectorate

3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728930
Switchboard 0117-3728000
Fax No 0117-3728443

GTN 1371-8930

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Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/02/00439/MNW

Our Ref: APP/K5600/A/02/1092452

Date: 20 June 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY O2 (UK) LIMITED
SITE AT 9 WILBRAHAM PLACE, LONDON, SW1X 9AE

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

You must **submit** the following documents within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date.** If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

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Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000.* Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date,** but from time to time it may take us a little longer.

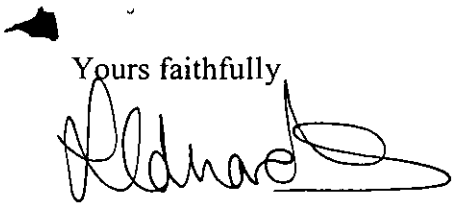
You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully



Mr Dave Shorland

102(BPR)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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THE ROYAL BOROUGH OF

KENSINGTON AND CHELSEA

File Copy

Switchboard: 020-7937-5464

Direct Line: 020-7361-2085
Extension: 2085
Facsimilie: 020-7361-3463

Date: 01 July 2002

My Ref: DPS/DCSE/PP/02/00439
DTLR's Reference: App/K5600/A/02/1092452 Please ask for: Ms.A. Salmon

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 9 Wilbraham Place, London, SW1X9AE

A Planning Appeal has been made by BT Cellnet, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Erection of a telecommunication base station consisting of 6 no. tripod-mounted antennae, 2 tripods, 3 Nokia Ultrasite outdoor cabinets, 2 Nortel BTs outdoor cabinets and one external Diplexer cabinet, along with associated feeders and ancillary development.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS.** Any representations you wish to make should be sent to:

The Planning Inspectorate, Room 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Please send 3 copies and quote the DTLR's reference given above. **The Inspectorate must receive your representations by 01/08/2002 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 01/08/2002). Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

I attach a copy of the Council's reasons for refusal and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after 01/08/2002 **(please telephone ahead in order to ensure that these are available).** If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

M.J. FRENCH
Executive Director, Planning and Conservation

NOTICE OF A PLANNING APPEAL

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Reasons for Refusal

1. **The proposed telecommunications equipment, by virtue of its bulk and height and prominent position on a highly visible roof would result in significant harm to the special architectural character of the listed building and to the character and appearance of the conservation area contrary to the Council's policies as set out in the Conservation and Development chapter of the Unitary Development Plan, in particular policies CD25, CD44, CD52, CD53 and CD58.**

Property

9 Wilbraham Place, London, SW1X9AE

Proposal

Erection of a telecommunication base station consisting of 6 no. tripod-mounted antennae, 2 tripods, 3 Nokia Ultrasite outdoor cabinets, 2 Nortel BTs outdoor cabinets and one external Diplexer cabinet, along with associated feeders and ancillary development.

Plans and drawings are/are not available for inspection.

(If plans are available, these may be seen in the Planning Information Office between the hours of 9.15 a.m and 4.30 p.m Mondays to Thursdays and between 9.15 a.m and 4.00 p.m on Fridays)

2.0 THE GROUNDS OF APPEAL

2.1 In summary, the appellants grounds of appeal are that the erection of 6 tripod-mounted antennae, 2 tripods, 6 outdoor cabinets, associated feeders and development ancillary thereto, on the roof at 9 Wilbraham Place, as shown on the drawings contained within the full planning submission, attached at **Appendix 2**, is acceptable for the following reasons:

2.1.1 Need for the development. There is a justifiable need for the proposed telecommunications development, which the Local Planning Authority, in its decision, has not disputed. This need is illustrated on the radio plots contained within the full planning submission. The development is necessary to provide 2nd Generation coverage as a replacement for the existing site on the BT Exchange and to provide third generation (3G) mobile phone coverage.

2.1.2 Site selection. A number of alternative sites and buildings in the area have been carefully surveyed but none have been found to be as suitable as that subject to the prior approval application. The development is fully consistent with national telecommunications planning policy that "seeks to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum". Furthermore, in accordance with National Policy objectives the proposal seeks to utilise an existing tall building.

2.1.3 Design and visual impact. The development has been carefully designed in full recognition of the site being a Listed Building and located within the Conservation Area. The design of the development has regard to its settings and surroundings together with the specific coverage requirements of the operator. The proposal is not in material conflict with the policies contained within the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP).

2.1.4 Health Considerations. The development is designed to fully comply with ICNIRP guidelines for public exposure. To further allay the fears of the Local Planning Authority and local residents, the appellant has commissioned an independent report to confirm that the installation will comply with ICNIRP guidelines for public exposure.

2.2 These grounds of appeal are discussed more fully in Section 6 below.

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APPEAL NOTIFICATIONS

Re: 9 WILBRAHAM PLACE, SW1X

Please complete the list of those to notify of the appeal and return with the file(s) to the Appeal Section within 24 hours. Thank You.

☑ WARD COUNCILLORS:

1. Coleridge
2. Paget-Brown
3. Weale

☐ KENSINGTON SOCIETY (Ms Susie Symes, 19 Denbigh Terrace, London W11 2QJ)

☑ CHELSEA SOCIETY (Mr Terence Bendixson, 39 Elm Park Gardens, London SW10 9QF)

☐ RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

1.

2.

3.

☑ ALL 3RD PARTIES ORIGINALLY NOTIFIED

☑ ALL OBJECTORS/SUPPORTERS

☐ STATUTORY BODIES ORIGINALLY NOTIFIED

☐ ENGLISH HERITAGE

☐ OTHERS:.....

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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THE ROYAL BOROUGH OF

KENSINGTON AND CHELSEA

Waldon Telecom,
Centennium House,
Pyrford Road,
West Byfleet
KT14 6LD

Switchboard: 020-7937-5464
Direct Line: 020-7361- 2085
Extension: 2085
Facsimile: 020-7361-3463

Date: 02 July 2002

My Ref: DPS/DCSE/PP/02/00439/ALS
DTLR's Reference: App/K5600/A/02/1092452 Please ask for: Ms.A. Salmon

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
Appeal relating to: 9 Wilbraham Place, London, SW1X9AE

With reference to your appeal on the above address(es), enclosed you will find the Council's Questionnaire and attached documents as necessary.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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THE ROYAL BOROUGH OF

KENSINGTON AND CHELSEA

Department of Transport,
Local Government and the Regions,
3/07 KiteWing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020-7937-5464
Direct Line: 020-7361-2081
Extension: 2081
Facsimilie: 020-7361-3463

Date: 02 July 2002

My Ref: DPS/DCSE/PP/02/00439/ALS
DTLR's Reference: App/K5600/A/02/1092452

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 9 Wilbraham Place, London, SW1X9AE

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF PP/02/439

APPEAL REF: APP/K5600/A/02/1092452 GRID REF:

APPEAL BY: O2 (UK) LIMITED

SITE: 9 WILBRAHAM PLACE, SW1X

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks from the 'starting date' given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1.	Do you agree to the written representations procedure?	YES / NO
OR	Do you wish to be heard by an Inspector at: a. a local inquiry?	YES / NO
	or b. a hearing?	YES / NO
2.	If the written procedure is agreed, could the Inspector make an unaccompanied site visit?	YES / NO
	(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)	
3.	Does the appeal relate to an application for approval of reserved matters?	YES / NO
4.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES / NO / NA
5.	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	YES / NO

6. Is the appeal site within an approved Green Belt or AONB?

Please specify which . . . . . YES / NO

82

7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.) YES / NO

8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?
If YES, please attach details and, where necessary, give our reference numbers. YES / NO
APP/K5600/E/02/1092453

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details. YES / NO

9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.) YES / NO

10. Does the appeal relate to an application for conservation area consent? YES / NO

11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? YES / NO
Grade I / II* / II

b. Would the proposed development affect the setting of a listed building? YES / NO

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? YES / NO

13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)? YES / NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments. ~~YES / NO~~

14.a. Is the appeal site in or adjacent to or likely to affect an SSSI?
If YES, please attach the comments of English Nature. YES / NO

b. Are any protected species likely to be affected by the proposals?
If YES, please give details. YES / NO

88

10. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

83

		Number of Documents Enclosed	N/A
a	Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.	YES / NO ~~Sch1 Sch 2 col 1~~	
b.	Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	YES / NO	
c.	Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.	YES / NO	
d.	Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;		✓
e.	Any representations received as a result of an Article 7 (or Regulation 6) notice;		✓
f.	A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;	1	
g.	Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas). Act 1990 (or Regulation 5);	7	
h.	Details of any other applications or matters you are currently considering relating to the same site;	✓	
i.	**For all appeals, including those against non determination, you must provide details of all relevant development plan policies.** ***Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*** EXTRACTS FROM UDP (ADOPTED MAY 2002) CHAPTERS 1-4	✓	
j.	Any supplementary planning guidance, together with its status, that you consider necessary. EXTRACTS FROM CONS. AREA PROPOSAL STATEMENT	✓	
k.	Any other relevant information or correspondence you consider we should be aware of.	NOT CONSIDERED IF APPROPRIATE YET.	

89

16. a. What is the date you told those you notified about the appeal that we must receive any further comments by? — 1st August '02

Non f. letter dated →

b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application	7	
ii) the planning officer's report ~~to committee/member panel~~ DELEGATED	✓	
iii) any relevant committee minute		✓

84

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal? If NO, please send the following information:- — YES / NO

a. In non-determination cases:

i) what the decision notice would have said;

ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

i) the relevant planning history;

ii) any supplementary reasons for the decision on the application;

iii) matters which you want our Inspector to note at the site visit.

18. THE MAYOR OF LONDON CASES ONLY

a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification. — YES / NO

b. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction. — YES / NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: [signature] on behalf of RBK&C Council

Date sent to us and the appellant 2/7/02

Please tell us of any changes to the information you have given on this form.

90

The Planning Inspectorate

For offical use only
Date received

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF LB/02/440

APPEAL REF: APP/K5600/E/02/1092453 GRID REF:

APPEAL BY: O2 (UK) LIMITED

SITE: 9 WILBRAHAM PLACE, SW1X

ou must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the ppellant, within 2 weeks from the 'starting date' given in our letter. **You must include details of the statutory development an, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. heir address is shown on our letter.

notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting rmission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments be sent direct to us within 6 weeks of the 'starting date'.

1.	Do you agree to the written representations procedure?	YES / NO
OR	Do you wish to be heard by an Inspector at: a. a local inquiry?	YES / NO
	or b. a hearing?	YES / NO
2.	If the written procedure is agreed, could the Inspector make an unaccompanied site visit?	YES / NO
	(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)	
.	Does the appeal relate to an application for approval of reserved matters?	YES / NO
.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES / NO / NA
	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	YES / NO

9c

6. Is the appeal site within an approved Green Belt or AONB?

Please specify which . . . . . YES / NO

86

7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.) YES / NO

8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?
If YES, please attach details and, where necessary, give our reference numbers. YES / NO

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details. YES / NO

9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.) YES / NO

10. Does the appeal relate to an application for conservation area consent? YES / NO

11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building? YES / NO
Grade I / II* / II

b. Would the proposed development affect the setting of a listed building? YES / NO

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? YES / NO

13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)? YES / NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments. ~~YES / NO~~

14.a. Is the appeal site in or adjacent to or likely to affect an SSSI?
If YES, please attach the comments of English Nature. YES / NO

b. Are any protected species likely to be affected by the proposals?
If YES, please give details. YES / NO

92

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.	YES / NO ~~Sch 1~~ ~~Sch 2 col 1~~	
b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?	YES / NO	
c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.	YES / NO	
	Number of Documents Enclosed	N/A
d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;		✓
e. Any representations received as a result of an Article 7 (or Regulation 6) notice;		✓
f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;	1	
g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);		✓
h. Details of any other applications or matters you are currently considering relating to the same site;	✓	
i. **For all appeals, including those against non determination, you must provide details of all relevant development plan policies.** ***Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*** EXTRACTS FROM UDP (ADOPTED MAY 2002) CHAPTERS 1-4	✓	
j. Any supplementary planning guidance, together with its status, that you consider necessary. EXTRACTS FROM CONS. AREA PROPOSAL STATEMENT	✓	
k. Any other relevant information or correspondence you consider we should be aware of.	NOT CONSIDERED IF APPROPRIATE YET.	

93

16. a. What is the date you told those you notified about the appeal that we must receive any further comments by? — 1st August '02

Notif. letter dated →

b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

88

	Number of Documents Enclosed	N/A
i) representations received from interested parties about the original application		✓
ii) the planning officer's report to ~~committee/member panel~~ DELEGATED	✓	
iii) any relevant committee minute		✓

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal? If NO, please send the following information:- — YES / NO

a. In non-determination cases:

i) what the decision notice would have said;

ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

i) the relevant planning history;

ii) any supplementary reasons for the decision on the application;

iii) matters which you want our Inspector to note at the site visit.

~~18. THE MAYOR OF LONDON CASES ONLY~~

~~a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification.~~ — YES / NO

~~b. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.~~ — YES / NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: _____ on behalf of RBKdC Council

Date sent to us and the appellant 2/7/02

Please tell us of any changes to the information you have given on this form.

94

89

Bernadette O'Riordan
24 D'Oyley Street
London
SW1X 9AJ

7/12/02

NOTICE OF PLANNING APPEAL RELATING TO 9 WILBRAHAM PLACE LONDON SW1X 9AE
DTLR's Reference: App/K5600/A/02/1092452
Attn: Ms A Salmon

Dear Ms. Salmon,

I am writing to object to the proposed telecommunications base station at 9 Wilbraham Place.
I appreciate that there may be a need for this but there is surely a more appropriate place than a listed building?
Also, I despite the assurance re ICNIRP guidelines I have concerns on health grounds.

Thirdly there has been an enormous amount of building in this area recently, the apartment block on Ellis Street, and now the approval of the Christ Scientist Church being turned into a concert hall.

I believe that the base will be an eyesore and would like to voice my objection.

Best regards,

Bernadette O'Riordan

A·P·T
A Marconi company
Dolphin House, Albany Park, Camberley, Surrey GU16 7QH
Telephone: (01276) 605000 Fax: (01276) 683781
Web Site: www.aptelecom.com

ALS

90

The Royal Borough of
Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London
W8 7NX

917

DTLR Ref: App/K5600/A/02/1092452
App/K5600/E/02/1092453
Your Ref: DPS/DCSE/PP/02/00439/ALS
Our Ref: BMS/Apps/Waldon/AW/32404

8 July 2002

FAO: Ms A Salmon

Dear Ms Salmon,

PLANNING AND LISTED BUILDING APPEALS BY O_2 (UK) LIMITED (formerly BT Cellnet Ltd) relating to 9 WILBRAHAM PLACE, LONDON, SW1X 9AE

We have just received via Waldon Telecom copies of your questionnaires in relation to the above appeals.

Please note that although the applications were submitted by Waldon Telecom on behalf of O_2 (UK) Limited we are the agents with respect to the appeals. As such please can you ensure that all further correspondence is directly sent to us.

I can confirm that a copy of this letter has been sent directly to the Planning Inspector.

Yours sincerely,

B Stansfield

Ben Stansfield
For and on behalf of O_2 (UK) Limited
Tel: 01276 605016
E-mail: ben.stansfield@marconi.com

CC Mr Dave Shorland – Planning Inspector

O_2 (UK) Ltd

14

95

Flat 10, 7 Wilbraham Place,
London, SW1X 9AE
020 7730 3229

91

11th July, 2002

The Planning Inspectorate,
Room 3/07 Kite Wing,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol, BS1 6PN.

Dear Sirs,

Re:App/K5600/A/02/1092452 TOWN & COUNTRY PLANNING ACT 1990
Notice of a Planning Appeal relating to: 9 Wilbraham Place, London,SW1X9AE

I am writing in connection with the Planning Appeal which has been made by BT Cellnet against the Kensington & Chelsea Council's decision to refuse planning permission for the Erection of telecommunication base station and equipment on the roof of the block of flats next door to my top floor flat.

I strenuously object to this application on the following grounds:

1) BT have an existing Telecommunications building which is very high, and is in Sloane Terrace, one street away. Why can the masts not be sited on their own building?
2) These aerials are dangerous and should not be sited in the close proximity of residential properties because of the transmissions which have been linked to cancer. Please refer to the article on the 11th June in the Evening Standard, page 8 which is one of the many publications I have seen about the probable health fears associated with such masts.
3) 9 Wilbraham Place is a listed building, and I support the view of the Council that the proposed equipment would cause great harm to the architectural character in our conservation area.
4) Need for development. If there is a justifiable need, it would be more appropriate for BT to use its existing building in Sloane Terrace.
5) Site Selection. Have BT surveyed their own building in Sloane Terrace? It is just as high as 9 Wilbraham Place and is not a listed building. Could it be that BT would find it difficult to convert their existing building into residential flats for sale to the public if such equipment were sited on top?
6) The design and visual impact of this enormous structure will be quite inappropriate to the street and indeed, to the listed building.

92

7) Finally I would doubt that any report commissioned by BT on health considerations could truly be said to be independent as BT will be paying the bill. The Health considerations worry me greatly as my top floor flat and roof garden will be directly next door to the installation and I consider that I have a right to expect full consideration to be taken by the Council and Planning Inspectorate of the rights of residents to be kept free from harmful emissions which will be sent every minute in the direction of my flat and all the others in this residential street.

Yours faithfully,

C. J. T. MAGGS

Enc. 2 further copies.

1092452

93

EX | HDC | TP | CAC | AD | CLU | AO
SIR | | | | | | AK
R.S. | | | | | | 65
K.C. | 16 JUL 2002 | PLANNING

Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

11th July 2002

RECEIVED
22 JUL 2002
PINS AA PEP

Re: 1). Town and Country Planning Act 1990
Council letter dated 5th June 2002
Subject: Proposed development at 9 Wilbraham Place, London SW1X 9AE

2) Notice of Planning Appeal relating to 9 Wilbraham Place, London SW1X 9AE
Council letter dated 1st July 2002

I, a resident at the address listed next to my signature, living at, or in close proximity to, 9 Wilbraham Place strongly oppose any installation of telecommunications antennae, related outdoor cabinets, feeder trays, feeder cables and ancillary equipment and any similar equipment, being installed on or near 9 Wilbraham Place. ~~Our~~ My opposition is based on the following grounds:-

1. 9 Wilbraham Place is a listed building and is sited within a conservation area.

   These proposals are:-

   a). Effectively a change of use of said listed residential building to a commercial use and will destroy the special architectural character of the building and its roof the very reasons for listing of the building. This roof is highly visible at this site within a declared conservation area and therefore the equipment proposed to be installed will be visible.

   b). These proposals by BT Cellnet and O2 (UK) Ltd are in direct contravention of clearly stated council policy as set out in the Conservation and Development section of the Unitary Development Plan E.G., CD25, CD44, CD52, CD53 and CD58.

2. The long lease holders of subject building (90 years or more) are totally opposed to these proposals and have not been consulted or notified by the Freeholder which is in contravention of their leases which provides for the right to quiet enjoyment of their flats, in a residential building and not in a mixed (commercial/residential) use building.

3

3. We are fearful of what we believe to be a potential health risk to ourselves and our families associated with the use of this equipment.

4. There will be the continuous inconvenience to the residents of 9 Wilbraham Place and the adjoining buildings caused during the installation of this equipment such as noise, parking of vehicles, entry in the building, damage to the roof and the building, security risks associated with workmen unknown to the residents having access to the building and its environs during the installation. All of the foregoing inconvenience and risks to safety will apply each time maintenance is required for the equipment which repairs could be required at any time day or night.

5. The potential noise and nuisance from heat management units that may be required to be installed.

6. Damage to residents existing antennas, satellite dishes and similar equipment presently installed on the roof of 9 Wilbraham Place.

7. Interference to residents TV, radio, cable reception and telephone caused by installation and maintenance of said equipment.

8. Deterioration of the buildings common parts caused by installation and maintenance workman using such common parts e.g. roof; stairs;lifts etc.

9. The potential health hazard given a Primary School, Church and newly approved 900 seat entertainment center within 100 meters of the proposed installation.

10. The still existing and real uncertainty of the health effects of mobile phone and ancillary equipment radiation.

11. The perceived health dangers to residents in violation of Article 8 of European Union Human Rights law.

12. The serious and genuine public concern for health and safety.

95

13. Approval would result in converting this listed residential building to commercial usage effectively a change of use as the current freeholder would be receiving a large sum of money from the applicant and the applicant would be using the facilities as part of a commercial venture. Does this application provide for a Change of Use as is required?

14. Increased risk of fire to the building and adjacent buildings potentially resulting from installation of this equipment (see Bedfordshire Fire Dept. decision June 2000).

For the reasons stated above I believe our elected representatives to the Council should refuse the proposed development.

NAME	RESIDENT'S ADDRESS	SIGNATURE
DR E.F. TEITLER	FLAT 9, 9 WILBRAHAM PLACE London SW1X 9AE	[illegible]

96

Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

11th July 2002

Re: 1). Town and Country Planning Act 1990
Council letter dated 5th June 2002
Subject: Proposed development at 9 Wilbraham Place, London SW1X 9AE

2) Notice of Planning Appeal relating to 9 Wilbraham Place, London SW1X 9AE
Council letter dated 1st July 2002

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1. 9 Wilbraham Place is a listed building and is sited within a conservation area.

   These proposals are:-

   a). Effectively a change of use of said listed residential building to a commercial use and will destroy the special architectural character of the building and its roof the very reasons for listing of the building. This roof is highly visible at this site within a declared conservation area and therefore the equipment proposed to be installed will be visible.

   b). These proposals by BT Cellnet and O2 (UK) Ltd are in direct contravention of clearly stated council policy as set out in the Conservation and Development section of the Unitary Development Plan E.G., CD25, CD44, CD52, CD53 and CD58.

2. The long lease holders of subject building (90 years or more) are totally opposed to these proposals and have not been consulted or notified by the Freeholder which is in contravention of their leases which provides for the right to quiet enjoyment of their flats, in a residential building and not in a mixed (commercial/residential) use building.

97

3. We are fearful of what we believe to be a potential health risk to ourselves and our families associated with the use of this equipment.

4. There will be the continuous inconvenience to the residents of 9 Wilbraham Place and the adjoining buildings caused during the installation of this equipment such as noise, parking of vehicles, entry in the building, damage to the roof and the building, security risks associated with workmen unknown to the residents having access to the building and its environs during the installation. All of the foregoing inconvenience and risks to safety will apply each time maintenance is required for the equipment which repairs could be required at any time day or night.

5. The potential noise and nuisance from heat management units that may be required to be installed.

6. Damage to residents existing antennas, satellite dishes and similar equipment presently installed on the roof of 9 Wilbraham Place.

7. Potential interference to residents and adjoining property holders' TV, radio, cable and telephone reception caused by installation and maintenance of said equipment.

8. Deterioration of the buildings common parts caused by installation and maintenance workman using such common parts e.g. roof; stairs;lifts etc.

9. The potential health hazard given a Primary School, Church and newly approved 900 seat entertainment center within 100 meters of the proposed installation.

10. The still existing and real uncertainty of the health effects of mobile phone and ancillary equipment radiation.

11. The perceived health dangers to residents in violation of Article 8 of European Union Human Rights law.

12. The serious and genuine public concern for health and safety.

98

13. Approval would result in converting this listed residential building to commercial usage effectively a change of use as the current freeholder would be receiving a large sum of money from the applicant and the applicant would be using the facilities as part of a commercial venture. Does this application provide for a Change of Use as is required?

14. Increased risk of fire to the building and adjacent buildings potentially resulting from installation of this equipment (see Bedfordshire Fire Dept. decision June 2000)

For the reasons stated above I believe our elected representatives to the Council should refuse the proposed development.

NAME	RESIDENT'S ADDRESS	SIGNATURE
A. Walker	#9 Wilbraham Mansion 10 Wilbraham Place SW1X 9AA.	Anne Walker

99

Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

11th July 2002

Re: 1). Town and Country Planning Act 1990
Council letter dated 5th June 2002
Subject: Proposed development at 9 Wilbraham Place, London SW1X 9AE

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These proposals are:-

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b). These proposals by BT Cellnet and O2 (UK) Ltd are in direct contravention of clearly stated council policy as set out in the Conservation and Development section of the Unitary Development Plan E.G., CD25, CD44, CD52, CD53 and CD58.

2. The long lease holders of subject building (90 years or more) are totally opposed to these proposals and have not been consulted or notified by the Freeholder which is in contravention of their leases which provides for the right to quiet enjoyment of their flats, in a residential building and not in a mixed (commercial/residential) use building.

100

3. We are fearful of what we believe to be a potential health risk to ourselves and our families associated with the use of this equipment.

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10. The still existing and real uncertainty of the health effects of mobile phone and ancillary equipment radiation.

11. The perceived health dangers to residents in violation of Article 8 of European Union Human Rights law.

12. The serious and genuine public concern for health and safety.

101

13. Approval would result in converting this listed residential building to commercial usage effectively a change of use as the current freeholder would be receiving a large sum of money from the applicant and the applicant would be using the facilities as part of a commercial venture. Does this application provide for a Change of Use as is required?

14. Increased risk of fire to the building and adjacent buildings potentially resulting from installation of this equipment (see Bedfordshire Fire Dept. decision June 2000)

For the reasons stated above I believe our elected representatives to the Council should refuse the proposed development.

NAME	RESIDENT'S ADDRESS	SIGNATURE
Woolmaitha	flat 17 quilsrahamplace	

102

Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

11th July 2002

Re: 1). Town and Country Planning Act 1990
Council letter dated 5th June 2002
Subject: Proposed development at 9 Wilbraham Place, London SW1X 9AE

2) Notice of Planning Appeal relating to 9 Wilbraham Place, London SW1X 9AE
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   a). Effectively a change of use of said listed residential building to a commercial use and will destroy the special architectural character of the building and its roof the very reasons for listing of the building. This roof is highly visible at this site within a declared conservation area and therefore the equipment proposed to be installed will be visible.

   b). These proposals by BT Cellnet and O2 (UK) Ltd are in direct contravention of clearly stated council policy as set out in the Conservation and Development section of the Unitary Development Plan E.G., CD25, CD44, CD52, CD53 and CD58.

2. The long lease holders of subject building (90 years or more) are totally opposed to these proposals and have not been consulted or notified by the Freeholder which is in contravention of their leases which provides for the right to quiet enjoyment of their flats, in a residential building and not in a mixed (commercial/residential) use building.

3. We are fearful of what we believe to be a potential health risk to ourselves and our families associated with the use of this equipment.

4. There will be the continuous inconvenience to the residents of 9 Wilbraham Place and the adjoining buildings caused during the installation of this equipment such as noise, parking of vehicles, entry in the building, damage to the roof and the building, security risks associated with workmen unknown to the residents having access to the building and its environs during the installation. All of the foregoing inconvenience and risks to safety will apply each time maintenance is required for the equipment which repairs could be required at any time day or night.

5. The potential noise and nuisance from heat management units that may be required to be installed.

6. Damage to residents existing antennas, satellite dishes and similar equipment presently installed on the roof of 9 Wilbraham Place.

7. Potential interference to residents and adjoining property holders' TV, radio, cable and telephone reception caused by installation and maintenance of said equipment.

8. Deterioration of the buildings common parts caused by installation and maintenance workman using such common parts e.g. roof; stairs;lifts etc.

9. The potential health hazard given a Primary School, Church and newly approved 900 seat entertainment center within 100 meters of the proposed installation.

10. The still existing and real uncertainty of the health effects of mobile phone and ancillary equipment radiation.

11. The perceived health dangers to residents in violation of Article 8 of European Union Human Rights law.

12. The serious and genuine public concern for health and safety.

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13. Approval would result in converting this listed residential building to commercial usage effectively a change of use as the current freeholder would be receiving a large sum of money from the applicant and the applicant would be using the facilities as part of a commercial venture. Does this application provide for a Change of Use as is required?

14. Increased risk of fire to the building and adjacent buildings potentially resulting from installation of this equipment (see Bedfordshire Fire Dept. decision June 2000)

For the reasons stated above I believe our elected representatives to the Council should refuse the proposed development.

NAME	RESIDENT'S ADDRESS	SIGNATURE
Dr P.W. King-Lewis	10 Wilbraham Place	PWKL

PLANNING AND CONSERVATION
THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Mr. D. Shorland,
The Planning Inspectorate,
3/07 Kite Wing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020 7937 5464
Extension: 2085
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk

12 July 2002

My reference: APP/K5600/A/02 /1092452 & APP/K5600/E/02/ 1092453 Your reference:

Please ask for: Anne Salmon

Dear Sir,

Appeal by Oz (UK) Limited
Site: 9 Wilbraham Place, Chelsea, SW1

With reference to the appeals under the above references against the Royal Borough of Kensington and Chelsea's refusal of planning permission and listed building consent for the erection of a telecommunications base station consisting of 6 no. tripod-mounted antennae, 2 tripods, 3 Nokia ultrasite outdoor cabinets, 2 Nortel BT outdoor cabinets and one external Diplexer cabinet, along with associated feeders and ancillary development, you will have already received copies of the following documents which together with this letter constitute the Royal Borough's representations:-

(1) A copy of the report of the Executive Director, Planning and Conservation. The issues are set out in the report on the planning application. I can confirm that the Executive Director refused planning permission and listed building consent under his delegated powers.

(2) A copy of chapters 1-4 of the Unitary Development Plan, adopted May 2002.

(3) Extracts from the Sloane Square Conservation Area Proposals Statement published 1991.

The policy issues are clearly set out in the report. There are additional matters on which I would wish to comment and those are the ground of appeal as set out by the appellant in their supporting statement.

The appellants state that there is a need for the proposed telecommunications development. This is demonstrated by the use of radio plots which accompany the appeal. They state that the site is required as a replacement for the existing site on the BT exchange in Sedding Street.

They state that they have looked at a range of sites, none of which have been found to be suitable. The appellants have sought to use an existing tall building for the siting of the equipment.

The building is listed Grade II and is within the Sloane Square Conservation Area. The appellants state that the development is designed to comply with ICNIRP guidelines for public exposure, and an independent report on Health and Safety implications has been commissioned.

The location of the block is agreed. It is also agreed that most of the properties in Wilbraham Place are in residential use, as are those in D'Oyley Street and Ellis Street which also abut the building. It is noted that there is a primary school opposite the BT exchange building in Sedding Street, approximately 70m south of the proposed site.

Two panel antennae are intended to be placed on one tripod located on the southern side of the building, on the front elevation facing Wilbraham Place, and four panel antennae located on the North-Western side of the building above Ellis Street. The tripods would be located close to the edge of the building. The tripods would be similar in height to the chimney stacks on the front and rear areas of the roof. The cabinets would be placed behind a decorative front parapet detail adjacent to one of the large chimney stacks and the existing tank room.
This would screen the tanks on three sides. However, the tanks would still be visible from neighbouring buildings of similar height to the south-west of the site.

The policies referred to in the recently adopted Unitary Development Plan are correctly quoted and it is agreed that these policies are all relevant to the consideration of this appeal.

It is acknowledged that it is important in a modern society that there is a good network of Telecommunications including mobile telephones served by base stations in appropriate locations. It is noted that the mobile telecommunications sector is rapidly developing and serves both the business community and domestic users.

It is also important to ensure that people have adequate access to mobile telephones, although the need for competing operators vying for locations for base stations is disputed. It is noted that the appellants are one of the authorized Public Telecommunication Code System Operators. As such, they would be expected to meet reasonablecustomer demands, which are likely to be high in densely built-up areas.

There is currently a base station on the roof of the BT exchange building in Sedding Street. The future of this building is currently uncertain. As yet, there remain unapproved proposals for its conversion to residential use. However the scheme is recommended for approval and is on the agenda for consideration by the Council's Planning Services Committee on 23rd July. An alternative to this base station would be required to avoid a gap in the network.

The ability of the operator to provide more advanced telecommunication facilities is a technical matter, not one necessarily to be solved by the planning system, by allowing operators to use what are considered to be inappropriate buildings by virtue of their special architectural character.

It is noted that the area has a mix of commercial and residential development, and is densely built up with a busy road network in the vicinity. The area is all designated as a conservation area because of its character and architectural history. It contains many tall buildings of which 9 Wilbraham Place is one of the tallest.

It would appear that because of the proposed redevelopment, use of the BT exchange is unlikely to continue. It is noted that the appellants could not get agreement to use Eaton Mansions. It is agreed that since Holy Trinity Church is Listed Grade I, its use for telecommunications equipment would be unlikely to be acceptable. It is also noted that the appellants thought

Sloane Terrace Mansions to be unsuitable and that the Cadogan Estate are not willing for buildings in their ownership to be used.

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Paragraph 76 of the Appendix to PPG8 suggests that telecommunications operators should seek to use, sympathetic designs and camouflage to minimise the impact of the equipment.

In this case, while the proposed cabinets will be partly concealed by existing structures on the roof, the proposed tripods would be very prominent. That on the South side would stand almost as tall as the chimney stack and would be visible from street level and from the upper floors of all the surrounding buildings. That on the rear would be visible for long distances across the open green enclosed by Cadogan Place, since the intervening buildings are lower. There has been no attempt to disguise the tripods or antennae in this case, and they would certainly not blend into the landscape being on a tall and prominent roof.

PPG15 requires that development should seek to preserve or enhance the character or appearance of Conservation Areas and should seek to preserve the setting of listed buildings. It is considered that the proposed tripods and antennae would result in unsightly clutter on the roof which would appear incongruous and visually obtrusive in this prominent position and would harm the character and appearance of the Conservation Area.

Although the equipment cabins will be partly enclosed by the front parapet and tank room, there are a number of high buildings to the south west of the site from which these items are likely to be visible, to the detriment of the appearance of the building and the character and appearance of the Conservation Area.

Although the tripods and antennae would be painted to match the colour of the chimney stacks, because they are free-standing, they would still represent obtrusive and unwelcome additions to the prominent roof of this listed building. Generally, it is considered that the roof of a listed building is not visually the most appropriate location for the siting of telecommunications equipment. An alternative scheme involving the rebuilding of an existing rooftop structure with disguised antennae has recently been submitted to the Council. This proposal is currently under consideration.

As stated previously, the present scheme does not offer any significant element of camouflage of the antennae or supporting tripods, and they will be located in visibly prominent locations on the roof. Thus, it is considered that the siting and design would be inappropriate and would harm both the character and appearance of the conservation area and the special historic and architectural interest of the listed building contrary to the Council's policies in particular Policies CD25, CD44, CD52, CD53 and CD58. In addition, the proposal would conflict with the advice contained in PPG15.

It is noted that the proposal would enable the removal of the base station on the BT Exchange. The removal of this would be welcomed, but not at the cost of harming another visually and historically important building in the vicinity.

The appellants state that their equipment would meet ICNIRP guidelines. This is considered by the Council's Directorate of Environmental Services to be a sufficient safeguard of their meeting Health and Safety requirements.

While it is noted that a replacement site for a telecommunications base station in the area, it is Considered that the installation proposed would be unwelcome in principle and unacceptable in detail because of the prominent position and the design of the tripods, which would result in substantial harm to the appearance of the listed building, and the roofscape of the area.

By way of amplification of Paragraph 4.8 of the report, the Conservation Officer prepared a formal observation as follows:-

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"This property is a late 19th Century mansion block.

It is proposed that five telecommunications cabinets and two sets of antennae are located at main roof level. The six antennae would be highly visible as they would be positioned at the edge of the main roof area and would be open to long views. The cabinets would be grouped together and would be partially hidden by the existing roof form. The significant combined visual bulk of the cabinets would be visible from the upper floors to neighbouring properties.

The proposal would result in unsightly clutter which would appear incongruous and visually intrusive in this prominent position.

The proposal would harm the special architectural and historic interest of this property."

To conclude, as explained in the foregoing, the telecommunications equipment which are the subject of these appeals fails to comply with the relevant policies of the Development Plan and would significantly harm the special architectural and historic interest of the listed building and the character and appearance of the Conservation Area for the reasons set out in this letter and in the report. The Inspector is therefore required to dismiss these appeals.

Without prejudice to the arguments set out in this letter and the attached report as to why the Borough Council considers that planning permission and listed building consent should be refused, the Inspector is requested to impose the following conditions should the appeals be allowed:-

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised permissions.

(2) the tripods and antennae shall be painted to match the colour of the brickwork of the chimney stacks on the roof of the building.

Reason: To ensure a satisfactory standard of visual appearance.

(3) The edge of the cabinets exposed in the area between the front parapet and the plant rooms shall be painted to match the colour of the rendered brickwork of the chimney stacks to the east end of the roof.

Reason: To ensure a satisfactory standard of visual appearance.

Yours faithfully,

Michael J. French
Executive Director, Planning and Conservation

Wilbraham Place Practice
9a Wilbraham Place
London SW1X 9AE
Telephone: 020 7730 7928 Fax: 020 7823 5606

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The Planning Inspectorate,
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2 The Square,
Temple Quay,
Bristol BS1 6PN

Your Ref: DPS/DCSE/PP/02/00439
DTLR's Reference: App/K5600/A/02/1092452

17th July 2002

Dear Sir,

We, the owners of Flat 4, 9 Wilbraham Place, fully agree with the RBKC's Planning Inspectorates refusal for planning permission to be agreed for BT Cellnet to erect a telecommunication base station.

We reiterate our position by lodging an objection in the strongest terms to this appeal for exactly the reason that it was refused in the first place. Huge disruption will be caused to the residents together with the fact that the safety is unproven.

We must point out that we made no objection at the time of the original application but having given it further thought and investigation we object to the application.

Yours faithfully,

Dr Massimo Riccio & Dr Dominic Cheetham.

The Planning Inspectorate

ALS

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Ms R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
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Hornton Street
London
W8 7NX

Your Ref: LB/02/00440/CLBA

Our Ref: APP/K5600/E/02/1092453
APP/K5600/A/02/1092452

Date: 5 August 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990
APPEALS BY O2 (UK) LIMITED
SITE AT 9 WILBRAHAM PLACE, LONDON, SW1X 9AE

I enclose third party correspondence relating to the above appeals.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

D Shorland

Mr Dave Shorland

211AL(BPR)

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	6 AUG 2002				PLANNING	
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