

**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL

APPE



APPE

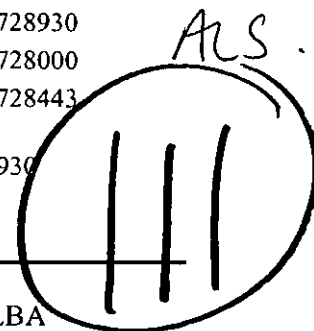


The Planning Inspectorate

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



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: LB/02/00440/CLBA
Our Ref: APP/K5600/E/02/1092453
APP/K5600/A/02/1092452
Date: 23 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 for your information a copy of the appellant's final comments on the above appeals.
Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Mr Dave Shorland

217L(BPR)

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.		27 AUG 2002		PLANNING		
K.C.						
N	C	SW	SE	APP	IO	REC
		ARB	FPLN	DES	FEES	

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**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
SECTION 78
&
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTION 20**

**APPEAL BY APT - MARCONI ON BEHALF OF O₂ (UK) LIMITED
(FORMERLY CALLED BT CELLNET LIMITED)**

**APPEAL BY O₂ (UK) LIMITED AGAINST THE DECISION OF THE ROYAL
BOROUGH OF KENSINGTON AND CHELSEA TO REFUSE PLANNING
PERMISSION FOR THE ERECTION OF A TELECOMMUNICATIONS BASE
STATION CONSISTING OF SIX TRIPOD-MOUNTED ANTENNAE, TWO
TRIPODS, SIX RADIO EQUIPMENT CABINETS, ASSOCIATED FEEDERS
AND ANCILLARY DEVELOPMENT**

AT 9 WILBRAHAM PLACE, BELGRAVIA, LONDON, SW1X 9AE.

**OBSERVATIONS ON THE REPRESENTATIONS OF
THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

APT - Marconi
Waters Edge
Riverside Way
Watchmoor Park
Camberley
Surrey
GU15 3PD

Tel: (01276) 693353
Fax: (01276) 693090

**DTLR Reference: APP/K5600/A/02/1092452 & APP/K5600/E/02/1092453
APT Reference: BMS/Apps/Waldon/AW/32404**

20 August 2002

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OBSERVATIONS ON THE REPRESENTATIONS OF THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA.

- 1.1 The principle case for the appellant is set out in the statement of case and the supporting documents enclosed with the original appeal submission. These submissions remain valid.
- 1.2 In relation to the Local Planning Authority's representations a number of additional points arise and on which further comment is appropriate.

Page 3

The third paragraph on this page states that there has been no attempt to disguise the tripods or antenna. This is inaccurate since the statement goes on to confirm in the sixth paragraph of this page that "*...the tripods and antennae would be painted to match the colour of the chimney stacks...*".

The sixth paragraph on this page goes on to state that the tripods and antennae would be intrusive since they are free-standing. However, as outlined in both paragraph 6.4.8 and Appendix 7 of the full planning appeal statement and in paragraph 6.4.7 and Appendix 7 of the Listed Building appeal statement the use of free-standing tripods was proposed following comments made by the local planning authority.

In the seventh paragraph on this page of their statement the Council contend that the proposed development would be inappropriate and would harm both the character and appearance of the conservation area and the architectural interest of the listed building. It is strongly considered that the proposed development would not have such an impact. Furthermore, as stated in both paragraph 6.4.11 of the full planning appeal statement and in paragraph 6.4.11 of the Listed Building appeal statement the proposed development is considered to be in accordance with relevant planning policies.



The Planning Inspectorate

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Bristol BS1 6PN

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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: LB/02/00440/CLBA

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

Date: 3 October 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

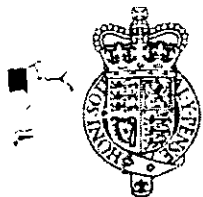
Please find enclosed a copy of a letter sent to an interested party, for information.

Yours faithfully

PHIL WILKS
Planning Inspectorate Appeals Administration

EX	HDC	TP	CAC	AD	CLU	AO
IR						AK
R.B.		- 4 OCT 2002		LANNING		
K.C.				REC		
N	C	SW	SE	AP	IO	REC
		ARB	FPLN	DES	FEE	

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The Planning Inspectorate

3/07 Kite Wing
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Temple Quay
Bristol BS1 6PN

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Switchboard 0117-3728000
Fax No 0117-3728447
GTN 1371-8930

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Dr E F Teitler
Flat 9
Wilbraham Place
London
SW1X 9AA

Your Ref:

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

Date: 3 October 2002

Dear Dr Teitler

**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**

Further to our conversation earlier today, during which you asked to be notified of the site visit arrangements.

The Inspector will be accompanied at the site visit by the local planning authority (LPA) and the appellants or their representative. You may also attend and we will send you details of the visit as soon as they are made. Access to the appeal site however, will only be possible with the agreement of the owner.

The purpose of the site visit is to allow our Inspector to see the site before deciding the appeals. The Inspector can be asked to note particular physical features of the site or of the proposed development itself, but will not be able to discuss the merits of the case with anyone during the visit.

Yours sincerely

PHIL WILKS
Planning Inspectorate Appeals Administration



The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728764
Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8764

ALS
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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: LB/02/00440/CLBA
Our Ref: APP/K5600/E/02/1092453
APP/K5600/A/02/1092452
Date: 10 October 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 am writing to inform you that the Inspector appointed by the First Secretary of State to determine the above appeals is

Mr Colin Ball DArch DArch(Cons) RIBA IHBC FRSA

The Inspector will visit the appeal site at 10:00 on 29 October 2002. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeals or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

EX	DIR	H99	TP	GAO	AD	GLU	AO	AK
R.B.		11 OCT 2002			PLANNING			
K.C.								
N	C	SW	SE	APP	S	REC		
		ARB		EDN	BES	FEE		

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Yours faithfully

N.R. Lang

Mr Neale Lang

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NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Dr E Teitler
Flat 9
9 Wilbraham Place
LONDON SW1X 9AE

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361 2944
Facsimile: 020 7361 3463
Email: Charlotte.Cook@rbkc.gov.uk
Web: www.rbkc.gov.uk

29 October 2002



KENSINGTON
AND CHELSEA

My reference: DPS/DCSE/CC/P Your reference:
P/02/439

Please ask for: Mr French

File on P/02/0439

Dear Dr Teitler,

Town and Country Planning Act 1990
Planning (Listed Building and Conservation Areas) Act 1990
9 Wilbraham Place, SW1

I write with reference to the Appeal Site Visit which was undertaken this morning in relation to the appeal by 02 (UK) Limited, against the decision of the Royal Borough of Kensington and Chelsea to refuse planning permission for telecommunication equipment on the roof of the above building.

I was disappointed to learn from the officer attending the site visit on behalf of the Royal Borough, that the Appellant was refused entry to accompany the Inspector onto the roof, and therefore the Council were unable to accompany him also. I understand that your attitude was rather ill-mannered towards my officer when she declined your suggestion that she should wait within the building while the Inspector conducted the visit on the roof unaccompanied.

You should be aware that there are very strict rules of protocol for Appeal Site Visits. If, for any reason (including the refusal of entry to an appeal site of one party or another) the Inspector cannot be accompanied by representatives from **both** the Local Planning Authority and the Appellant, then the Inspector is within his rights to undertake an unaccompanied site visit. This is what the Inspector elected to do today, under the circumstances presented to him. As such, the Council representative was **not allowed** to enter the Appeal Site with the Inspector (whether to stand in the foyer or on the roof).

I consider your inference that the officer should have had to stand in the building, away from the Appellant's representative (presumably to avoid any suggestion of collusion), was wholly inappropriate. My officer was conducting her duties in a manner entirely appropriate to the situation, and in accordance with the regulations governing Appeal Site Visits. I do not expect my officers to be subject to rude or aggressive behaviour under such circumstances.

I hope this information clarifies the position.

R.
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Yours sincerely,

M J French
Executive Director Planning and Conservation

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Copy to: Mr Dave Shorland
The Planning Inspectorate
3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
BRISTOL BS1 6PN

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O₂ [UK] Ltd
Listed Building Appeal
Cell : 32404
Wilbraham Place

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

LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL FORM

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If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date of receipt of 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 K 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] Ltd

Address 260 Bath Road, Slough

Daytime phone no 01 753 565 000

Fax no _____

Postcode SL1 4DX

E-mail address _____

B. AGENT DETAILS FOR THE APPEAL (if any)

Name APT

Address Ash House, Blenheim Park,

Your reference APPLS/32404/ATJ

19 Medlicott Close, Oakley Hay,

Daytime phone no 01 536 462 738

Corby, Northamptonshire

Fax no 01 536 462 701

Postcode NN18 9NF

E-mail address Andrew.Jeyes@marconi.com

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA Kensington & Chelsea

LPA's application reference no LB/02/01164

Date of the LBC/CAC application 15/05/2002

Date of LPA's decision notice (if issued) None

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. SUPPORTING INFORMATION

Please tick **one** box only ✓

- | | Grade I | Grade II* | Grade II |
|---|--------------------------|-------------------------------------|-------------------------------------|
| 1. If the building is listed, please indicate the grade of the building | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yes | No | |
| 2. Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| 3. Does the appeal relate to an application for conservation area consent? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

F. 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)

To include the dismantling and re-construction of non-original roof turret detail and the installation of 6 antennae, 3 Nokia Ultrasite outdoor cabinets, 2 Nortel BTS cabinets, one external diplexer, associated feeder cables and necessary ancillary equipment.

Size of the whole appeal site (in hectares)

Area of floor space of proposed development (in square metres)

0.0065

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G. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

(*Delete as appropriate)

Please tick **one** box only ✓

- | | |
|--|-------------------------------------|
| 1. refuse *listed building consent/conservation area consent for the development described in Section F. | <input type="checkbox"/> |
| 2. grant *listed building consent/conservation area consent for the development subject to conditions to which you object. | <input type="checkbox"/> |
| 3. refuse to vary a condition(s) in a previous grant of *listed building consent/conservation area consent. | <input type="checkbox"/> |
| 4. refuse to remove a condition(s) in a previous grant of *listed building consent/conservation area consent. | <input type="checkbox"/> |
| or | |
| 5. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for *listed building consent/conservation area consent. | <input checked="" type="checkbox"/> |

H. CHOICE OF PROCEDURE

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. Those procedures are the same as the ones used to decide listed building/conservation area consent 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.

I. 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. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting listed building consent or conservation area consent, if appropriate.

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.

The appeal is against the non-determination of the application by the local planning authority.

The appeal should be allowed for the following reasons: -

1. There is a justifiable need for the proposed telecommunications development. This need is illustrated on the radio plots submitted with the planning application. The development is necessary to provide 2nd Generation coverage as a replacement for an existing site located at a BT Exchange, which is to be decommissioned, and to provide 3rd Generation [3G] mobile phone coverage.
2. A number of alternative sites and buildings in the area have been carefully surveyed but none have been found to be more suitable than the proposed site. The development is fully consistent with national telecommunications policy that "seeks to facilitate the growth of new and existing telecommunications systems whilst keeping environmental impact to a minimum". Furthermore, in accordance with national policy objectives the proposal seeks to utilise an existing tall building.
3. The development has been carefully designed in full recognition of the site being a Listed Building and located within a Conservation Area. The design of the development has regard to its setting and surrounding together with the specific coverage requirements of the operator. As such, the proposed development would not harm neither the character of the Conservation Area nor the Listed Building.
4. The proposal is not in material conflict with the policies contained within the Royal Borough of Kensington and Chelsea Unitary Development Plan.
5. The development is designed to fully comply with the ICNIRP guidelines for public exposure.

I. GROUNDS OF APPEAL (continued)

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J. 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 building 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 the building 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	20/01/2003
c/o Marler & Marler	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.

K. ESSENTIAL SUPPORTING DOCUMENTS

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The documents listed in 1–6 below, must be sent with your appeal form; 7–8 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 **listed building consent/conservation area consent 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. If the appeal is against the LPA's refusal or failure to decide an application for consent which relates to a **condition**, we must have a copy of the original consent with the condition attached. ☐
9. Any relevant **correspondence** with the LPA. ☒
10. 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. ☐

Appeal submitted re non-determination of a planning application on the site

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

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L. 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 J) are correct to the best of my knowledge.

Signature *A. Jeyes* (on behalf of) APT for O2 [UK] Ltd

Name (in capitals) ANDREW JEYES Date 21/01/2003

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration (Reg No: E031018) under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our Website under "Privacy Statement" and in the booklet accompanying this appeal form.

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 sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent 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.

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The Copyright Unit
Her Majesty's Stationery Office
St Clements House
2-16 Colegate
Norwich NR3 1BQ

Town and Country Planning [General Permitted Development] Order 1995
NOTICES UNDER ARTICLES 6 AND 9[1] OF APPEAL

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Proposed development at 9 Wilbraham Place, Belgravia, London SW1X 9AE

I give notice that O2 [UK] Ltd of 260 Bath Road, Slough. SL1 4DX

having applied to The Royal Borough of Kensington and Chelsea Council

to Alteration of material used to build roof turret feature in GRP and to include 4 antennae within.

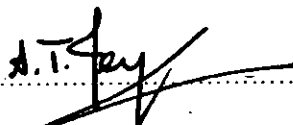
In total: installation comprises of 6 antennae, 6 outdoor cabinets, feeder trays, feeder cables and development ancillary thereto

is appealing to the First Secretary of State [the Office of the Deputy Prime Minister]

on the failure of the Council to give notice of a decision.

Any owner¹ of the land or tenant² who wishes to make representations about this appeal should write to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN by the 12th February 2003.

Signed



On behalf of O2[UK] Ltd

Date : 20th January 2003.

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants rights


The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

¹ "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years..

² "tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

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Listed Building Consent Appeal at Wilbraham Place**List of documents submitted with the application**

- 
1. Letter from Waldon telecom dated the 20th May 2002
 2. Listed Building Consent Application form
 3. Certificate B under Section 11 of the Planning [Listed Building and Conservation Areas] Act 1990
 4. Copy Notice No 1
 5. Drawing Nos.
 - 32404-001 Location Plans
 - 32404-002D Proposed roof plan
 - 32404-003D Proposed south elevation
 - 32404-004B Proposed east elevation
 - 32404-005C Proposed north elevation
 6. Photographs of the site and building

Other Relevant Correspondence with the Local Planning Authority

7. Acknowledgement of receipt of the application
8. Response to further request for additional information including photograph and the following drawings
 - 32404-002F Proposed roof plan
 - 32404-006 Proposed equipment detail
 - 32404-006A Proposed equipment detail

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Our Ref: AW/32404

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

20 May 2002

Dear Sirs

Re: APPLICATION FOR PLANNING PERMISSION:- PROPOSED O2 BASE STATION AT 9 WILBRAHAM PLACE, BELGRAVIA, LONDON SW1X 9AE

Please find enclosed an application for planning permission on behalf of O2 (UK) Ltd. The proposals are for the installation of 6 antennas, radio equipment housing consisting of 6 outdoor cabinets, feeders and development ancillary thereto located on 9 Wilbraham Place, SW1X 9AE. As part of the application we are applying for permission to dismantle an existing non-original roof turret feature and re-build exactly as before using GRP, which would be coloured and hand-painted to match the original feature exactly. This will allow 4 antennas to be installed within the turret thereby completely removing them from view. This revised/alternative proposal is being put forward to the Council as a result of feedback obtained from Council Officers at the application site meeting relating to our original application-PP/02/00439.

The application comprises:

1. 4 copies of the completed planning application form.
2. 4 copies of the completed listed building application form.
3. Certificate B under Section 65 of the Town and Country Planning Act 1990.
4. Copy of Notice No 1 under Section 66 of the Town and Country Planning Act 1990.
5. 8 copies of drawing nos: 32404-001/002D/003D/004B/005C.
6. A cheque for £220 to cover the application fee.
7. Supporting information and technical justification
8. The relevant coverage plots.
9. A copy of the BT Cellnet health and safety brochure.
10. A background paper on the Benefits of Modern Communications and how the system works.

May 20, 2002

waldon

telecom

Waldon Telecom Ltd
Centennium House
Pyrford Road
West Byfleet
Surrey
KT14 6LD

Telephone
01932 411011

Fax
01932 411012

E-mail
enq@waldontelecom.com

Website
www.waldontelecom.com

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11. Photos
12. ICNIRP compliance certificate.
13. Supplementary information

We trust that the information contained is sufficient for you to determine the application, however should you require any further information please don't hesitate to contact the undersigned.

Yours faithfully



ALASTAIR WATTS

Direct line: 01932 411013

Enc.

Registered in
No. 365122
VAT Registered
No. 709 2762 10

Registered Office
Centennium House
Pyrford Road
West Byfleet
Surrey
KT14 6LD

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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT, 1990
APPLICATION FOR LISTED BUILDING CONSENT / CONSERVATION AREA CONSENT

1. **APPLICANT**
 Name O2(UK) LTD
 Address 260 BATH ROAD
SLOUGH
SL1 4DX
 Telephone 01753 565000
- AGENT**
 Name WALTON TELECOM LTD. 133
 Address CENTENNIAL HOUSE
PIRFORD ROAD
WEST BYFLEET KT14 6LD
 Telephone 01932 411011
-
2. Full address or location of the land to which this application relates 9, WILBRAHAM PLACE
BELGRAVIA
LONDON
SW1X 9AE
-
3. Brief particulars of the proposed works AND THE INSTALLATION OF
6 antennas, 3 Nokia Ultracite outdoor cabinets,
2 Nokia BTS cabinets, one external triplexer,
ASSOCIATED FEEDER CABLES AND NECESSARY
ANCILLARY DEVELOPMENT
- TO INCLUDE THE DISMANTLING
AND RE-CONSTRUCTION OF NON-
ORIGINAL ROOF TURRET DETAIL
-
4. State whether the proposal involves (delete the items which do not apply)
 (a) ~~Demolition of the building(s)~~
 (b) ~~Alterations and/or extensions~~
 (c) Other - ROOF TURRET WILL BE RE-BUILT USING EXACT GRP REPLICA
-
5. State the purpose for which the land is
 (a) now used, or (a) RESIDENTIAL ROOFTOP
 (b) if vacant, the last known use (b)
 (c) proposed to be used (c) RESIDENTIAL ROOFTOP WITH TELECOMS BASE STATION
-
6. List drawings and plans submitted with the application 32404 - 001/0027/0037/004B/005C
-
7. State suitable location on building or within curtilage of building for display of statutory notice in respect of this application R-GROUND LEVEL METAL FENCE

I / We hereby apply for consent to carry out the works described in this application and on the attached plans and drawings.

Signed Walton Telecom Ltd On behalf of O2(UK) LTD. Date 15/05/02

AN APPROPRIATE CERTIFICATE MUST ACCOMPANY THIS APPLICATION (See Notes for Applicants)

- Certificate A: Where all the land/building is owned* by the applicant.
 Certificate B: Where some or all of the land/building is not owned* by the applicant but the name and address of the owner(s) is known.
 Certificate C: Where some or all of the land is not owned* by the applicant and where the ownership of only part of the remainder is known.
 Certificate D: Where some or all of the land/building is not owned* by the applicant and the applicant has not been able to find out who owns it.

*Freeholder or leaseholder with more than 7 years to run.

Certificate A & B can be found overleaf.

Certificate C & D are available on request from the Planning Department on 020 7361 2079 or 020 7361 2977.

THE ROYAL BOROUGH OF KENSINGTON & CHELSEA
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT, 1990
CERTIFICATE UNDER SECTION 11, PART 1 OF THE PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT, 1990

Complete only one certificate, either A, B, C or D to accompany your application
 (see notes for applicants)

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CERTIFICATE A

I certify that:

- No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period 21 days before the date of this application.
- None of the land to which this application relates constitutes or forms part of an agricultural holding.

Signed:

On behalf of:

Date:

CERTIFICATE B

I certify that:

- I have/The applicant has given requisite notice to the persons specified below, being persons who on the day 21 days before the date of the application were owners (a) of any part of the land to which the application relates.
- None of the land to which the application relates constitutes or forms part of an agricultural holding.

Owner's name	Address at which notice was served	Date on which notice was served
BORRAS INVESTMENTS LTD C/O MARLER & MARLER	6 SLOANE STREET LONDON SW1X 9LF	15 MAY 2002

Signed: Waldon Telecom Ltd

On behalf of: OZ (UK) LTD.

Date: 15 MAY 2002

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Notice No.1

TOWN AND COUNTRY PLANNING ACT 1990

Notice under Section 66 of application for planning permission

PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT, 1990

Notice under Section 11, Part 1, of application for Listed Building Consent/Conservation Area Consent.

Proposed development at:

(a) 9 Wilbraham Place, Belgravia, London, SW1X 9AE

TAKE NOTICE that application is being made to **The Royal Borough of Kensington and Chelsea** by:

(b) 02 (UK) LTD

For planning permission/listed building consent to:

(c) LOCATE A BASE STATION ON THE ROOF OF 9 WILBRAHAM PLACE CONSISTING OF 6 ANTENNAS, 6 CABINETS ALONG WITH FEEDER CABLES AND NECESSARY ANCILLARY DEVELOPMENT

If you wish to make representations about the application, you should do so in writing, within 20 days of the date of service of this notice, to the:

Planning Department, RBK&C, Town Hall, Hornton Street, London W8 7NX

Signed WALTON TELECOM LTD

on behalf of 02 (UK) LTD Date 15 MAY 02

Notice No.2

TOWN AND COUNTRY PLANNING ACT 1990

Notice under Section 66 of application for planning permission

PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT, 1990

Notice under Section 11, Part 1, of application for Listed Building Consent/Conservation Area Consent.

Proposed development at:

(a)

TAKE NOTICE that application is being made to **The Royal Borough of Kensington and Chelsea** by:

(b)

For planning permission/listed building consent to:

(c)

Any owner of the land (namely the freeholder or a person entitled to an unexpired term of at least 7 years under a lease) who wishes to make representations to the above-mentioned Council about the application should do so in writing, within 20 days of the publication of this notice, to the

Planning Department, RBK&C, Town Hall, Hornton Street, London W8 7NX

Signed _____

on behalf of _____ Date _____

Notes

(a) Insert address or location of proposed development

(b) Insert name of applicant

(c) Insert description of proposed development

125

TQ

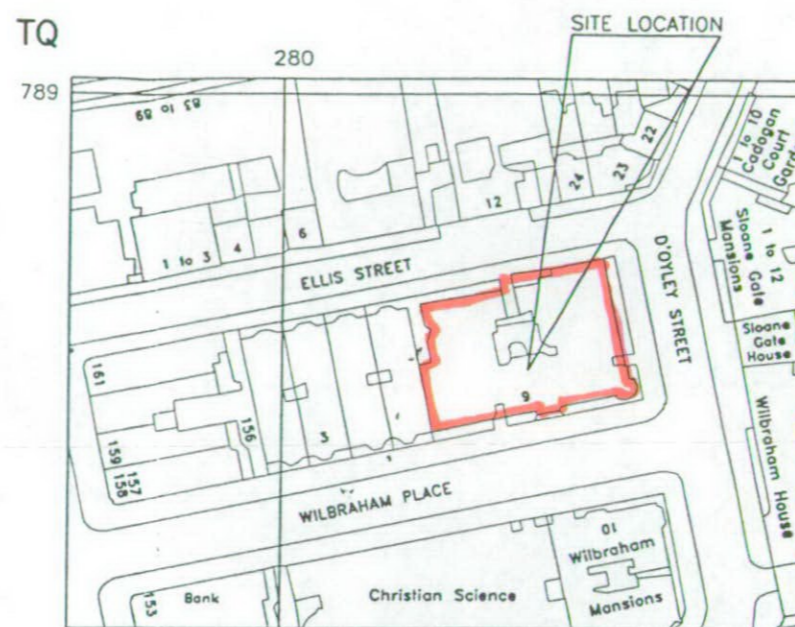


LOCATION PLAN
SCALE 1:10000
OS MAP REF TQ 2804 7885

SITE ACCESS

FROM SLOANE SQUARE UNDERGROUND STATION
HEAD NORTH ALONG SLOANE STREET. TAKE THE
SECOND TURNING ON THE RIGHT INTO WILBRAHAM
PLACE. THE SITE IS LOCATED AT THE END OF
WILBRAHAM PLACE ON THE LEFT HAND SIDE.

TQ



SITE PLAN
SCALE 1:1250

NOTES

- 1 DO NOT SCALE
2 ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED.
3 THIS DRAWINGS IS TO BE READ IN CONJUNCTION WITH MEDLOCK
DRAWING 32404/001 - 005 AND ALL RELEVANT BT CELLNET
STANDARD DETAIL DRAWINGS.


136

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ORDINANCE REFERENCE AL 52252A0001

[illegible]

Medlock
Communications

London Office: Henson House, Henson Road, Three Bridges Crawley, RH10 1EP
Tel: 01293 646800 Fax: 01293 646801 email: Design-London@MedlockComms.co.uk
www.MedlockComms.co.uk
Scottish Office: Tel: 01324 617617 Fax: 01324 636259
Manchester Office: Tel: 0161 745 3000 Fax: 0161 745 3001

Status	PLANNING	
Site Ref	Cell Name	O/S Grid Reference
32404	SLOANE STREET	TQ 2804 7885
Designed GG	Site Address 9 WILBRAHAM PLACE BELGRAVIA LONDON SW1X 9AE	
Drawn TF		
Date 02/01/02		
Scale AS SHOWN		
Checked 	Drawing Title	MC Job Ref
	Drawing No	
	32404-001	051CD

126

24.50m AGL TOP OF ANTENNA

21.98m AGL ROOF LEVEL

GROUND LEVEL



PROPOSED SOUTH ELEVATION

NOTES

- 1 DO NOT SCALE
- 2 ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED.
- 3 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH MEDLOCK DRAWING 32404/001 - 005 AND ALL RELEVANT BT CELLNET STANDARD DETAIL DRAWINGS.

138

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REV	MODIFICATION	BY	DATE
D	ADJUST POSITION OF 210' ANTENNAS	RC	15/05/02
C	HANDRAIL REMOVED AS REQUESTED BY AA	ST	19/03/02
B	CELL NAME AMENDED, TRIPOD MOVED	WB	07/03/02
A	GRP HOUSING REMOVED	SAM	07/02/02

BTcellnet

W:\Database\medlock.tif

London Office: Henson House, Henson Road, Three Bridges Crawley, RH10 1EP
Tel: 01293 646800 Fax: 01293 646801 email: Design-London@MedlockComms.co.uk
www.MedlockComms.co.uk
Scottish Office: Tel: 01324 617617 Fax: 01324 636259
Manchester Office: Tel: 0161 745 3000 Fax: 0161 745 3001

Status	PLANNING	
Site Ref	Cell Name	O/S Grid Reference
32404	SLOANE SQUARE	TQ 2804 7885
Designed GG	Site Address 9 WILBRAHAM PLACE BELGRAVIA LONDON SW1X 9AE	
Drawn SAM		
Date 02/01/02		
Scale 1:150	Drawing Title PROPOSED SOUTH ELEVATION	
Checked	Drawing No 32404-003D	MC Job Ref 051CD



PROPOSED EAST ELEVATION

NOTES

- 1 DO NOT SCALE
- 2 ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED.
- 3 THIS DRAWINGS IS TO BE READ IN CONJUNCTION WITH MEDLOCK DRAWING 32404/001 - 005 AND ALL RELEVANT BT CELLNET STANDARD DETAIL DRAWINGS.

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ORDINANCE REFERENCE AL 52252A0001

B	CELL NAME AMENDED, TRIPOD MOVED	MB	07/03/02
A	GRP HOUSING REMOVED	SAM	07/02/02
REV	MODIFICATION	BY	DATE

BTcellnet

Medlock
Communications

London Office: Henson House, Henson Road, Three Bridges Crawley, RH10 1EP
Tel: 01293 646800 Fax: 01293 646801 email: Design-London@MedlockComms.co.uk
www.MedlockComms.co.uk
Scottish Office: Tel: 01324 617617 Fax: 01324 636259
Manchester Office: Tel: 0161 745 3000 Fax: 0161 745 3001

Status	PLANNING	
Site Ref	Cell Name	O/S Grid Reference
32404	SLOANE SQUARE	TQ 2804 7885
Designed GG	Site Address 9 WILBRAHAM PLACE BELGRAVIA LONDON SW1X 9AE	
Drawn SAM		
Date 02/01/02		
Scale 1:150	Drawing Title	PROPOSED EAST ELEVATION
Checked PZ	Drawing No	MC Job Ref
	32404-004B	051CD

129



PROPOSED NORTH ELEVATION

NOTES

- 1 DO NOT SCALE
- 2 ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED.
- 3 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH MEDLOCK DRAWING 32404/001 - 005 AND ALL RELEVANT BT CELLNET STANDARD DETAIL DRAWINGS.

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ORDINANCE REFERENCE AL 52252A0001

REV	MODIFICATION	BY	DATE
C	ADJUST POSITION OF 210' ANTENNAS	RC	15/05/02
B	CELL NAME AMENDED, TRIPOD MOVED	MB	07/03/02
A	GRP HOUSING REMOVED	SAM	07/02/02

BTcellnet

W:\Database\medlock.tif

London Office: Henson House, Henson Road, Three Bridges Crawley, RH10 1EP
Tel: 01293 646800 Fax: 01293 646801 email: Design-London@MedlockComms.co.uk
www.MedlockComms.co.uk
Scottish Office: Tel: 01324 617617 Fax: 01324 636259
Manchester Office: Tel: 0161 745 3000 Fax: 0161 745 3001

Status	PLANNING	
Site Ref	Cell Name	O/S Grid Reference
32404	SLOANE SQUARE	TQ 2804 7885
Designed GG	Site Address 9 WILBRAHAM PLACE BELGRAVIA LONDON SW1X 9AE	
Drawn SAM		
Date 02/01/02		
Scale 1:150	Drawing Title PROPOSED NORTH ELEVATION	
Checked	Drawing No 32404-005C	MC Job Ref 051CD

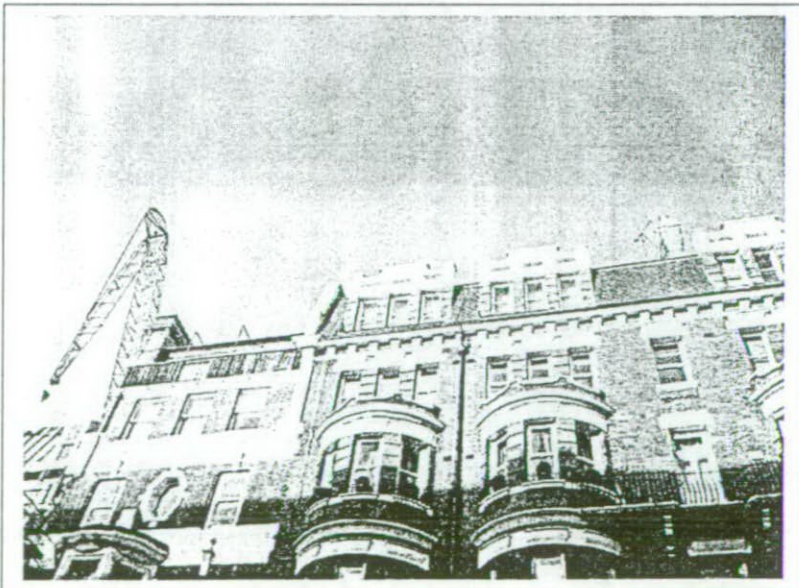
141

CELL REF	32401	BUILDING	9 Wilbraham Place
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South Elevation



South Elevation



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CELL REF	32-10-1	CELL NAME	9 Wilbraham Place
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North Elevation

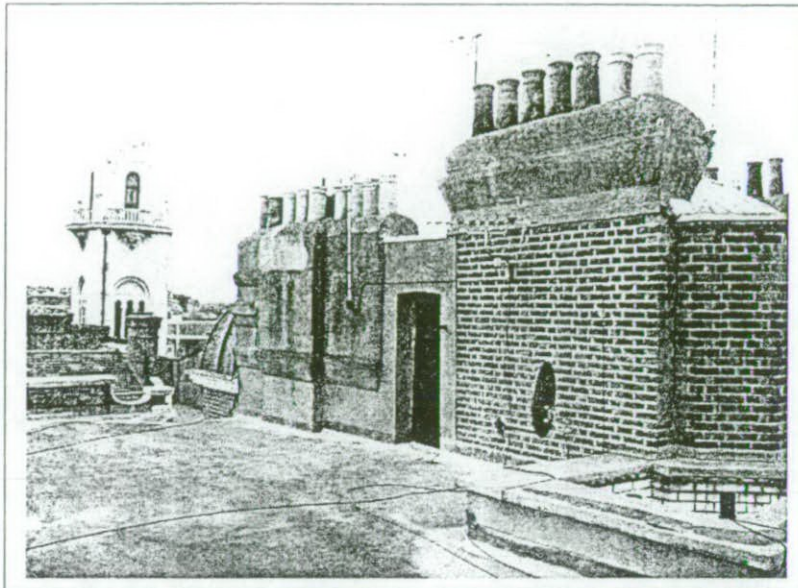


North Elevation

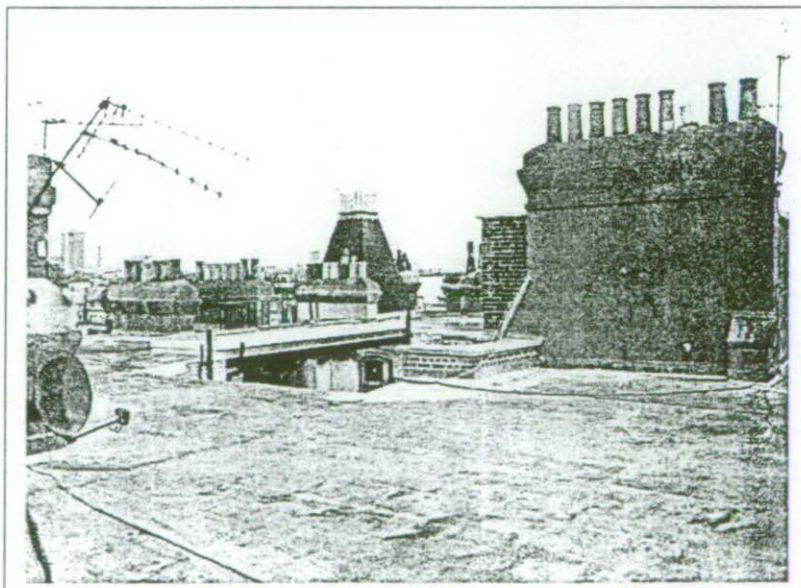


CELL REF	32-104	CELL NAME	2 Wilbraham Place
----------	--------	-----------	-------------------

General View of Rooftop, showing existing aerals and satellite dish.



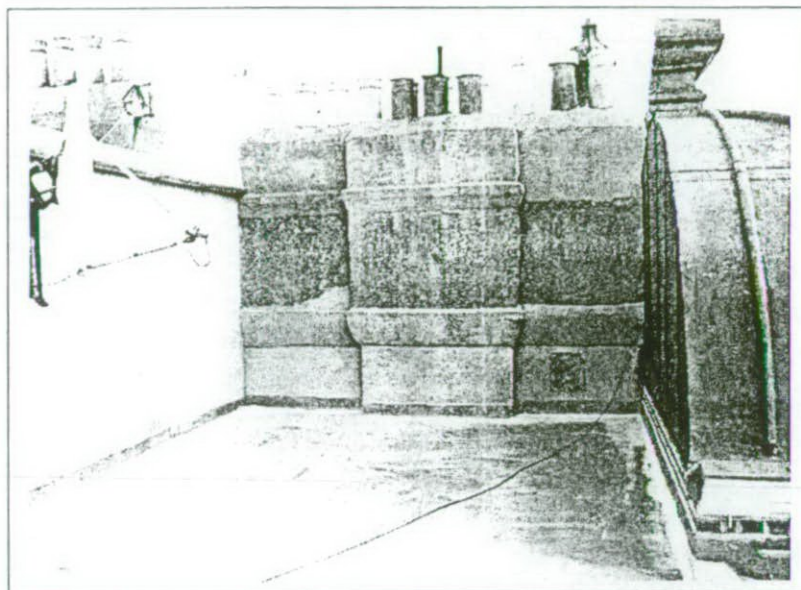
Alternative view of rooftop, showing lightwell and non-original feature to be re-built.



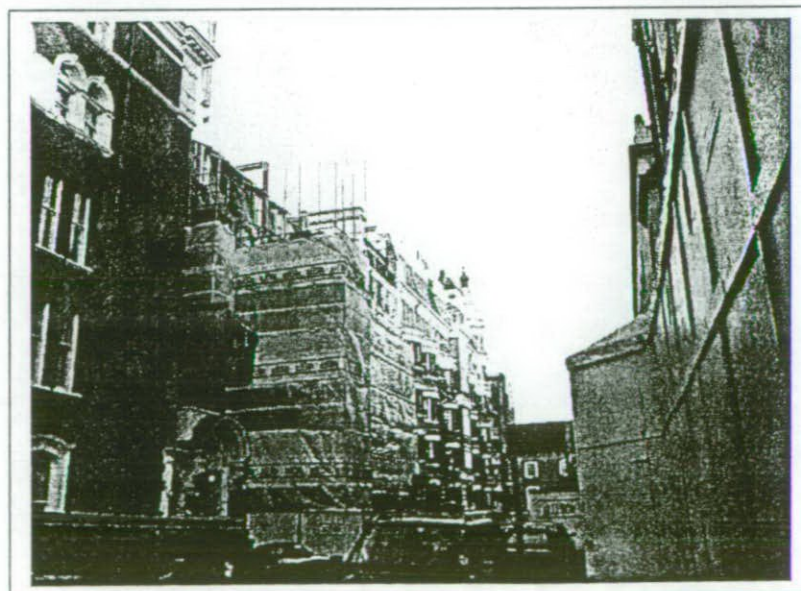
144

CELL REF	32404	CELL NAME	9 Wilbraham Place
----------	-------	-----------	-------------------

Rooftop alcove providing proposed location for equipment cabinets-this will provide complete screening.



View from Sloane Street



PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

Switchboard: 020-7937-5464
Direct Line: 020-7361-2585
Extension: 2585
Facsimile: 020-7361-3463

Date: 31 May 2002

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My Ref: DPS/DCSE/LB/02/01164 Your ref: 32404/2

Please ask for: Mr. J. Shearman

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

Application for Listed Building Consent at: 9 Wilbraham Place, London, SW1X9AE

Proposal: Works to include the dismantling and re-construction of non-original roof turret detail and the installation of 6 antennae, 3 Nokia Ultrasite outdoor cabinets, 2 Nortel BTS cabinets, one external diplexer, associated feeder cables and necessary ancillary development.

²⁴⁷
Dated: 15/05/2002 Complete: 30/05/2002
Fee Received: £0.00

Decision due by: 25/07/2002

I acknowledge receipt of your application.

If you have not been notified by the Council of its decision within 8 weeks of the date of completion above you are entitled to appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. You may, by agreement in writing with the Council, extend the period within which the decision is to be given. The Council decides on applications as soon as possible. Many applications can be determined in six weeks or less, although there will often be reasons why a longer period is necessary.

Proposals that may affect the character or appearance of a Conservation Area, or the special character or setting of a Listed building, and some other proposals, must be advertised on site and in a local newspaper. Therefore, these applications often take longer to determine. Many applications, including all those to which objections are received, must be presented to the Planning Services Committee, which may also mean a short delay. Should you wish to discuss the progress of your application, please contact the Case Officer on the above number.

You are reminded that it may be unlawful to begin the development forming the subject of this application prior to receipt of a written Planning Permission from the Council, and you are strongly advised against doing so.

Yours faithfully

M.J. FRENCH

Executive Director, Planning and Conservation

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Our Ref: AW/32404

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

11 July 2002

Dear Mr Shearman,

Re: Application no: DPS/DCSE/PP/02/01163/JS. Proposed telecommunications installation at 9 Wilbraham Place, London SW1X 9AE

Further to our telephone conversation of the 10th July, I write regarding your request for further information relating to the above application by our client O2 (UK) Ltd.

I can confirm that I have requested a further elevation to be produced to show the "alcove" and the proposed equipment therein. I have included a photo below to show the view proposed and ask for your confirmation that this is acceptable.

In relation to the query regarding the "step over" dimensions and profile, I have been instructed to inform you that O2 do not wish this to be included in the current application. They will look at an alternative way to solve this problem. Please confirm that you can accept this letter as notification of this. I can provide a further drawing if required but, in the interest of time, I hope that this will not be required.

The meter cabinet is going to be located underneath the internal staircase which is within the buildings external walls. This will not be visible to anyone and has been deliberately placed here for this reason. I admit, the plan view is confusing as it looks like this cabinet is on the roof, but I can reassure you that it is located at basement level out of sight.

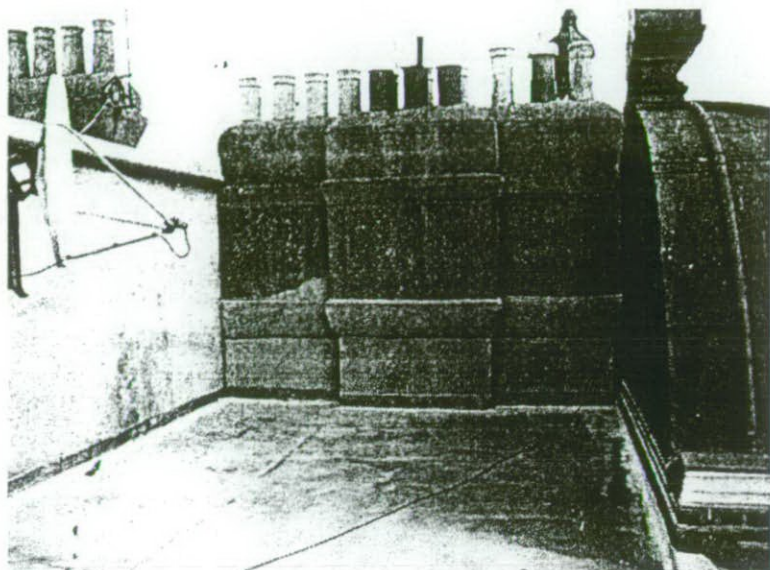
If I can be of any further assistance, please do not hesitate to contact me.

I look forward to hearing from you.

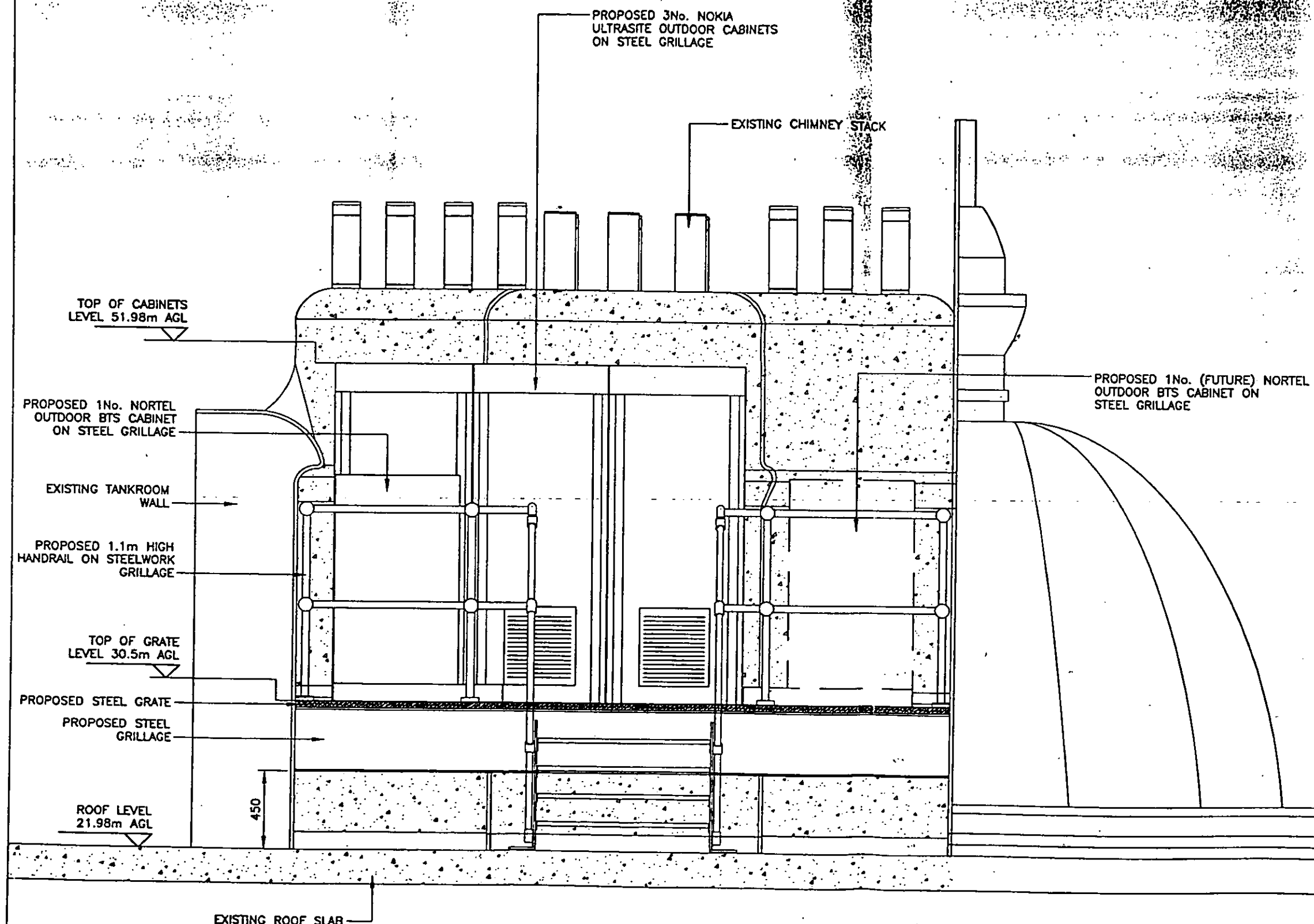
Yours sincerely

ALASTAIR WATTS
01932 411013

147



11:15



VIEW ON SECTION A
PROPOSED EQUIPMENT DETAIL

NOTE:
EXISTING SATELLITE DISHES AND
TELEVISION AERIALS NOT SHOWN
ON DRAWING FOR CLARITY

NOTES

- 1 DO NOT SCALE
- 2 ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED.
- 3 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH MEDLOCK DRAWING 32404/001 - 005 AND ALL RELEVANT BT CELLNET STANDARD DETAIL DRAWINGS.

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ORDNANCE REFERENCE AL 52252A0001

REV	MODIFICATION	BY	DATE

O₂



London Office: Henson House, Henson Road, Three Bridges Crawley, RH10 1EP
Tel: 01293 646800 Fax: 01293 646801 email: Design-London@MedlockComms.co.uk
www.MedlockComms.co.uk
Scottish Office: Tel: 01324 617617 Fax: 01324 636259
Manchester Office: Tel: 0161 745 3000 Fax: 0161 745 3001

Status	PLANNING	
Site Ref	Cell Name	O/S Grid Reference
32404	SLOANE SQUARE	TQ 2804 7885
Designed GC	Site Address	
Drawn HP	9 WILBRAHAM PLACE BELGRAVIA LONDON SW1X 9AE	
Date 23/07/02	Drawing Title	PROPOSED EQUIPMENT DETAIL
Scale 1:25	Drawing No	MC Job Ref
Checked R	32404-006	051CD

138

149

[illegible] O_2 

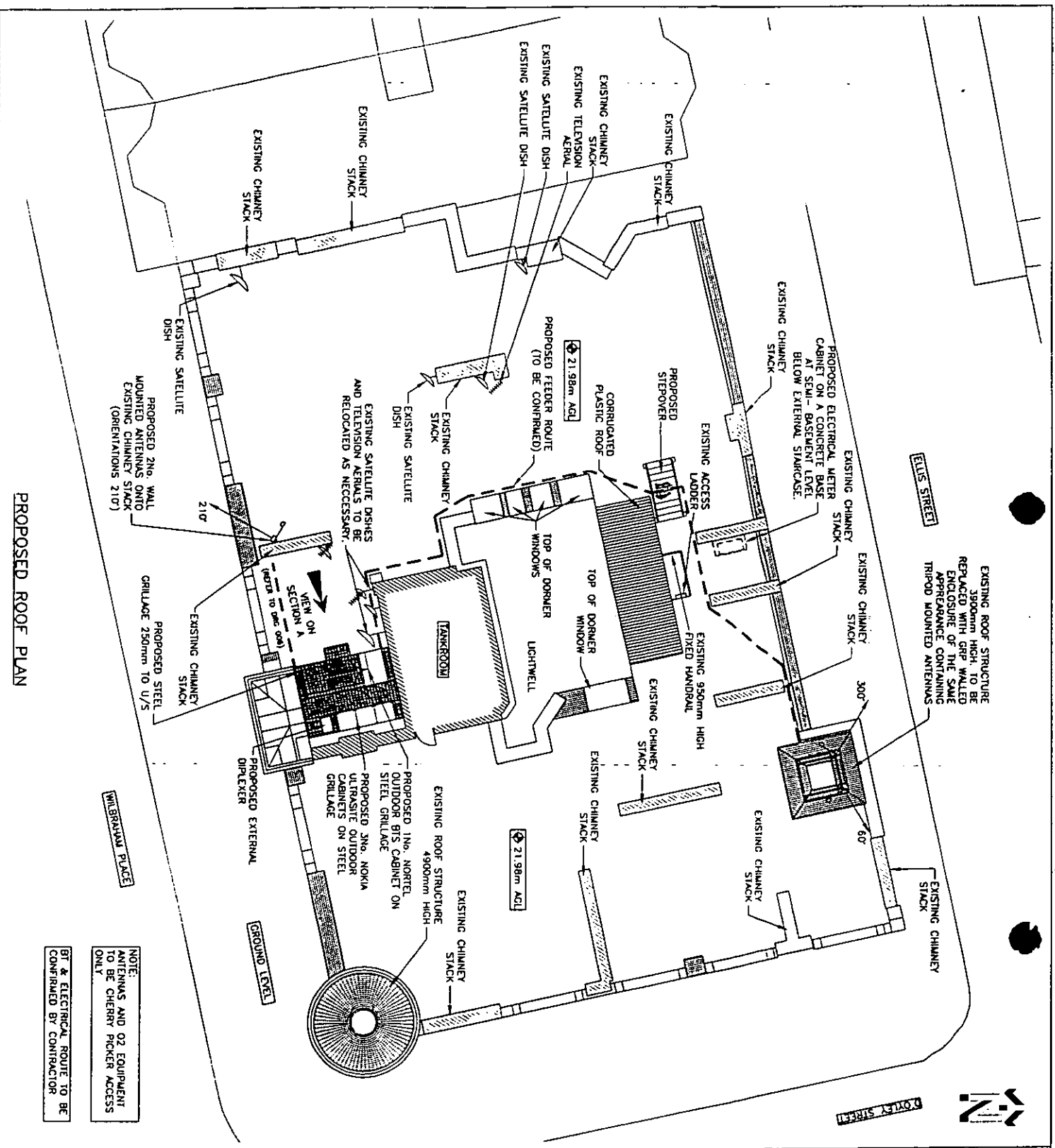
Medlock
communications

London Office: newton house, newton Road, Hare Hays Lane, 2010 1LP
Tel: 01753 614800 Fax: 01753 614801 email Drayg-London@edwinCummings.co.uk
see edwinCummings.co.uk

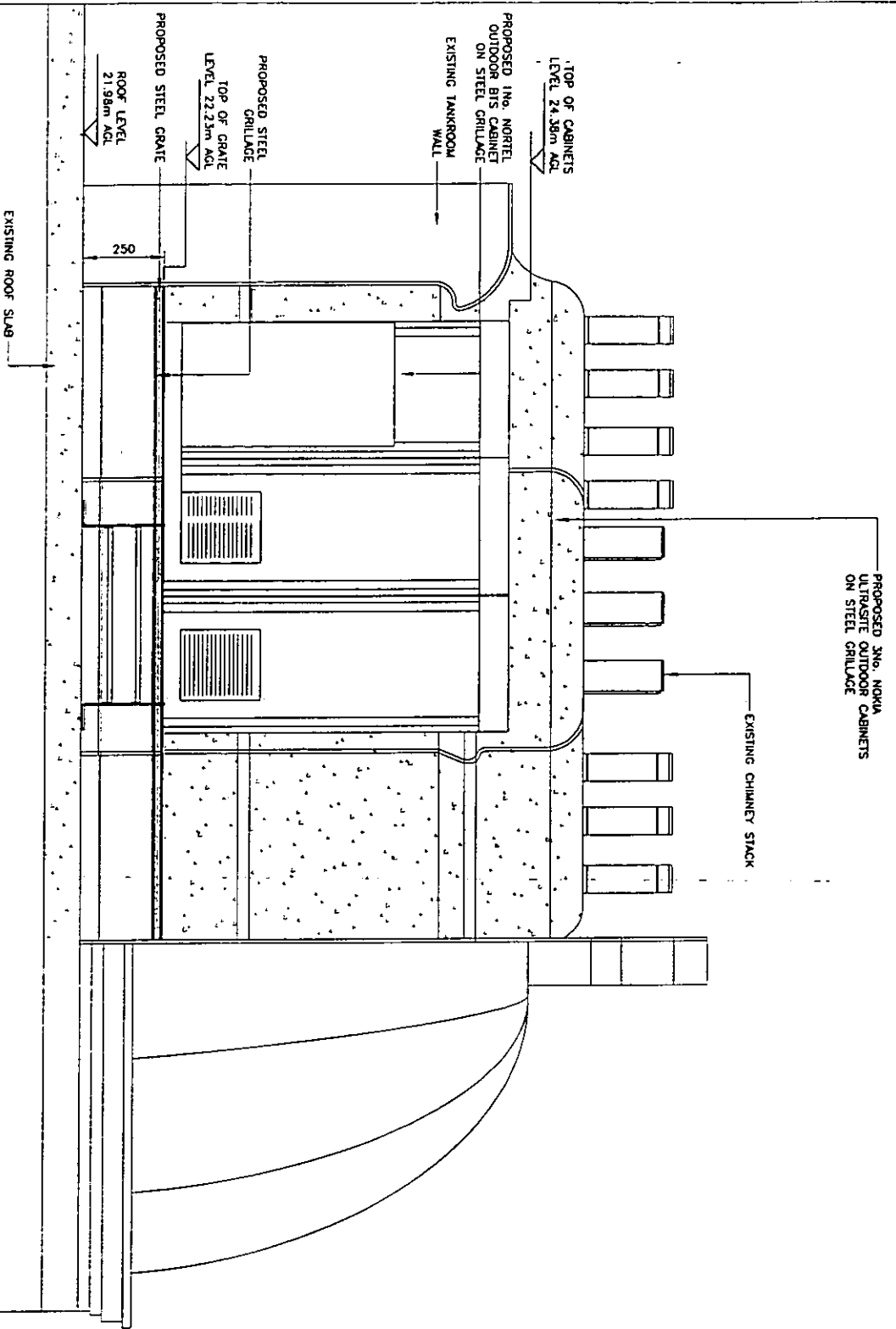
Scotland Office: Tel: 01274 617617 Fax: 01274 636256
see edwinCummings.co.uk

Manchester Office: Tel: 0161 745 3000 Fax: 0161 745 3001
see edwinCummings.co.uk

PLANNING		
Station		
Site Ref	Cell Name	O/S Cell Reference
J2404	SLOANE SQUARE	TO 2804 7885
Disputed CC	Site Address	
Down If	9 WILLBRHAM PLACE BELGRAMA LONDON SW1X 9AE	
Date	02/01/02	
Scale	Drawing Title	
1:150	PROPOSED ROOF PLAN	
Checked	Drawn by	EC Job Ref
	J2404-002F	051CN



140



VIEW ON SECTION A
PROPOSED EQUIPMENT DETAIL

- NOTES:
1. EXISTING SATELLITE DISHES AND TELEVISION AERIALS NOT SHOWN ON DRAWING FOR CLARITY.
 2. CABINETS TO BE COLOUR MATCHED TO TANK ROOM WALL AND CHIMNEYS.
 3. EXISTING AREA OF ROOF SLAB DIRECTLY UNDER GRILLAGE TO BE RE-ROOFED PRIOR TO CONSTRUCTION.

150

- NOTES
1. DO NOT SCALE
 2. ALL DIMENSIONS ARE IN MM UNLESS OTHERWISE NOTED
 3. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH MEDLOCK DRAWING 32404/001 - 005 AND ALL RELEVANT BT CELLNET STANDARD DETAIL DRAWINGS.

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THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE.
ORDNANCE REFERENCE: 42329240001

REV	DESCRIPTION	DATE
A	SITEWORK AMENDED	24/09/92
REV	MODIFICATION	BY DATE

O₂

Medlock
Communications

London Office: Pavilion House, Pavilion Road, Nine Elms, London, W10 1LP
Tel: 01233 646000 Fax: 01233 646011 email: Design-Team@Medlock-Comms.co.uk
www.Medlock-Comms.co.uk
Scottish Office: Tel: 01234 617617 Fax: 01234 636756
Headquarter Office: Tel: 0161 745 3000 Fax: 0161 745 3001

Status	PLANNING	
SEA Ref	Call Name	9/5 Call Reference
32404	SLOANE SQUARE	TO 2804 7895
Designed GC	Site Address	
Drawn HP	9 WILBRAHAM PLACE BELGRAVA LONDON SW1X 9AE	
Date 23/07/02	Drawing Title	
Scale 1:25	PROPOSED EQUIPMENT DETAIL	
Checked	Drawing No	UC Job Ref
	32404-076A	051C10

151



O₂ Planning Appeal
Appeal Forms and
Supporting Statement
Cell: 32404
Wilbraham Place (FP)



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TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 78

**APPEAL BY APT - MARCONI ON BEHALF OF O₂ (UK) LIMITED
(FORMERLY CALLED BT CELLNET LIMITED)**

**APPEAL BY O₂ (UK) LIMITED AGAINST THE DECISION OF THE ROYAL
BOROUGH OF KENSINGTON AND CHELSEA TO REFUSE PLANNING
PERMISSION FOR THE ERECTION OF A TELECOMMUNICATIONS BASE
STATION CONSISTING OF SIX TRIPOD-MOUNTED ANTENNAE, TWO
TRIPODS, SIX RADIO EQUIPMENT CABINETS, ASSOCIATED FEEDERS
AND ANCILLARY DEVELOPMENT**

AT 9 WILBRAHAM PLACE, BELGRAVIA, LONDON, SW1X 9AE.

APT - Marconi
Dolphin House
Albany Park
Camberley
Surrey
GU16 7QH

Tel: (01276) 605016
Fax: (01276) 683781

**Local Planning Authority Reference: PP/02/00439/MNW
APT Reference: BMS/Apps/Waldon/AW/32404**

6 June 2002

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Appeal Supporting Statement
Cell No: 32404

Cell Name: Wilbraham Place (FP)

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INTRODUCTION

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- 1.1 APT-Marconi acts on behalf of O₂ (UK) Limited in connection with the site at 9 Wilbraham Place, Belgravia, London SW1X 9AE and in the conduct of this appeal.
- 1.2 The appeal relates to the proposed erection of a Radio Base Station to include 6 tripod-mounted antennas, 2 tripods, 3 Nokia Ultrasite outdoor cabinets, 2 Nortel BTs outdoor cabinets and one external diplexer cabinet, along with associated feeders on the roof of the appeal premises, and development ancillary thereto. Attached, as **Appendix 1** is a location plan identifying the appeal site.
- 1.3 An application for full planning approval was submitted to the Royal Borough of Kensington and Chelsea, on 21 February 2002. A copy of the full planning application is attached as **Appendix 2**. By letter dated 19 April 2002, the Local Planning Authority refused planning permission for the following reason;
"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."
- 1.4 Notes accompanying the decision highlighted that the above mentioned policies were used in the determination of the application and stated that insufficient information was submitted to enable an assessment of the health risk of the proposed development. A copy of this decision letter is attached as **Appendix 3**.

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2.0 THE GROUNDS OF APPEAL

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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

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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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3.0 THE APPEAL SITE AND SURROUNDING AREA

- 3.1 The application site is a five-storey mansion block (C. 1896) situated some 150 metres north of Sloane Square on the junction of Wilbraham Place and D'Oyley Street. The site is located on the eastern boundary of the Royal Borough of Kensington and Chelsea administrative area.
- 3.2 The building on which the installation is proposed is a Grade II Listed Building which is located within the Sloane Square Conservation Area. The building is sub-divided into a number of flats and is in residential use.
- 3.3 The properties along Wilbraham Place are generally in residential use. The majority of the properties along Sloane Street to the west are used for a variety of retail and commercial purposes.
- 3.4 The site is located one street to the north of the BT Exchange building on which the existing telecommunication installation is required to be decommissioned. A primary school is located opposite the BT Exchange building on Sedding Street some 70 metres south of the proposed site. Photographs of the site and the existing installation on the BT Exchange building are provided in **Appendix 4**.

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4.0 THE PROPOSED DEVELOPMENT

- 4.1 The submission to the Local Planning Authority sought planning permission for a roof mounted radio base station. This included for the installation of six tripod mounted antennas, two free standing tripods, three Nokia Ultrasite outdoor cabinets, two Nortel BTs outdoor cabinets and one external Diplexer cabinet along with associated feeders and ancillary development.
- 4.2 The proposed development sought to place two panel antennas on one tripod located on the southern side of the building facing Wilbraham Place and four panel antennas on one tripod located on the north western side of the building facing Ellis Street. The antennas were proposed to be mounted on low slung tripods near the edge of the building and were to be hand painted to match existing brickwork / chimneys. Neither the antennas or cabinets would protrude above the height of the existing chimneys.
- 4.3 The six cabinets were proposed to be placed on the southern side of the building located between the decorative front parapet detail and the tank room near the centre of the roof. This location would completely hide the cabinets from street level and almost completely preclude all views from adjacent properties.

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5.0 RELEVANT PLANNING POLICY BACKGROUND

5.1 The following Government policy documents are particularly relevant to this appeal:

- PPG 8 – Telecommunications;
- PPG 15 – Planning and the Historic Environment.

5.2 Relevant guidance from the Planning Policy Guidance notes is discussed in greater detail in Section 6 below.

5.3 The Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP) was adopted on 28 August 1995. In response to development trends the Council have updated and amended the UDP. The UDP alterations were placed on deposit for public consultation in August 1999 and again in January 2000.

5.4 Following the Inspectors Report in July 2001 into the proposed alterations to the UDP the Council submitted further proposed modifications.

5.5 These Proposed Modifications to the Alterations were put on Deposit in February 2002 and were 'adopted' by the Council in May 2002. This document is used by the Council in the determination of planning applications and as such has been assessed in relation to the site subject of this appeal.

5.6 The key policies referred to by the Council as relevant to the determination of the full planning application are Policies CD25, CD44, CD52, CD53 and CD58 of the Proposed Modifications to the Alterations UDP.

5.7 Policy CD25 seeks to ensure that all development within the Borough is of a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings.

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5.8 Policy CD44 concerns alterations to buildings and states that such development should not harm the external appearance of the building or the surrounding area. The need to avoid creating unsympathetic small-scale developments that may cause harm to the street scene and the residential character or amenity is also highlighted.

5.9 Policy CD52 and Policy CD53 seek to ensure that development in Conservation Areas preserve and enhance the character or appearance of the area.

Policy CD53 states:

"To ensure that all development in conservation areas is to a high standard of design and compatible with:

A. Character, scale and pattern;

B. Bulk and height;

C. Proportion and rhythm;

D. Roofscape;

E. Materials;

***F. Landscaping and boundary treatment.
of surrounding development"***

5.10 Policy CD58 concerns works to Listed Buildings. This policy states:

"To resist proposals to alter Listed Buildings unless:

***A. The original architectural features and later features of interest,
both internal and external, would be preserved; and***

***B. Alterations would be in keeping with the style of the original
building; and***

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- C. All works, whether they be repairs or alterations, are carried out in a correct scholarly manner, under proper supervision, by specialist labour where appropriate; and*
- D. The integrity, plan form and structure of the building including the ground and first floor principle rooms, main staircase and such other areas of the building as may be identified as being of special interest are preserved."*

5.11 The above Local Plan policies are provided in **Appendix 5** and are discussed in greater detail in Section 6 below.

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6.0 THE CASE ON BEHALF OF O₂ (UK) LIMITED

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6.1 Having regard to the nature of the installation, the relevant policy background outlined above and the reason given by the Local Planning Authority for the refusal of planning permission it is considered that there are four key material considerations in respect of this application:

- The need for the telecommunication installation
- Site selection and consultation
- Design and impact of the installation upon the visual amenity and character and appearance of the area.
- Health considerations

6.2 *The Need for the Telecommunications Installation*

6.2.1 An aim of Government policy on Telecommunications found in PPG 8 is to ensure people have a choice as to who provides their telecommunications service, a wider range of services from which to choose and equitable access to the latest technologies (paragraph 2). Material considerations in dealing with applications will include the significance of the proposed development as part of a national network (paragraph 5). The benefits of a modern telecommunications system are outlined in paragraphs 1 to 3 of the Appendix to PPG 8.

6.2.2 The appellant's have been licensed to provide a mobile telecommunications network within the United Kingdom, and have been conferred the status of a Public Telecommunications Code System Operator pursuant to the Telecommunications Act 1984. Through its system of licensing, the Act places obligations on the appellant's to provide certain levels of coverage and to provide a high quality service. This includes the requirement to meet reasonable customer demands (PPG 8 - Appendix Paragraph 20). Paragraph 22 of the Appendix to PPG 8 also highlights that the greatest need for base stations are

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usually in built-up areas where there is the greatest density of mobile users.

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6.2.3 Each cell or base station can only handle a finite number of calls and therefore, in areas of high use, additional cells are required to meet the demands on the network.

6.2.4 It is important to stress that demands on the network do not come solely from people living in an area, but also from those people working in the locality and those passing through it. In situations such as this, where coverage and or capacity is deficient, a customer passing through the area using a mobile phone will be cut off.

6.2.5 In this particular case, the proposed development is required as a replacement facility for an existing site that is to be decommissioned and removed from the BT Exchange building on the corner of Sloane Terrace and Sedding Street. The new base station is therefore designed to ensure continuity of radio coverage and to ensure that reasonable customer demands are satisfied.

6.2.6 The proposed site would enable the radio coverage to the existing GSM 2G network, currently provided by the installation on the BT Exchange building, to continue to be provided. The specific coverage requirements are best illustrated by the radio coverage plots, which show the coverage without the installation on the BT Exchange building and the coverage with the proposed site. These two radio plots are included within **Appendix 6**.

6.2.7 The plots illustrate that without the BT Exchange installation a hole in the 2G network will exist for an area that includes Sloane Street (A3216) to the north of Sloane Square and side streets to the east and

west of Sloane Street. This hole in coverage is shown to be resolved through development of the proposed site.

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6.2.8 In addition, the proposed telecommunication installation is designed to support 3rd generation (3G) Universal Mobile Telecommunications System (UMTS) antennas. As such the proposed development will facilitate the rollout of the 3G network. In April 2000, the appellant's were also licensed to provide a 3G network. These systems will enable mobile users to have access to enhanced services via higher data rates than the existing 2G system. As a requirement of the licence, the appellant is required to build out a network covering 80% of the population by 2007 (PPG 8 Appendix paragraph 27).

6.3 Site Selection and Consultation

6.3.1 Having regard to the radio coverage requirements, as provided in **Appendix 6**, the area where deficient network coverage will exist following the removal of the equipment on the BT Exchange building can be identified. The area within which coverage improvements are required is largely residential in character although there are a large number of commercial and retail properties located along Sloane Street.

6.3.2 In this urban area the existing adjacent cells are located close by and the need to provide contiguous coverage that also avoids interference with other cells is an important criteria.

6.3.3 The coverage area in question is relatively small and is centred on a dense urban environment in Kensington and Chelsea. The whole area requiring coverage lies within the Conservation Area. In order to minimise environmental impact and to ensure that the character and appearance of the Conservation Area is not harmed, existing tall

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buildings were sought to accommodate the required antennas and radio equipment housing. This accords with the advice contained in PPG 8 aimed at utilising tall buildings as a preference to developing new 'greenfield' site and seeking to ensure future development minimises environmental impact.

6.3.4 The existing five-storey mansion block situated some 150 metres north of Sloane Square on the junction of Wilbraham Place and D'Oyley Street was identified because of its central location within the search area. It was also chosen because its height above adjacent buildings would ensure good radio coverage, which could not be attained through use of street furniture developments.

6.3.5 The whole search area for a replacement site is situated within the Sloane Square Conservation Area, as such no alternatives outside of the Conservation Area could be identified. Although the building is a Grade II Listed Building it was considered that a sensitively designed installation could be satisfactorily developed.

6.3.6 In addition to the appeal site, five sites were surveyed in detail. These five sites were carefully surveyed but none proved to be viable options for the following reasons:

Site (a) – Existing BT Telephone Exchange

The current lease on this existing installation is to be terminated. The option of extending the current lease is therefore not possible. In consequence the site was discounted.

Site (b) – Eaton Mansions

Site located near to the north east corner of Sloane Square. Lease arrangements to use this roof top location could not be agreed with the

head lessee. The site was not therefore available for use as such the site was discounted.

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Site (c) – Holy Trinity Church

Site located adjacent and south of the existing installation. The site is a Grade I Listed Building and was considered to be a more sensitive location. In consequence the site was discounted.

Site (d) – Sloane Terrace Mansions

This site is located to the north east of the current installation on Sloane Terrace. The option was discounted on account that the roof top location would not be capable of accommodating the required equipment.

Site (e) – Cadogan Estate

Further alternative buildings nearby were considered in the site selection process. However, these buildings belong to the Cadogan Estate who, at present, are unwilling to allow them to accommodate telecommunications development. In consequence these further sites were discounted.

6.3.7 In accordance with Government advice and industry best practice significant pre-application consultations were undertaken with the planning and conservation departments of the local authority, local councillors, English Heritage together with a local school. Copies of some of these correspondences are attached in **Appendix 7**.

6.3.8 No other alternative sites to satisfy the need identified by the operator were suggested by the Local Planning Authority through this consultation process.

6.4 *Design and Impact of the Development on the Visual Amenity and the Character and Appearance of the Area*

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- 6.4.1 Government policy on Telecommunications found in PPG 8 is to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum (paragraph 1).
- 6.4.2 The use of existing buildings and other structures to site antennas is strongly encouraged (paragraph 21). Appendix paragraph 76 states that in seeking to arrive at the best solution operators should use sympathetic design and camouflage to minimise the impact of development and in designated areas the aim should be for the apparatus to blend into the landscape.
- 6.4.3 Government Policy on development in Conservation Areas and that affecting Listed Buildings is found in PPG 15 – Planning and the Historic Environment. The key issues relevant to the current appeal proposals are that developments should seek to preserve or enhance the character or appearance of Conservation Areas and should seek to preserve the setting of Listed Buildings. General advice contained in PPG 8 is also relevant to these issues.
- 6.4.4 The extensive pre-applications undertaken as part of the submission included sending copies of the suggested design of the installation together with an offer of a meeting with the Local Planning Authority to discuss the siting and design aspects of the proposals. Unfortunately no response to the proposed installation design or meeting was received from the Council.
- 6.4.5 Despite the lack of feedback from the Council the design of the installation has given full consideration both to the setting and

appearance of the building and the wider area together with the operator requirements.

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6.4.6 The equipment cabinets are the minimum requirements for this development and have been deliberately located between the decorative front parapet detail and the tank room near the centre of the roof. This location completely hides the cabinets from street level and offers complete screening from all but one or two adjacent properties where partial screening is provided.

6.4.7 These cabinets are located together to benefit from the existing enclosure provided and to minimise disruption to the roofscape. Furthermore, they will not protrude above the height of the roofline. In consequence their siting and design is considered to be in accordance with local plan policies and would not have an adverse impact on the character or appearance of the area or the amenity of neighbouring properties.

6.4.8 As advised by the Borough's conservation department the development proposes the use of non-invasive tripod-mounted antennae. The appeal site sought to place two panel antennas on one tripod located on the southern side of the building facing Wilbraham Place and four panel antennas on one tripod located on the north western side of the building facing Ellis Street. The siting of the antenna is related to the area requiring operator coverage as demonstrated by the radio plots in **Appendix 6**.

6.4.9 The proposed antennas were to be mounted on low slung tripods near the edge of the building. The need for the antennae to be located near the edge of the building as opposed to the centre of the building, where a much taller installation would be required, was set out to the Council in the pre-application letters sent to the Council as provided in

Appendix 7. To minimise the visual impact of these antennae low slung tripods were proposed to be used to ensure that they did not protrude above the height of the existing chimneys. In addition it was proposed for these to be hand painted to match existing brickwork / chimneys. Given the height at which the antennas would be installed and the proposed finish, the antenna systems would not be unduly prominent.

6.4.10 Telecommunications systems have particular requirements for siting which can pose challenges to policies for the protection of quality in urban areas. This is acknowledged in PPG 8 – Telecommunications that requires sensitive design and siting in such areas. It does not however seek to impose a blanket ban against telecommunications development as it also recognises that urban areas are where such systems are in most demand. In recognition of the sensitivity of the appeal site, the telecommunications installation has been designed and sited so as to minimise impact. Appropriate forms of camouflage have also been used. At no stage has the Local Planning Authority suggested a more preferable site or design despite being made aware of the appellants detailed requirements.

6.4.11 The proposed development would have a minimal impact on the locality and the use of appropriate forms of camouflage would ensure that the development is unobtrusive. It is strongly contended that the development would not prejudice the character and appearance of the Sloane Square Conservation Area or the setting of the Listed Building. Accordingly the proposal would not conflict with Policies CD25, CD44, CD52, CD53 and CD58 of the Unitary Development Plan. Furthermore, in preserving the character and appearance of the conservation area and the setting of the Grade II Listed Building, the development would fully accord with the guidance contained in PPG 15 – Planning and the Historic Environment.

6.4.12 The use of an existing tall building to accommodate a telecommunications development and a design which uses appropriate forms of camouflage, is clearly consistent with the advice given in PPG 8 – Telecommunications. In ensuring that the development does not have an adverse effect on the skyline, the character of the locality or the appearance of the property, the development fully accords with Government and local plan policies.

6.4.13 Finally, an added benefit of the current proposal will be the opportunity to secure the removal of the more prominent radio base station located at the BT Exchange. This site is also located within the Sloane Square Conservation Area. Not only would the proposed development allow this more prominent installation to be removed, it would also facilitate the roll-out of the Universal Mobile Telecommunications System. The current proposal would allow a single site to accommodate both 2G and 3G telecommunications systems which is fully supported by the advice contained in PPG 8 – Telecommunications.

6.5 Health Considerations

6.5.1 The Local Planning Authority also indicated in its notes to the decision notice that insufficient information was submitted to enable an assessment of the health risk of the proposed equipment. This is strongly contended by the appellants.

6.5.2 Mobile phones and their base stations transmit and receive signals using electromagnetic waves, which are usually referred to as electromagnetic fields (EMFs) or radio waves. EMFs occur naturally in the environment, for example, the earth's magnetic field. EMFs also arise from a wide range of man-made sources and will be present wherever there is electricity. It is acknowledged that the public has become increasingly aware of the presence of EMF's in the

environment and this has been accompanied by concern as to their possible adverse effects upon health.

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6.5.3 In 1999, the Government asked the National Radiological Protection Board to set up the Independent Expert Group on Mobile Phones (IEGMP) to consider concerns about health effects from the use of mobile phones, base stations and transmitters.

6.5.4 The IEGMP published its report (The "Stewart Report") in May 2000 and, in respect of mobile phone base stations, concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines". However, it was accepted that there could be indirect effects on their well-being in some cases. Acknowledging that the possibility of harm could be ruled out with confidence and that there were gaps in knowledge, the report recommended the adoption of a precautionary approach.

6.5.5 In its response to the Groups report, the Government accepted the principle of the precautionary approach limited to the specific recommendations in the report. These included:

- That the emissions from mobile phone base stations should meet the more stringent International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure;
- An independent audit of emissions from mobile phone base stations should be established to give the public confidence that they do not exceed approved guidelines; and
- Clear exclusion zones should be placed around all mobile phone base station antennas to prevent the public from exposure to radio frequency radiation above ICNIRP guidelines.

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6.5.6 The appellant's confirm that the proposed telecommunications installation will fully comply with ICNIRP guidelines. To allay the fears of the Local Planning Authority and local residents, the appellants commissioned an independent study. This confirmed that the installation would comply with ICNIRP guidelines for public exposure. A copy of the detailed report is attached to this statement as **Appendix 8**.

6.5.7 The advice contained in PPG 8 is relevant to this issue. Paragraph 30 of PPG 8 states:

"However, it is the Government's firm view that the planning system is not the place for determining health safeguards. It remains central Government's responsibility to decide what measures are necessary to protect public health. In the Government's view, if a proposed mobile phone base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.'

6.5.8 Recent appeal decisions have supported the advice that where a development complies with ICNIRP guidelines, it should not be necessary for a local planning authority, in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

6.5.9 For example in a recent planning appeal at Guildford (Ref. APP/Y3615/A/01/1069715) the Inspector concluded in paragraph 72 of the decision notice that:

"...PPG8 is an important material consideration that is up to date, pertinent and clear on the weight to be given to health and public concern about mobile phone base stations."

6.5.10 At a visit to the site on 10 April with the Council the agents for the appellant were made aware that the Environment Department within the Council may have requested further technical information relating to the output from the proposed installation. Despite written requests to the Council on both the 11th April 2002 and 17th of April 2002, attached in **Appendix 9**, to determine the exact nature of this request no such information was passed to the agents.

6.5.11 Despite this the fact that the appellant has certified that the proposed telecommunications development will comply with ICNIRP guidelines should be sufficient to allay any remaining concerns, as to possible health effects, the Council or public may have.

7.0 SUMMARY AND CONCLUSIONS

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7.1 There is a demonstrated need for the proposed telecommunications development to serve this part of Kensington and Chelsea. The development is intended to replace an existing installation that is to be decommissioned to satisfy reasonable customer demand in providing contiguous radio coverage and capacity for the existing GSM (2G) network. The proposed development would also accommodate the new Universal Mobile Telecommunications System (3G system). There is no dispute as to the need for the development.

7.2 Due to the nature of this dense urban area, the search area for a replacement site was limited. Although a number of alternative sites were considered they were either not able to be developed or were considered more sensitive locations than the appeal site. No alternative sites to satisfy the need identified by the operator were suggested by the Local Planning Authority through the consultation process.

7.3 The siting and design of the telecommunications installation has taken account of the site and its setting and the design chosen would ensure that environmental impact is minimised as required by Government and local plan policies. It is submitted that the appeal site and the design of the installation proposed represents the optimum environmental solution which provides the required coverage for O₂ (UK) Limited. It is contended that the proposal strikes an acceptable balance between the technical requirements of the appellant, Local Policy objectives and Government Policy contained in PPG 8 and PPG 15.

7.4 The development would not prejudice the residential amenities of nearby properties. Furthermore, the design proposes hand-painting part of the installation to camouflage it from adjacent properties, the

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street and long distant views. The design considerations have been incorporated to ensure that the development proposed would not prejudice the Sloane Square Conservation Area or the setting of the Grade II Listed Buildings.

- 7.5 The proposed development would allow for the removal of the more prominent telecommunications installation located at the BT Exchange building and accommodate 3G equipment.
- 7.6 It is the appellants strong view that the development fully complies with policies contained in the Unitary Development Plan.
- 7.7 Finally, the development will comply with ICNIRP guidelines for areas accessible by the general public.
- 7.8 For the reasons given above, it is respectfully requested that the appeal be allowed.

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