

Application Number/s: 132464/FO/2021 and 132465/LO/2021

Applicant: MBNL (EE (UK) Ltd & H3G (UK) Ltd

Agent: Beacon Comms Group

Location: 105-107 Princess Street

Proposal: Reinstatement of temporarily removed telecommunications infrastructure with minor alterations

Ward: Piccadilly

Description of Site and Surrounding Area

The application relates to 105-107 Princess Street. The building takes up a block and is bound by Princess Street to the west, Hart Street to the north, Abingdon Street to the east and Bloom Street to the south. The building is a former warehouse building and is currently going through a renovation project to convert it to LG, GF nightclub use/office entrance and upper floors office use. The building has six above ground floors, warehouse-style roof with a central chimney stack. The building is Grade II Listed with the following detail held at Historic England:

Pair of shipping warehouses, now offices, etc. c.1870-80; altered. Yellow brick with sandstone dressings (roof not visible). Trapeziform plan on island site, at right-angles to street, with rear loading bay. Eclectic style, with some Gothic features. Four storeys over basements, 2+2 windows (the outer windows tripartite), symmetrical; with chamfered plinth, saw-tooth sill-bands to all floors, impost bands to all except the top floor, heavily bracketed cornice. The ground floor has tall coupled doorways in the centre, with pilaster jambs, carved stiff-leaf imposts, and 5-stepped segmental-arched heads with key blocks, flanked by tripartite windows with segmental-arched centre lights and moulded surrounds with stiff-leaf imposts; the upper floors all have square-headed tripartite windows to the outer bays and single-light windows over the doors, those at 1st and 2nd floors with pilaster jambs and the lower with stilted moulded heads. All these windows sashed without glazing bars. Lift-head on roof. Return sides very simple, with windows grouped 4, 4, 4 and 2; loading bay entrances at rear end. Interior not inspected. Forms group with No.103 to left (q.v.) and 109 to right (q.v.).

Description of Proposal

The applications seek planning permission and listed building consent for the reinstatement of telecommunications equipment to the roof of the building, that has been temporarily removed and place on temporary scaffolding during the approved renovation of the building. The telecommunications equipment to be reinstated is to be modestly altered from the existing/former telecommunications equipment.

Publicity LBC

Site Notice/s Posted and Dates: Posted 20/01/2022, Expires 10/02/2022

Press Adverts Published and Dates: Published 25/01/2022, Expires 15/02/2022

Neighbour Notification: Notified 10/02/2022

Representations Received: None

Consultations

Due to the scale and type of development proposed, it was not considered that any internal or external consultees required consulting.

Save Unitary Development Plan Policies:

- Telecommunications (17)
- Conservation Areas (18)
- Listed Buildings (19)

Core Strategy Policies:

- Spatial Principles (SP1)
- Heritage (EN3)
- Development Management (DM1)

National Planning Policy Framework Policies:

- Achieving Sustainable Development (2)
- Decision-making (4)
- Supporting High Quality Communications (10)
- Conserving and Enhancing the Historic Environment (16)

Principle of Development

Paragraph 114 of the NPPF states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and planning decisions should support the expansion of electronic communications networks. As per paragraph 118, the LPA must determine such applications on planning grounds only. Saved UDP Policy DC17.1 states that applications for telecommunications developments should normally be approved if the Council is satisfied that the development has been sited and designed to minimise the impact on residential amenity, whilst also expecting existing buildings and masts to be fully explored before agreeing to additional separate development.

Design & Heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting “special regard” will be given to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. The effect of this section is that decision-makers considering harm to heritage assets cannot simply treat the desirability of preserving the setting of a listed building as a mere material consideration to which they can simply attach the weight they see fit in their judgement.

The statutory duty provided by section 66(1) of the Act goes beyond that and treats the preservation of the setting of a listed building as presumptively desirable. The effect of the statutory requirement is to impose a duty on decision-makers to give

“considerable importance and weight” or “high priority” to the desirability of preserving listed buildings and their settings.

Paragraph 194 states that, in determining applications, LPAs require an applicant to suitably describe the significance of heritage assets to be affected. Assessing the harm of development to the heritage asset is then set out under Paragraphs 199-203, with reference to a sliding scale from total loss, through to less than substantial harm.

In this instance, it is a material planning consideration that the majority of the telecommunications equipment to be attached to the building was already long standing, having been temporarily removed to allow for works to the building’s roof, as previously approved and consented. The telecommunications equipment had been temporarily attached to scaffolding erected around the building to facilitate the works.

It is noted that there is some minor alterations to the telecommunications equipment that is being reinstated. The alterations are of such a minor nature that they would not cause any increase in the harm to the designated heritage asset had it been the case that the telecommunications equipment being reinstated like for like. It is also not considered that the equipment would have any notable impact on the Conservation Area in which the building is located.

In summary, the proposal duly complies with Section 16 of the NPPF, Saved UDP Policies DC18.1 and DC19.1 as well as Core Strategy Policies DM1, SP1 and EN3.

RECOMMENDATION:

That planning permission be granted subject to the following planning conditions:

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to issues arising from the consideration of this application

Full Application

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Location Plan (Drawing 11178_001 dated 28/04/2020)
- Existing Site Layout (Drawing 11178_002 dated 28/04/2020)
- Existing Site Elevation (Drawing 11178_003 dated 28/04/2020)
- Phase One Layout (Drawing 11178_004 dated 28/04/2020)
- Phase One Elevation (Drawing 11178_005 dated 28/04/2020)
- Phase Two Site Layout (Drawing 11178_006 dated 28/04/2020)
- Phase Two Elevation (Drawing 11178_007 dated 28/04/2020)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy, Sections 12 and 16 of the National Planning Policy Framework.

Listed Building Consent Application

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby approved shall be carried out in accordance with the following drawings and documents:

- Location Plan (Drawing 11178_001 dated 28/04/2020)
- Existing Site Layout (Drawing 11178_002 dated 28/04/2020)
- Existing Site Elevation (Drawing 11178_003 dated 28/04/2020)
- Phase One Layout (Drawing 11178_004 dated 28/04/2020)
- Phase One Elevation (Drawing 11178_005 dated 28/04/2020)
- Phase Two Site Layout (Drawing 11178_006 dated 28/04/2020)
- Phase Two Elevation (Drawing 11178_007 dated 28/04/2020)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, DM1 and EN3 of the Core Strategy, Sections 12 and 16 of the National Planning Policy Framework.