

Committee:	Date:
Planning and Transportation	9 April 2018
Subject: 46 - 47 Chancery Lane London WC2A 1JE Installation of telecommunications equipment at roof level comprising nine antennae, one transmission dish, three cabinets, and associated ancillary development.	Public
Ward: Farringdon Without	For Decision
Registered No: 17/00878/FULL	Registered on: 11 December 2017
Conservation Area: Chancery Lane	Listed Building: No

Summary

Planning permission is sought for the installation of telecommunications on the roof of 46-47 Chancery Lane comprising nine antennae, one transmission dish, three cabinets, and associated ancillary development.

The site is a six-storey office building located within Chancery Lane conservation area, in the near vicinity of the Grade II* listed Patent Office and opposite the Grade II listed 13-15 Chancery Lane (within the London Borough of Camden).

The equipment would extend 4.4m above roof parapet level, and would be visible from street level.

There have been objections from local residents, business occupiers and the freeholders of the building relating to the impact of the proposal on the character of the area and on residential amenity.

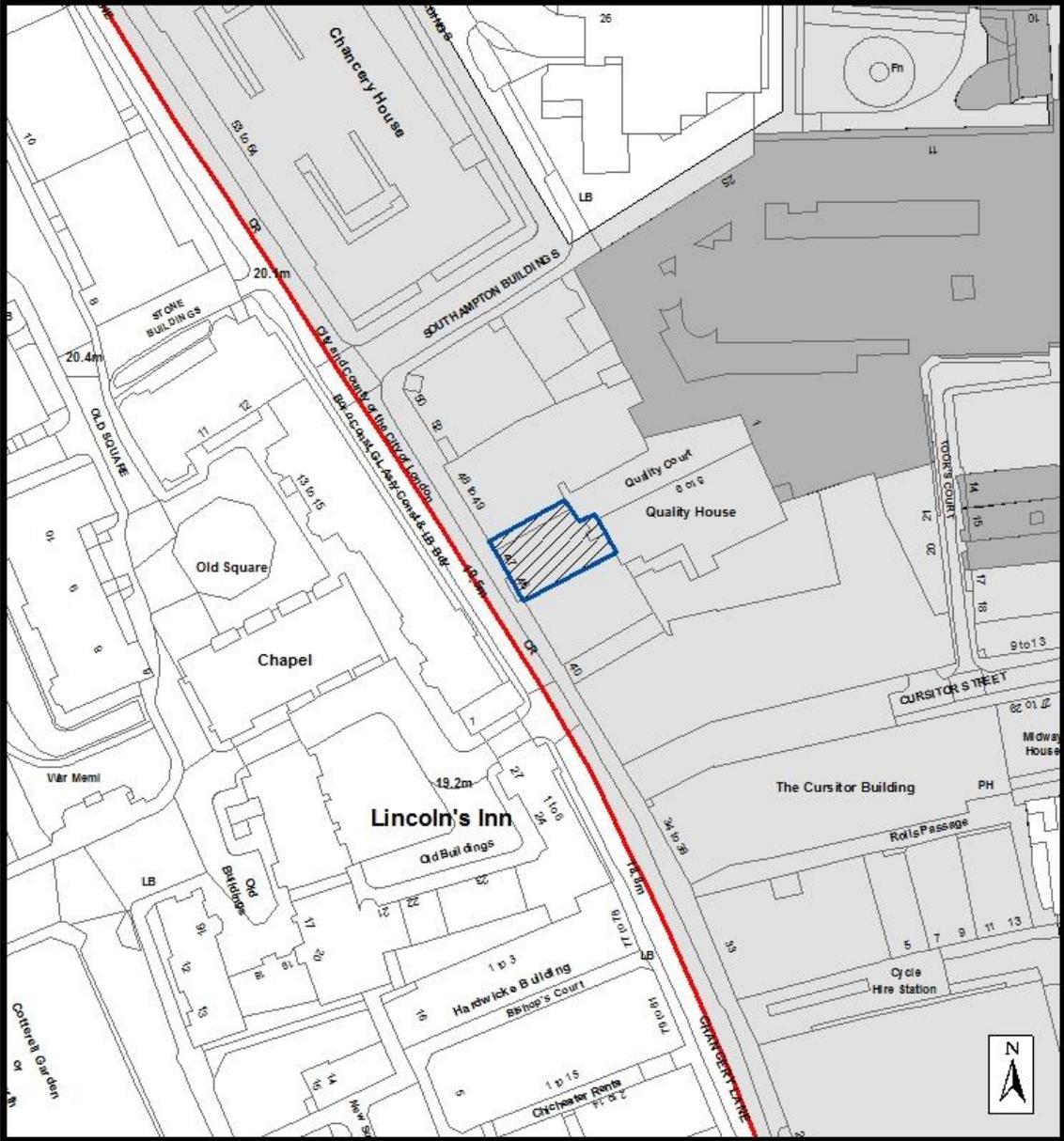
The proposals are considered to have a visually incongruous impact on the appearance of the building, would detract from the roofscape and would adversely affect the character and appearance of Chancery Lane Conservation Area and the setting and views of nearby listed buildings. The potential public benefits of the scheme are not considered to outweigh the

less than substantial harm caused to the designated heritage assets that would be affected.

Recommendation

That planning permission be refused for the reasons set out in the attached schedule.

Site Location Plan



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ADDRESS:
46-47 Chancery Lane

CASE No.
17/00878/FULL

-  CITY BOUNDARY
-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT



View of 46 – 47 Chancery Lane front elevation

Main Report

Site & Surroundings

1. 46-47 Chancery Lane is a six-storey (21.93m high) office building located on the east side of Chancery Lane midway between Southampton Buildings and Cursitor Street, on the City boundary. The entrance to the alleyway that gives access to Quality Court passes beneath the building.
2. It is the remaining half of a pair of buildings dating from the 1890's. The building was substantially altered, partially demolished and the remaining part extended southwards in 1923 with the later addition of a double mansard roof.
3. It is located within the Chancery Lane conservation area, in the near vicinity of the Grade II* listed Patent Office (which has an entrance onto Quality Court and across the street from the Grade II listed 13-15 Old Square (within the London Borough of Camden).
4. The site is bounded by 48-49 Chancery Lane to the north and Quality House to the east, both six storey commercial office buildings, Quality Court to the east, and 40 Chancery Lane, a large seven storey office building, to the south.
5. Sixteen residential units are located opposite the site, in 1 Old Buildings, and the upper floors of 11-12 Old Square and 13-15 Old Square.

Relevant Planning History

6. In 2010 planning permission was granted for alterations to windows at fourth floor and the addition of a fifth floor extension to form a double mansard roof (app. no. 10/00407/FULL).
7. This permission includes a condition restricting building above roof level, including roof structures, plant or telecommunications equipment. Should planning permission be granted for the current proposal an application would be required under section 73 of the Town and Country Planning Act to vary this condition.

Proposals

8. Planning permission is sought for the installation of telecommunications equipment at roof level comprising nine antennae, one transmission dish, three cabinets, and associated ancillary development.
9. The purpose of the installation is to provide enhanced coverage and capacity for Telefonica and Vodafone 3G and 4G mobile phone networks in the WC2A area.

Consultations

10. The application has been advertised by sending letters to surrounding residential properties, by erecting a site notice and in the local press.

11. The London Borough of Camden was consulted and raised no objection.
12. The City of London Conservation Area Advisory Committee objected, considering the proposals to be excessively large and overpowering, impacting adversely on the character of the conservation area.
13. Objections have been received from 10 local residents and businesses, including the freeholders of the building. The table below summarises the concerns raised:

Representation	No. of Comments on this point	Response
The proposal would detract from the appearance of the building or its environs	7	See paragraphs 23-32.
Would have a detrimental impact on residential views	4	Although there is no right to, or protection of, private views, see paragraphs 23-32 regarding the impact on the roofscape.
Would be detrimental to the character / appearance of the conservation area	3	See paragraphs 33-38.
The location of telecommunications equipment would cause health risks.	3	See paragraphs 43-44.
Would be detrimental to the setting of Listed Buildings	2	See paragraphs 33-38.
Would detract from the amenity of the residential units	2	See paragraphs 45-46.
Would cause an increase in construction traffic	2	This is a relatively minor development which would produce limited construction traffic. The impact of traffic and other environmental effects during construction would be controlled by condition.
Building does not have the ability to provide 24-hour access to the roof	1	This is not a material planning consideration.
Would constitute a breach of condition	1	See paragraph 7.

Policy Context

14. The development plan consists of the London Plan and the City of London Local Plan. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
15. There is relevant City of London supplementary planning guidance in the Chancery Lane Conservation Area Character Summary and Management Strategy.
16. Government Guidance is contained in the National Planning Policy Framework (NPPF).

Considerations

17. The Corporation, in determining the planning application has the following main statutory duties to perform:-
 - to have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. (Section 70 Town & Country Planning Act 1990);
 - to determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
 - For development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
 - For development in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (S72 (1) and (2) Planning (Listed Buildings and Conservation Areas) Act 1990).
18. The principal issues in considering this application are:
 - The extent to which the proposals comply with Government policy advice (NPPF).
 - The extent to which the proposals comply with the relevant policies of the Development Plan.
 - The impact of the proposal on heritage assets.
 - The impact of the proposal on the host building, nearby buildings and spaces.
19. Paragraph 42 of the NPPF states that high quality communications infrastructure is essential for economic growth. City of London Local Plan policy CS2 promotes the improvement and extension of utilities infrastructure that is designed and sited to minimise adverse impact on the visual amenity, character and appearance of the City and its heritage assets.

20. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important an asset, the greater the weight should be. Significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting.
21. The designated heritage assets in this case are the Chancery Lane conservation area, the Grade II* listed former Patent Office, and the Grade II listed 11-15 Old Square, located across the City's boundary in the London Borough of Camden, the rear elevation of which forms the western side of Chancery Lane directly opposite the application site.
22. NPPF paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Design

23. Local Plan policy DM10.1 aims to ensure a high quality of design and to protect the townscape, requiring development proposals to have regard to the scale, height and character of their locality, and be of a high standard of design with appropriate and high-quality materials used. It also aims to ensure the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher-level viewpoints, resisting installations that would adversely affect the character, appearance or amenities of the building or area.
24. 46-47 Chancery Lane was designed by Somers Clarke Jnr and J.D.Micklethwaite and was completed in 1886. Its red brick and stone window surrounds reflect 11-15 Old Square opposite (J.Oldred Scott, 1878-1886). This choice of materials and gothic detailing both make a positive contribution to the special character of this part of the Conservation Area.
25. 46-47 Chancery Lane is predominantly a three-storey building at the Chancery Lane elevation, with a setback fourth floor and a double height mansard roof. Overall the building is six floors in height. This building respects the scale of the area, its roof extension (approved in 2010) is appropriately recessed from the parapet line and the large dormer windows create a strong, neat roofline befitting of this part of Chancery Lane.
26. At the Quality Court elevation, the shoulder height is at the fourth floor with a sheer two storey roof extension above. The building has a strong roofline when viewed from Quality Court.
27. The existing roof is uncluttered with no plant located at this level.
28. The surrounding buildings are predominantly commercial and institutional uses within the conservation area, generally averaging between five and eight storeys in height.

29. The antennae would be 4.4m high, the existing parapet height is 21.93m and the proposed antennae would rise to 26.33m. Three of the antennae would be located on a single pole to the south side of the roof, nearest the Chancery Lane elevation, the remaining six would be located on two poles to the north side of the roof, near to the edge of the Quality Court elevation. They would be visible from both Chancery Lane and Quality Court.
30. Three small scale equipment cabinets would be located towards the centre of the roof. The cabinets would be varying heights with the highest extending above parapet level by 2.4m.
31. One small transmission dish measuring 0.3m in diameter would be situated on the north-west roof edge at a height of 1.74m above the parapet.
32. The equipment would have a visually incongruous impact on the appearance of the building creating significant clutter out of scale with the building which would have a negative impact on its roofscape in views from both Chancery Lane and Quality Court.

Impact on the Designated Heritage Assets

33. The City of London Chancery Lane Conservation Area Character Summary and Management Plan SPD states that the Conservation Area covers an exceptional span of building ages and styles, resulting in a townscape of arresting contrasts and an easily legible historic street network. The northern portion of the conservation area has greater intricacy, with small surviving historic courts such as Quality Court and narrow streets like Rolls Passage juxtaposed with broader routes.
34. This part of the conservation area is noted as being characterised by views between, and along a fine urban grain. Views are typically kinetic and informal. The proposed telecommunications equipment would be visible from the west corner of the Stone Buildings and Chancery Lane junction, south to 47 Chancery Lane. The upmost part of the equipment would be visible from outside 13 – 15 Chancery Lane. The equipment would be visible within View 2 (View south along Chancery Lane from outside No. 53-64) of the defined Distant and Local Views that Make A Strong Contribution to the Character of the Conservation Area, as set out in the SPD. In these views the proposed equipment would have a negative impact on the character of the conservation area due to its untypical and unattractive appearance that would be outlined against an uncluttered skyline.
35. The presence of the equipment in these views would have a detrimental impact on the setting of 11-15 Old Square (Grade II). This red brick Tudor style building has an extravagant roofline of tall, elaborately modelled chimney stacks, pointed gables and brick and stone finials, which would be damaged by the jarring contrast of the visually crude antennas surrounded by their galvanised steel handrails.

36. The proposed telecommunications equipment at the rear of the building would be highly visible over the parapet of 46-47 Chancery Lane from Quality Court. The tightly defined, intimate nature of this space would be adversely impacted by the six antennas and their support structure. The applicants have not provided a visual impression of the impact of the proposals from Quality Court but the equipment, being the equivalent of over a storey high, would have a highly intrusive presence and would dominate views looking west in most parts of Quality Court.
37. It is considered that the proposed equipment would have a highly detrimental impact on the character of this part of the Conservation Area and would be harmful to the setting of 1 Quality Court.
38. The harm caused to the designated heritage assets described above is considered to be less than substantial harm and has to be weighed against the potential public benefit of the proposals.

Public Benefit

39. Telefonica and Vodafone have entered a network sharing agreement for network equipment across a number of sites in the UK, enabling a reduction in the environmental impact of network development.
40. Mobile phone base stations need to be located in the areas they serve. Increasing usage of mobile phones means there is a requirement for increased capacity of mobile networks.
41. The proposed installation of telecommunications equipment at 46-47 Chancery Lane would provide a new base station enabling enhanced network coverage and capacity for Telefonica and Vodafone within the WC2A area. Although this would be supported, the proposals are not in compliance with Local Plan policy CS2 which requires telecommunications infrastructure to be designed and sited to minimise adverse impact on the visual amenity, character and appearance of the City and its heritage assets.
42. Alternate sites in the vicinity have been investigated by the applicant and rejected largely due to lack of landlords consent. Two sites at street level were rejected as the tall mast would interfere with the street scene.

Health Risks

43. Paragraph 46 of the NPPF states that:

“Local planning authorities must determine applications on planning grounds. They should not seek to prevent competition between different operators, question the need for the telecommunications system, or determine health safeguards if the proposal meets International Commission guidelines for public exposure.”
44. The applicant has supplied a declaration of conformity with International Commission on Non-Ionizing Radiation (ICNIRP) public exposure guidelines confirming the proposed installation would be in full compliance.

Residential Amenity

45. The application site is located opposite a number of residential units, within 1 Old Buildings, the upper floors of 11-12 Old Square and 13-15 Old Square. Some of the units have windows directly overlooking the site. Concerns were raised regarding the impact of the proposals on residential amenity.
46. The application has been assessed against Local Plan policy DM21.3 which aims to protect residential amenity. The proposed installation would not cause undue disturbance in the form of noise, fumes and smells; impact on privacy, or day-lighting and sun lighting to the residential units; or produce any increase in vehicle or pedestrian movement and so would not conflict with policy DM21.3.

Conclusions

47. Whilst consideration has been given to the benefits of improved network coverage in this location the proposed installation would have a visually incongruous impact on the appearance of the building, would detract from the roofscape and would adversely affect the character and appearance of Chancery Lane Conservation Area and the setting and views of nearby listed buildings. The public benefits of the scheme are not considered to outweigh the less than substantial harm caused to the designated heritage assets that would be affected.
48. Therefore the proposals are considered to be contrary to Local Plan policies CS2, CS10, DM10.1, CS12, DM12.1, and DM12.2, London Plan policies 7.4, 7.6 and 7.8, and the aims and objectives of the NPPF.

Background Papers

Internal

Letter 28/02/2018 City of London Conservation Area Advisory Committee

External

Letter 17/01/2018 London Borough of Camden

Representations:

Online 04/01/2018 Nigel Baker, Thomson Foundation

Online 08/01/2018 [REDACTED]

Online 08/01/2018 [REDACTED]

Email 09/01/2018 Hubert Picarda QC

Online 09/01/2018 Denise McFarland Cruickshanks

Online 09/01/2018 Michael Levenstein

Online 09/01/2018 Francis Barlow

Online 09/01/2018 Michael Huntington

Online 09/01/2018 Eleanor Attwood

Letters 12/01/2018, 22/02/2018 Tim Bacon, Colville Estate Properties Ltd

Application Documents:

Cover Letter dated 17/08/2017 from Wilkinson Helsby

Supplementary Information

Declaration of Conformity with ICNIRP Public Exposure Guidelines

General Background Information for Telecommunications Development

Drawing Schedule

Appendix A

London Plan Policies

The London Plan policies which are most relevant to this application are set out below:

Policy 7.4 Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Policy 7.6 Buildings and structures should:

- a. be of the highest architectural quality
- b. be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- c. comprise details and materials that complement, not necessarily replicate, the local architectural character
- d. not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
- e. incorporate best practice in resource management and climate change mitigation and adaptation
- f. provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g. be adaptable to different activities and land uses, particularly at ground level
- h. meet the principles of inclusive design
- i. optimise the potential of sites.

Policy 7.8 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.

Relevant Local Plan Policies

DM21.3 Residential environment

1. The amenity of existing residents within identified residential areas will be protected by:
 - a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;
 - b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.
2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.
3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.
4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.
5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

CS2 Facilitate utilities infrastructure

To co-ordinate and facilitate infrastructure planning and delivery to ensure that the functioning and growth of the City's business, resident, student and visitor communities is not limited by provision of utilities and telecommunications infrastructure.

CS10 Promote high quality environment

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

CS12 Conserve or enhance heritage assets

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

DM12.1 Change affecting heritage assets

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.

4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

DM12.2 Development in conservation areas

1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.
2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

SCHEDULE

APPLICATION: 17/00878/FULL

46 - 47 Chancery Lane London WC2A 1JE

Installation of telecommunications equipment at roof level comprising nine antennae, one transmission dish, three cabinets, and associated ancillary development.

REASONS FOR REFUSAL

- 1 The proposed telecommunications equipment by reason of their size, appearance and location on the roof would have a visually incongruous impact on the appearance of the building, would detract from the roofscape and would adversely affect the character and appearance of Chancery Lane Conservation Area and the setting and views of nearby listed buildings.

As such the proposals are contrary to Policies CS2, CS10, DM10.1, CS12, DM12.1 and DM12.2 of the Local Plan, Policies 7.4, 7.6 and 7.8 of the London Plan, and the aims and objectives of the NPPF.

- 2 The less than substantial harm caused by the proposed development to the significance of the designated heritage assets is not outweighed by the public benefits of the proposal, including securing its optimum viable use.

As such the proposals are contrary to Policies CS12, DM12.1 and DM12.2 of the Local Plan, Policy 7.8 of the London Plan, and the aims and objectives of the NPPF.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

However, notwithstanding the above, it has not been possible to achieve solutions to the problems as the proposals are contrary to planning policies, do not demonstrate other over-riding material considerations, and negotiations could not overcome the problems.

- 2 The Plans and Particulars accompanying this application are: 001 Rev B; 002 Rev B; 100 Rev A; 101 Rev B; 200 Rev A; 201 Rev D; 300 Rev A; 301 Rev C; 302 Rev B; 303 Rev B; 304 Rev C.