

<b>Committee:</b>	<b>Date:</b>
Planning Applications Sub Committee	2 <sup>nd</sup> July 2024
<b>Subject:</b> Cromwell Tower, Barbican Estate, London EC2 8DD The installation of 92 no. small antennas attached to new supporting steelwork, together with associated shrouding and ancillary works, on the rooftop of the building.	<b>Public</b>
<b>Ward:</b> Cripplegate	<b>For Decision</b>
<b>Registered No:</b> 23/01386/FULL	<b>Registered on:</b> 7 <sup>th</sup> March 2024
<b>Conservation Area:</b> Barbican and Golden Lane Estates	<b>Listed Building:</b> Grade II

### Summary

The application property is Cromwell Tower, one of the three monumental towers which are part of The Barbican Estate, a Grade II listed building. It is within the Barbican and Golden Lane Conservation Area.

The application (together with an application for Listed Building Consent - 23/01387/LBC) has been submitted by Luminet Solutions Ltd. for the installation of 92 no. small antennas attached to new supporting steelwork, together with associated GPR shrouding and ancillary works, on the rooftop of Cromwell Tower.

The application states the equipment would enable line-of-sight wireless internet connection between local buildings within the area, which would allow for the wireless connection of fibre-quality internet between short-range buildings. Due to the nature of the technology, tall buildings are preferable.

Insufficient information has been submitted with the application to demonstrate compliance with the International Commission (ICRU) guidelines on radiation exposure, nor evidence of consultation with local institutions and therefore the acceptability of the principle of development in this location cannot be determined.

Notwithstanding the above, officers also consider the proposal to be inappropriate in this location due to the harmful impact (defined as less than substantial harm) it would have upon the design and appearance of Cromwell Tower, the wider area and the special characteristics of the Barbican Estate (Grade II listed) and the Barbican and Golden Lane Conservation Area.

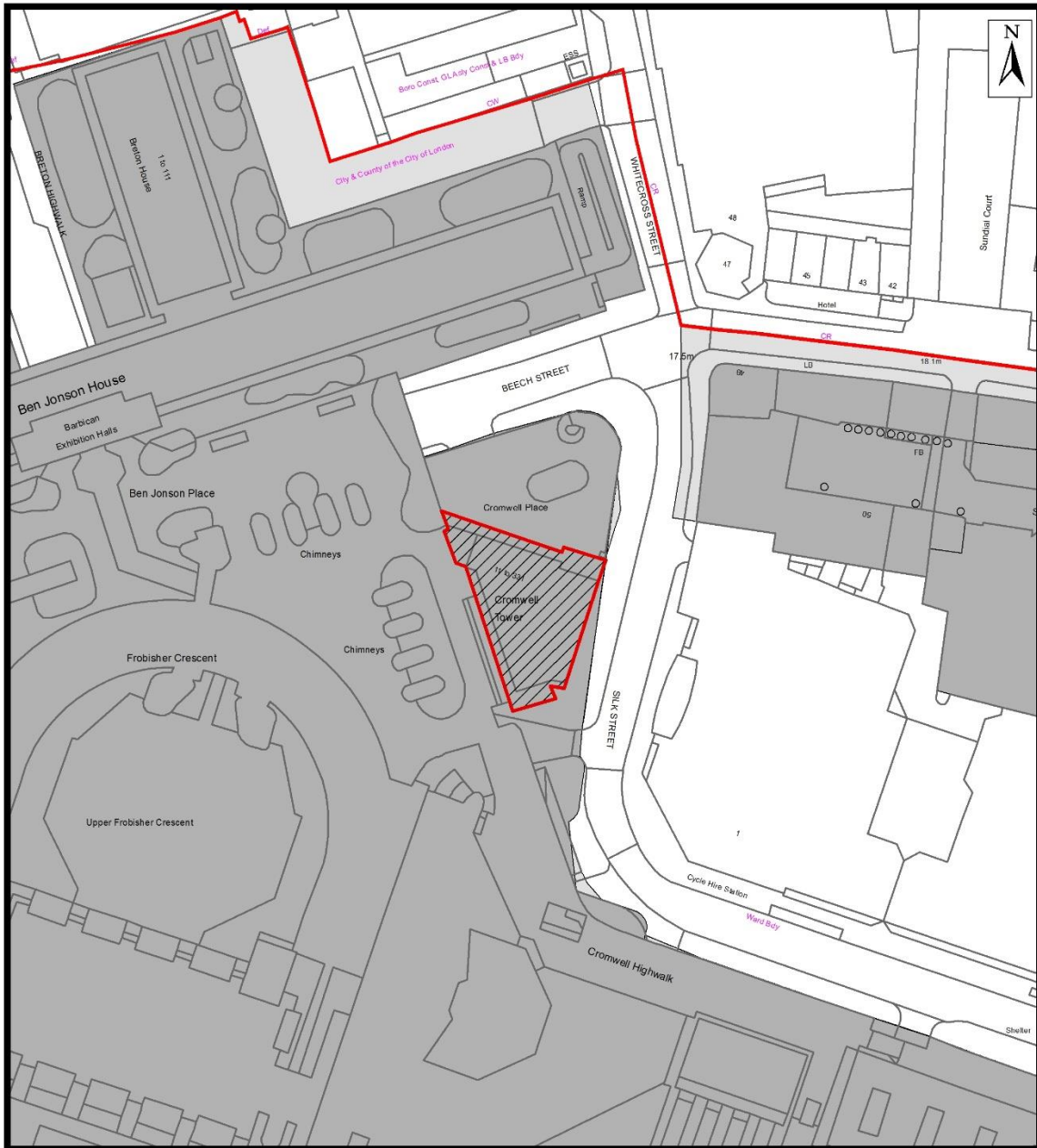
43 objections have been received to the full application 57 to the Listed Building Consent.

### **Recommendation**

That the Development Director be authorised to issue a decision notice refusing to grant planning permission for the above proposal for the following reasons:

1. No evidence of consultation with nearby schools has been submitted and the applicant has failed to certify that the proposed equipment together with the existing equipment when operational, would not exceed International Commission guidelines on non-ionising radiation protection, contrary to paragraph 121 of the National Planning Policy Framework.
2. The proposals would fail to preserve the special architectural and historic interest and setting of Cromwell Tower as part of the Barbican Estate (Grade II) and the Barbican and Golden Lane Conservation Area, causing less than substantial harm to their heritage significance as a result of direct and indirect impacts on the heritage assets. The harm would not be outweighed by public benefits. The proposal is not in accordance with London Plan Policy HC1; Local Plan Policies CS 12, DM 12.1, DM 12.3; HE1; Draft City Plan Policies S11 and HE1 and the NPPF.
3. The proposals would fail to protect and enhance views of the Barbican Towers as identified city landmarks and is not in accordance with Local Plan policy CS13 (2), emerging City Plan 2040 S13 and guidance in the Protected Views SPD.

# Site Location Plan



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ADDRESS:  
391 Cromwell Tower, Barbican

CASE No.  
23/01386/FULL

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



ENVIRONMENT DEPARTMENT

Photographs



**Image 1:** View from lower roof terrace





**Image 2:** View from Wallside within the Barbican Estate





**Image 3:** View from bridge over Aldersgate Street leading from Barbican Station

## **Main Report**

### **Site and Surroundings**

1. The Cromwell Tower is located within the Barbican Estate. The tower is 43 storeys high.
2. The Barbican Estate was designed by the architectural firm Chamberlin, Powell and Bon (CPB) and constructed between 1962 and 1982. The Estate covers an area of approximately 14 hectares and comprises a range of uses that includes residential buildings containing flats, maisonettes and terraced housing alongside an arts centre and exhibition spaces, City of London Girls School and the Guildhall School of Music and Drama.
3. The Barbican Estate encompasses a range of residential buildings, including three residential towers – the Cromwell Tower is the most easterly. The Tower was part of Phase III of the City's building programme for the Barbican and was completed in January 1973.
4. The Barbican Estate is Grade II listed.
5. The Estate is also a Designated Landscape (Registered Historic Park and Garden) at Grade II\* referred to in the report as a registered park and garden.
6. The 'Site' also sits within the Barbican and Golden Lane Estate Conservation Area (BGLE Conservation Area).
7. The 'Site' is also within the setting of the Smithfield and Charterhouse Square Conservation Areas.
8. The 'Site' is located within the Barbican and Golden Lane Neighbourhood Forum Area.
9. There are no other designations or constraints relevant to the Site or the proposals.
10. The Cromwell Tower is in residential use with a retail unit at ground floor level. There are 111 residential units within Cromwell Tower.

### **Relevant Planning History**

11. Planning Permission (09/00680/FULL) and Listed Building Consent (09/00681/LBC) were granted by the planning committee at their meeting of 23 February 2010 for Installation of six antennae and two 0.3m dishes on the roof of Cromwell Tower, including the installation of two wall mounted

equipment cabinets plus ancillary development thereto. These have been installed and are in-situ.

### **Current Proposals**

12. Planning permission and listed building consent is sought for the installation of 92 no. small antennas attached to new supporting steelwork, together with associated GPR shrouding and ancillary works, on the rooftop of Cromwell Tower.

### **Consultation**

13. As part of the current application, the City of London Corporation acting as the Local Planning Authority ('LPA') has undertaken consultation with neighbouring residents and other stakeholders in line with statutory duties.
14. Barbican Association: Objection on grounds of design and heritage harm, lack of detail/information in the submission, loss of residential amenity, health impacts, wildlife impacts and the consultation process carried out by the applicant.
15. Barbican Estate Office: Objection on grounds of design and heritage harm, maintenance and installation logistical and cost concerns including additional lift traffic and maintenance, health impacts, wildlife impacts.
16. Historic England: Did not wish to comment
17. Environmental Health: No objections
18. Neighbour letters were sent to 409 surrounding residential properties on 10 April 2024; site notices were posted on 21 March 2024, and the applications were advertised via a press notice in City AM on 26 March 2024, and in the 'weekly list' of 29 March 2024.
19. In response to the consultations for both the full and the listed building consent applications, 100 objections have been received in total. Copies of all received letters and emails making representations are attached in full and appended to this report. A summary of the representations received, and the consultation responses is set out in the table below. These are summarised into key 'themes' of objection and include some direct quotes from representations received, as well as officers' response to the comments.



Representation Themes (Objection)	Example comment(s)
Impact to the appearance of the building and Harm to heritage	<p data-bbox="488 322 1334 353">“The tower is one of three and their symmetry is important.”</p> <p data-bbox="488 443 1390 551">“more distant views of the 3 towers of the estate are iconic, and depend on the relationship of the 3 towers, all the same but differently oriented in relation to due north”</p> <p data-bbox="488 640 1326 748">“This would alter the skyline of the Grade II listed Cromwell Tower quite significantly and would spoil the classic appearance.”</p> <p data-bbox="488 837 1366 913">“Cromwell Tower is a Grade II listed building in a conservation area and therefore we suggest this proposal is inappropriate.”</p> <p data-bbox="488 1003 1254 1034">“It will change the roofline of this iconic listed building”</p> <p data-bbox="488 1124 1374 1232">“Unacceptable alteration to a listed building, constructing what amounts to an additional storey (3.2m) on the top of one of three iconic towers.”</p> <p data-bbox="488 1321 1342 1397">“The proposed fiberglass structure is out of keeping with the Tower”</p>
Location unsuitable	<p data-bbox="488 1554 1334 1630">“There are plenty of commercial buildings nearby which it is obvious would be much better candidates”</p> <p data-bbox="488 1720 1142 1751">“Have alternative locations been considered?”</p>
Public benefit unclear	<p data-bbox="488 1841 1390 1948">“Unnecessary and commercially unproven technology. The application does not state the exact technology being deployed here... probably WiMax or similar, a technology with very limited</p>

	application globally, and widely considered a commercial failure.”
Access and Maintenance concerns	“Ongoing use of lifts due to maintenance, causing disruption to residents and requiring additional maintenance of lift at expense of residents”
Construction & Installation impacts	“impact to lifts of transporting materials, and additional use by workers, causing disruption to residents” “noise and disturbance”
Health Impacts	“Impossible to comment on potential health risks to residents without knowing the technology being deployed, but with 92 antennae there is likely to be very considerable EM radiation. Given it seems to be an uncommon or novel technology the risks will not be well understood in any case.”
Residential amenity impacts	“Overlooking during construction and ongoing maintenance”  “Ongoing noise impacts from maintenance”  “additional lift/elevator traffic during construction and maintenance”
Impact to fabric of building / structural integrity	“As a long term resident of the Barbican estate, I recall the very lengthy work undertaken (and the cost to residents) on concrete repairs for Shakespeare Tower”  “I found no assessment of the impact of this proposal on the structural integrity of the top of the tower. The weight of the proposal is not stated, nor are the effects on wind flow and noise around the top of the tower.”
Inconvenience and potential costs to residents of Cromwell tower	“Residents of Cromwell Tower are liable for the cost of servicing and repair of the interiors of the lobby and lifts. I see no reason why they should bear costs associated with any damage or additional servicing of lifts and interiors associated with this commercial enterprise of which they do not benefit?”

Ecological impacts	“The Tower rooftop is an annual nesting spot for Peregrine Falcons, what would be the impacts to this protected species?”

**Policy Context**

20. The Development Plan consists of the London Plan 2021 and the City of London Local Plan 2015. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix B to this report.
21. The City of London (CoL) is preparing a new draft plan, the City Plan 2040, which was published for Regulation 19 consultation in Spring 2024. It is anticipated that the City Plan will be submitted to the Secretary of State in Summer 2024. Emerging policies are considered to be a material consideration with limited weight with an increasing degree of weight as the City Plan progresses towards adoption, in accordance with paragraph 48 of the NPPF. The emerging City Plan 2040 policies that are most relevant to the consideration of this case are set out in Appendix B to this report.
22. Government Guidance is contained in the National Planning Policy Framework (NPPF) December 2023 and the Planning Practice Guidance (PPG) which is amended from time to time.
23. The Historic England Good Practice Advice notes, including Note 3 The Setting of Heritage Assets and Note 2 Managing Significance in Decision-Taking in the Historic Environment.
24. Relevant City Corporation Guidance and SPDs comprising the Barbican and Golden Lane Conservation Area Appraisal (City of London, 2022) and Barbican Listed Building Management Guidelines Vol. II (City of London, 2012).

**Considerations**

25. 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, local finance considerations so far as material to the application, and to any other material considerations (Section 70 Town & Country Planning Act 1990); and



- 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).
26. In considering whether to grant planning permission 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 (Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990). This duty must be given considerable weight and importance when weighing any harm to the setting of a listed building in the balance with other material considerations.
  27. In determining a planning application for a building or land in the Barbican and Golden Lane Estates Conservation Area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area (Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990).
  28. In considering the application for Listed Building Consent special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (Section 16(2) Planning (Listed Buildings and Conservation Areas) Act 1990).
  29. The National Planning Policy Framework (NPPF) states at paragraph 2 that “Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
  30. The NPPF states at paragraph 8 that achieving sustainable development has three overarching objectives, being economic, social, and environmental.
  31. Paragraph 10 of the NPPF states that “at the heart of the Framework is a presumption in favour of sustainable development. That presumption is set out at paragraph 11. For decision-taking this means:
    - a) approving development proposals that accord with an up-to-date development plan without delay; or
    - b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
      - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

32. Paragraph 48 states that local planning authorities may give weight to relevant policies in emerging plans according to:
  - a) the stage of preparation of the emerging plan (the more advanced its preparation the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
33. Chapter 6 of the NPPF seeks to build a strong, competitive economy. Paragraph 85 states decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
34. Chapter 8 of the NPPF seeks to promote healthy, inclusive, and safe places.
35. Chapter 10 of the NPPF seeks to support high quality communications infrastructure. Paragraph 118 states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should... prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
36. Paragraph 119 states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

37. Paragraph 121 states Applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. This should include:
  - a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
  - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or
  - c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
38. Paragraph 122 states that local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.
39. Chapter 12 of the NPPF seeks to achieve well designed places. Paragraph 131 advises that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”
40. Paragraph 135 sets out how good design should be achieved including ensuring developments function well and add to the overall quality of the area, are visually attractive and sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible and which promote health and wellbeing.
41. Chapter 16 of the NPPF relates to conserving and enhancing the historic environment.
42. Paragraph 201 of the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a



heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

43. Paragraph 203 of the NPPF advises, "In determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; andand the desirability of new development making a positive contribution to local character and distinctiveness."
44. Paragraph 205 of the NPPF advises "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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
45. Paragraph 206 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
  - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
46. Paragraph 208 of the NPPF states "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, where appropriate, securing its optimum viable use". When carrying out that balancing exercise in a case where there is harm to the significance of a listed building, considerable importance and weight should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
47. The Barbican Estate Listed Building Management Guidelines SPD 2012 sets out the significance of the Barbican Estate and its towers in detail. Section 3.1 sets out the best practice guidance for any external works to the Estate.

The Barbican and Golden Lane Estate Conservation Area Appraisal 2022 describes the character and appearance and significance of the Conservation Area.

### **Main Considerations**

48. In considering these applications for planning permission and listed building consent, account has to be taken of the statutory and policy framework, the documentation accompanying the application, and the views of both statutory and non-statutory consultees.
  
49. The principal considerations in this case are:
  - The extent to which the proposals comply with the development plan
  - The extent to which the proposals comply with the NPPF
  - The impact of the development in design and heritage terms including special architectural and historic interest and heritage significance of the Barbican Estate the character and appearance and significance of the Barbican and Golden Lane Conservation Area and the significance of the Barbican Estate Registered Landscape.
  - The impact of the proposal in terms of energy and sustainability
  - The impact of the proposed development on the amenity of residential occupiers, both within and adjacent to Cromwell Tower with regards noise, access to daylight and sunlight, and general amenity.

### **Principle of the Provision of Telecommunications Equipment**

50. Paragraphs 85 and 118-122 of the NPPF are set out above, and require planning to support the economy, including through the expansion of the electronic communications networks. This should be done sensitively, by keeping the number of installation sites to a minimum to meet consumer needs and ensure efficiency. Applications need to be supported by the necessary evidence to justify the proposal, including evidence of consultation with nearby schools and a statement certifying the proposed development would meet the relevant safety regulations with regard to radiation exposure.
  
51. Policy SI 6 of the London Plan (2021) states that proposals should support the effective use of rooftops to accommodate well-designed and suitably located mobile digital infrastructure; and that development Plans should support the delivery of full-fibre or equivalent digital infrastructure, with particular focus on areas with gaps in connectivity and barriers to digital access.
  
52. Policy CS2(4) of the adopted Local Plan and Policy S7(4) of the Draft City Plan 2040 promote 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.

53. The proposal is for the installation of 96 antenna to be used for commercial wireless high speed internet connectivity, together with GRP shrouding to screen the equipment. The application describes this as a “wireless fibre extension”, which provides “direct line of sight wireless connection” to increase the range of existing high speed fibre connections, without having to install new in-ground cables. The application states that the proposed equipment is not based upon 4G/5G or WiFi technology and uses different frequencies to achieve the connection. The proposed apparatus would be expected to enable line-of-sight wireless, fibre quality internet connection between short-range buildings within the area.
54. Officers acknowledge the benefits of installing new high speed internet connections, as this would support the economy in line with the NPPF, and the primary business function of the City in line with the City Plan.
55. The equipment is proposed on top of the roof of Cromwell Tower. The roof currently houses a limited amount of telecommunications equipment in the form of six antennas and three dishes. The existing antennas consist of slender metal rods and the dishes do not breach the roof profile, and therefore the existing has very limited visibility in views of the tower and do not affect its profile in any meaningful way. Harm has been identified to the appearance of the building and the special characteristics of heritage assets resulting from the current proposal, and this is discussed in the following Design and Heritage section of this report.
56. As officers have identified harm to the character and appearance of the grade II listed Cromwell Tower and the Barbican and Golden Lane Conservation Area, the proposal is considered contrary to Policy SI 6 of the London Plan (2021), Policy CS2(4) of the adopted Local Plan and Policy S7(4) of the Draft City Plan 2040.
57. The submission does not include evidence that other less sensitive sites (e.g. those which are not located on a listed building) have been considered.
58. As there is existing equipment on the building, the proposal would be in line with Paragraph 119 of the NPPF which seeks to limit the number of buildings or masts used for antennae or other equipment and encourages the use of existing sites for additional equipment. However, in this case as discussed in the next section, this impact of the proposed equipment and screening on the appearance of the building results in harm.



59. Furthermore, paragraph 121 of the NPPF includes the expectation that applications for electronic communications equipment will include the necessary evidence to justify the proposal, which includes the outcome of the applicant's consultations with organisations with an interest in the development. In this case those organisations would include the Barbican Estate Office and the Barbican Residents Association. Together with three nearby schools: City of London School for Girls, Guildhall School of Music & Drama, and Prior Weston Primary School Golden Lane Campus, which are all within 100m of Cromwell Tower.
60. No detail of consultation with local groups or organisations has been included in the application, and the Barbican Estate Office (the site freeholder and management company), and Barbican Residents Association (the local residential amenity group) have submitted detailed objections outlining their concerns as well as many residents submitting individual responses.
61. The applicant has submitted a document titled: Overview of Luminet Technology and Health & Safety Statement (Luminet Solutions, 13 November 2023), which provides some detail on the proposed technology. This document states that the proposed equipment is safe, meeting all international safety limits at distance zero from the antenna. It states that all equipment conforms with ICNIRP Guidelines and power transmission threshold as per ETSI regulations. It states overall the radiations emitted by such antennas are close to normal wireless internet-routers at home and would not pose a risk to public health. It is stated that 4G/5G mobile antennas are usually highly powered hence require safety exclusion zones, in contrast the proposed Luminet antennas are of low power and do not require such exclusion zones.
62. A document titled: Declaration of conformity for RF Exposure has been submitted (Siklu Communication Ltd. – an equipment manufacturer) however it is noted that this is dated 5 July 2018, and it is also not clear which equipment the statement refers to, nor is it signed by the applicant team but Siklu. Several equipment/product reference numbers are given, but these are not shown on any corresponding plan in the submission, and it is therefore not clear if this declaration relates to the current proposal, to existing equipment or to the cumulative effect of both.
63. There is no statement in the submission which self-certifies that the cumulative exposure of the proposed together with the existing equipment, when operational, will not exceed International Commission guidelines on non-ionising radiation protection.

64. As there is no evidence of consultation with relevant organisations, nor a clear declaration of conformity with the ICNIRP guidelines for the cumulative exposure of the existing and proposed equipment together when operational, officers consider insufficient detail has been submitted to demonstrate compliance with paragraph 121 of the NPPF. As a result, officers cannot determine whether the proposed development would have a harmful impact to the health of local residents and member/students of institutions, including three schools, and the principle of development cannot be established as acceptable.

#### Principle of development conclusion

65. Officers have had due regard to the merits of the proposal, and have considered the benefits of providing additional high speed internet connections, however this does not outweigh the potential harm resulting from health impacts, which cannot be determined due to a lack of sufficient information being submitted with the application, contrary to Paragraph 121 of the NPPF.
66. Furthermore, the proposal is contrary to Policy SI 6 of the London Plan (2021), Policy CS2(4) of the adopted Local Plan and Policy S7(4) of the Draft City Plan 2040 due to the harmful impact it would have upon the design and appearance of Cromwell Tower, the wider area and the special characteristics of the Barbican Estate (Grade II listed) and the Barbican and Golden Lane Conservation Area. This is discussed in detail in the following section of the report.

### **Design and Heritage** **Massing and Architecture**

#### Policy Context

67. Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
68. London Plan Policy D4F states that the design quality of development should be retained through to completion by; ensuring maximum detail appropriate for the design stage is provided to avoid the need for later design amendments and to ensure scheme quality is not adversely affected by later decisions on construction, materials, landscaping details or minor alterations to layout or form of the development.

69. Adopted City Plan Policy CS10 (3) seeks to promote a high standard of design and sustainable buildings, streets and spaces, having regard to their surroundings and the historic and local character of the City and creating an inclusive and attractive environment, by; ensuring that development has an appropriate street level presence and roofscape and a positive relationship to neighbouring buildings and spaces.
70. Adopted City Plan Policy DM10.1 (7) requires 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; 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.
71. Emerging City Plan 2040 Policy S8 (20) seeks to promote innovative, sustainable and inclusive high quality buildings, streets and spaces. Design solutions should make effective use of limited land and contribute towards vibrancy, inclusion, wellbeing and a greener, net zero carbon City, through development that; delivers high quality design, which is visually interesting, well-proportioned and well-detailed and conserves and enhances the townscape character and appearance of the City, and its historic environment, and takes into account cross boundary impacts of the neighbouring boroughs.
72. Emerging City Plan 2040 Policy DE2(2k & 2l) states that the design of new development must ensure that; the plant and building services equipment are fully screened from view and integrated into the design of the building such that there are no adverse impacts on amenity in surrounding areas; and the form, profile and appearance of the roofscape adds visual interest and complements the building.

#### Height, Bulk and Massing

73. The height, bulk and massing of the proposed plant enclosure would increase the overall height of the building by one storey. The enclosure would be 3.2m high. The footprint of plant screen would not relate to the existing forms set out within the existing massing and would appear an incongruous addition. The proposed plant enclosure would sit in the middle of the uppermost terrace of Cromwell Tower, however due to the irregular footprint of the existing roofscape the proposal would not be set back from all the existing building edges.
74. The height relating to the existing building and the proposal has been provided using AGL (above ground level) rather than the standard AOD



(Above Ordnance Datum). As the ground level is not a defined point officers are unable to determine the overall height of the proposal in relation to its context.

#### Architecture and Materiality

75. The proposed no.92 antennas would be fully screened from view by the 3.2m high plant screen. The proposed plant enclosure would be formed of GRP (glass reinforced plastic) panels in 600x600 sections. While no information has been provided regarding the finish or colour of the proposed plant enclosure, in principle GRP material would relate poorly to the distinctive bush-hammered concrete that characterises the Cromwell Tower.
76. Furthermore, based on the poorly detailed information provided, the proposed plant enclosure would be simplistically detailed and would appear as a crude, boxlike addition without any refinements or detailing to better relate it to the host building.
77. No information has been submitted regarding the 5th elevation.

#### Conclusion on Massing and Architecture

78. The proposal would screen the proposed telecommunication equipment from view however the plant enclosure has not been designed to ensure it is integrated into existing architectural language and material palette of the existing building. As such, the proposal would amount to poor design, would not be satisfactorily integrated with the existing building and would therefore conflict with Local Plan Policy DM10.1 and emerging City Plan 2040 policy DE2.
79. The proposals are not in conformity with Local Plan Strategic Policies CS10 (Design), London Plan Policies D4 and emerging City Plan 2040 Strategic Policy S8 (Design).

### **Heritage**

#### Heritage Policy Context

80. Paragraph 206 of the NPPF requires clear and convincing justification to support listed building consent where there is harm or loss to the significance of the asset.
81. Adopted City Plan Policy CS12 (1 and 2) seeks to conserve and enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors by safeguarding

the City's listed buildings and their settings, whilst allowing appropriate adaptation and new uses; and preserving and enhancing the distinctive character and appearance of the City's conservation areas, whilst allowing sympathetic development within them.

82. Policy DM12.1 sets out applications should sustain and enhance heritage assets, their settings and significance. Policy DM12.1 (2) specifically states that 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.
83. Emerging City Plan 2040 Policy S11(2) states that the City's historic environment will be protected, celebrated and positively managed by; conserving and enhancing heritage assets and their settings; opportunities will be sought for development proposals to make a positive contribution to, and better reveal the significance of, heritage assets and reflect and enhance local character and distinctiveness.

#### **Townscape & Views**

84. Adopted Local Plan Policy CS13, Emerging City Plan 2040 Policies S12 and S13, and London Plan Policies HC3 and HC4 all seek to protect and enhance significant City and London views of important buildings, townscapes and skylines. These policies seek to implement the Mayor's London View Management Framework (LVMF) SPG (the SPG), protect and enhance views of historic City Landmarks and Skyline Features and secure an appropriate setting and backdrop to the Tower of London.
85. The applicants have not provided a Townscape and Visual Impact Assessment as part of the application.

#### London View Management Framework (LVMF) Impacts

86. The LVMF designates pan-London views deemed to contribute to the Capital's identity and character at a strategic level. These relevant strategic views where there would be a material impact are addressed here against London Plan Policy HC4 and associated guidance in the London View Management Framework Supplementary Planning Guidance (the SPG).
87. The development would potentially be visible in a number of the London Panoramas;
  - LVMF 1A: Alexandra Palace: the viewing terrace
  - LVMF 2A.1: Parliament Hill: the summit
  - LVMF 3A.1: Kenwood: the viewing gazebo

- LVMF 4A.1: Primrose Hill: the summit
88. The proposal is potentially visible in some of those wider London Panoramas, in particular via magnification. Officers have undertaken a digital modelling assessment, and it is considered that the additional mass and height would likely result in a de minimis, barely perceptible change to these long views and the impact on these views is considered to be neutral.
89. The development would be visible in a number of the River Prospects;
- LVMF 13A.1: Millennium Bridge
  - LVMF 13B.1: Thames side at Tate Modern
  - LVMF 15B.2: Waterloo Bridge: downstream
  - LVMF 16B: The South Bank: Gabriel's Eharf viewing platform
  - LVMF 17B: Golden Jubilee/Hungerford Footbridges: downstream
  - LVMF 18B.1: Westminster Bridge: downstream
90. The proposal would be visible in the above listed River Prospects, in particular via magnification. Officers have undertaken a digital modelling assessment, and it is considered that the additional mass and height would likely result in a de minimis, barely perceptible change and the impact on these views is considered to be neutral.

#### City of London Strategic Views

91. The City of London Protected Views SPD identifies views of St. Paul's Cathedral, the Monument, the Tower of London World Heritage Site and other historic landmarks and skyline features, which must be assessed in relation to proposals for new development. The proposed development site is located within the northern periphery of the City of London, and as such falls outside of the St Paul's Heights policy area, and is located at significant distance from the Monument views and Tower of London World Heritage Site. As such it is not considered to impact the settings or views of these strategic heritage assets.

#### City Landmarks and Skyline Features

92. Adopted City Plan Policy CS13 (2) and Emerging City Plan Policy S13 (2) seek to protect and enhance views of historic City landmarks and skyline features.
93. The proposal would not affect views of the majority of City landmarks and skyline features in accordance with CS 13 (2). However, the SPD identifies the trio of barbican Towers (Shakespeare, Cromwell and Lauderdale) as prominent City Landmarks, which as discussed above are identified and

appreciable in a number of LVMF panoramas and river projects viewing experiences of the City.

*Barbican Towers (including Cromwell Tower)*

94. The subject site is designated as a landmark, with the distinctively jagged silhouettes of the three high rise elements of the Barbican Estate are now established and recognisable skyline features, admired in their own right despite the way in which they compete for prominence in certain views with St Paul's Cathedral.
95. Verified photography has not been provided to undertake a visual impact assessment of the proposal, to demonstrate the level of impact the development would have on the appreciation of these towers. Given the prominence of the towers within the local townscape the additional infrastructure on top of the tower would be perceptible, both on top of Cromwell Tower, and in relation to the Lauderdale and Shakespeare Towers.
96. The proposed plant enclosure would erode the visual clarity between the three Barbican Towers adding visual clutter to the distinctive silhouette of Cromwell Tower. The part of the significance of Cromwell Tower as City Landmark is derived from its ability to be read as a trio of towers with a uniform silhouette.
97. Further assessment of the impact of the proposals on the heritage assets is found below.

Conclusion on Strategic Views

98. The proposal would preserve the characteristics and compositions of all relevant LVMF and other strategic pan-London views.
99. The proposal would affect the silhouette of Cromwell Tower which is identified as a City Landmark and is deemed to harm the ability to appreciate the trio of towers as a set piece with a uniformed silhouette.
100. Officers have undertaken a digital assessment however no verified photography or ZTV has been submitted by the applicant. Officers consider that the proposal is contrary to Local Plan Strategic Policy CS13 (2) and Emerging City Plan 2040 policy S13.

**Direct Impacts on Heritage:**

Barbican Estate (Grade II):

*Heritage Significance:*

101. In 2001 the whole of the Barbican Estate was listed, including landscaping and public areas, due the design concepts employed by the architects which successfully combined a variety of uses across a large estate of dense, high-quality housing. The special interest of the Barbican Estate as a whole derives from the following values:

*Historic Interest:*

102. Cromwell Tower is integral to the Barbican Estate, as one of the three residential towers that have a landmark and skyline presence across central London. The Estate, constructed over a 20-year period between 1963 and 1982, designed by Chamberlain Powell and Bon was a response to provide a genuine residential neighbourhood within the City.
103. The Barbican is a unique example of coherent inner city planning in the early postwar era, successfully combining a wide variety of uses across a large estate of dense high-quality housing and realising key aspects of contemporary planning including high-walks and megastructure.
104. The Estate embodies the Brutalist movement and has striking architectural features which contributes to the heritage significance of the wider complex. The elevated walkway system on the podium, designed to separate pedestrians from vehicles, was carried forward from a previous scheme for the site by Martin Mealand and was important in the Corporation's assessment of Chamberlin, Powell and Bon's proposals.
105. The overall plan form of the Barbican, and the integrated relationship between buildings, spaces, lakes, podium walkways all contribute to the special value of the composition as a totality.

*Architectural and Artistic Interest:*

106. The following values are considered to contribute to the architectural and artistic interest of the Estate:
- The Barbican Centre as a centre of cultural excellence, with theatres, concert hall, cinemas, art gallery, library, conservatory and concert rooms. As well as a home for the Guildhall School of Music & Drama feeding into the Barbican's investment in the cultural arts.
  - Planning of the estate as a complete composition in three-dimensions. This includes the placement and landmark quality of the three towers, and contrasting form and relationship between the lower blocks, which create the ambience of the estate.
  - The geometric order of the estate's buildings and spaces in contrast to its surroundings.

- The planning of the estate around a series of spatial ‘reservoirs’ with interpenetrating views and inclusion of spaces of civic scale and grandeur prevents the high density of the development feeling oppressive. The permeability of the estate with routes between, under and through buildings and across spaces, and continuing into the surrounding city forms an important part of the estate’s coherence and connectivity.
  - The overall plan form of the Barbican and its composition as a complete totality. This results from the integrated relationship between its buildings, spaces, canals and podium walkways.
  - The use of a consistent architectural vocabulary for residential buildings, such as planted balconies and white barrel-vaulted roofs, distinguishing them from other buildings within the estate.
  - The evolving nature of the landscape design, with the original CPB 1970s landscaping, redevelopment by Janet Jack in the 1980s and then again by Nigel Dunnett in 2016, demonstrating an evolving use of landscape within the estate while maintaining clear design intentions across the developments.
  - The structural expression of individual buildings, the scale and rhythm of columns, edge beams, and consistent use of a limited palette of materials.
  - Experience of the Barbican as a discrete architectural ensemble, distinct from the surrounding.
107. With specific regard to Cromwell Tower, the tower sits as part of a set of three towers alongside Shakespeare Tower and Lauderdale Tower, providing a unique group composition within the skyline of the City in contrast to many other high rise buildings which read as individual unrelated one-off structures of different heights, forms and styles.
108. The height of the towers, which were the tallest residential buildings in Europe when constructed, is emphasised by the dominance of their vertical over the horizontal structural elements. The roofline of the towers have a strong sculptural quality which make them standout features and London-wide advertisements for the coherent architectural language of the Barbican.

*Archaeological Values:*

109. The designated heritage asset does not have any identified archaeological values.

*Heritage Impact:*

110. Cromwell Tower is a 43-storey residential tower of a robust design. The building has an irregular shared crenulated silhouette with a number of



individually expressed parapets terminating at different levels between projecting service shafts.

111. At the top of the building is a structure housing the lift winding gear and other associated plant. There are handrails around the top of this structure and a number of aerials and dishes have already been attached to its sides, which were installed as permitted development.
112. This existing equipment is relatively small in scale and extent and clearly apparent. However, the equipment is lightweight, visually permeable owing to its delicate slim form and clearly reads separately to the robust host building where there is still a strong appreciation of the distinctive silhouette. There is also similar apparatus on both the Lauderdale and Shakespeare Towers adding to the sense of uniformity between the three towers.
113. The installation of the 3.2 metre high enclosure would disrupt the integrity of the original roofline of the building, which was carefully modelled by the architects and is considered to be an important part of the character of the building and its architectural significance. The proposal would compromise the distinctive silhouette of the tower, reducing the distinctive symmetry shared between the three towers which forms a key architectural design feature which transform as the viewer passes through the Estate as a result of their different orientations.
114. The proposed antennas would be covered in a GRP shroud applied contiguously which would be a departure from the limited palette of materials found within the Barbican Estate. The materials and components employed at the Barbican contribute to its character and special interest. The visual consistency of the Estate stems from the highly disciplined use of a limited vocabulary of materials, components and finishes, and therefore the introduction of a new materiality in a highly prominent location which would be seen against the pick hammered monolithic concrete of the rest of Cromwell Tower is considered to degrade its architectural integrity.
115. Taking the above into consideration, it is considered that the proposed development would result in less than substantial harm to the heritage asset through the introduction of an incongruous addition in a highly sensitive location which would result in harm to the artistic, architectural and historic significance of the listed building by compromising its original, distinctive silhouette and roof form in addition to departing from the disciplined, limited palette of materials found within the Estate.

*Barbican Estate Listed Building Management Guidelines Vol. II 2012 (LBMG):*

116. This supplementary planning document provides further guidance to explain policies and the development plan. Section 3 of the document provides guidance and best practice approaches to alterations being considered to any part of the residential blocks of the Barbican Estate. Paragraph 3.3.6 sets out that the coherence of the original architectural vocabulary of the Barbican is a distinctive aspect of its character, and that piecemeal departures from the original design would result in a progressive loss of its authentic character.
117. The guidance states in paragraph 3.1.5.6 that any addition of any rooftop extension would likely be refused where the architectural integrity of the roofline and/or silhouette of the blocks are compromised. Furthermore, paragraph 3.1.5.7 sets out that any rooftop service installations should consider the potential effects on the highly distinctive silhouette of the blocks.
118. With specific regard to antennae, paragraph 3.1.5.9 that the installation of antennae or any other surface-mounted service installations including plant housings is unlikely to be supported. Whilst the guidance notes that an application to install communal aerials may be considered, their sitting and potential visual impacts on the roofscape and the general character of the Estate needs to be fully assessed to ensure no adverse effects.
119. The proposed development is considered to result in adverse effects by disrupting the integrity of the original roofline and silhouette of the tower whilst also introducing a new materiality that would not be coherent with the original architectural vocabulary of the Estate. It is therefore considered to be contrary to the aspirations and requirements of the Guidance.

Barbican and Golden Lane Estate Conservation Area (BGLE Conservation Area)

*Heritage Significance:*

120. The significance of the Conservation Area is set out in the Barbican and Golden Lane Estates Conservation Area Appraisal 2022. The area is characterised by two distinct developments: Golden Lane Estate to the north and Barbican Estate to the south. The characteristics which contribute to the special interest of the Conservation Area are:
- Two estates which, together, provide a unique insight in the creative processes of a seminal English architectural practice, Chamberlin, Powell & Bon.
  - Integration of the ancient remains of the Roman and medieval City wall, including Bastions 12, 13 and 14 and the medieval church of St Giles Cripplegate in a strikingly modern context.
  - In scope and extent, the estates are important visual evidence of the scale of devastation wrought by the WW2 'Blitz' bombing campaign of 1940-41.

- Seminal examples of ambitious post-war housing schemes incorporating radical, modern ideas of architecture and spatial planning reflecting the development of both Modernism and Brutalism.
- Unprecedented and ingenious provision of open space and gardens within central London, which continue to be a defining characteristic of the estates today.
- New and striking architectural idioms, particularly at the Barbican, applied on a significant scale; a new architectural language deliberately modern and forward-looking; a way of planning and arranging buildings and spaces which was unprecedented in Britain and reflected evolving ideas of the modern city.
- Overarching, the character, appearance and heritage significance of the conservation area can be summarised as the striking juxtaposition between two seminal post-war housing Estates which illustrate evolving trends in architecture, spatial and urban planning and Modernism in general. The conservation area is defined by its pervasive modernity, by the consistency of modern forms, spaces and finishes throughout, all executed to a very high standard of quality and representing an immersive experience strikingly at odds with the more traditional townscapes and buildings outside the boundary.

121. Cromwell Tower embodies this characteristic and is a pivotal building within the Conservation Area.

*Heritage Impact:*

122. The three Towers of the Barbican Estate are considered to be one of the most distinctive parts of the Estate, where the Towers advertise its presence on the skyline and provide the most dramatic architectural set pieces within. The three towers are evenly spaced along a lateral axis on the divide between the Northern and Southern areas of the Estate, and their irregularly triangular plan forms mean that their profiles are pleasingly varied and dynamic as the viewer moves through the Estate.
123. The proposal would alter the silhouette of Cromwell tower and distract from the informality of the considered roofscapes. The proposed development would diminish the quality of one of the key typologies that underpin the striking masterplan of Chamberlin, Powell & Bon.
124. As such, the proposal would be detrimental to the character and appearance of the conservation area and would result in a low level of less than substantial harm to the conservation area.

Barbican Estate Registered Historic Park and Garden (RPG) (Grade II\*)

*Heritage Significance:*

125. The landscape of the Barbican Estate was conceived and designed as an integral part of the architectural design by Chamberlain, Powell and Bonn with the architects recognising that the spaces between the buildings were of equal importance to the structures themselves. The landscape is now designated as a grade II\* Registered Historic Park and Garden (2003), and, along with Alexandra Road Park, is one of only two post-war landscapes designated above Grade II within Greater London. Its heritage significance is derived from the following values:

- The creation of the Barbican as a vehicle-free environment through the raising of the precinct above ground level on the podium, creating vehicle-free space the quality and quantity of which is unparalleled in London.
- The raised ground of the podium and the highwalks as an intrinsic and distinctive feature of the estate. The raised ground provides viewpoints from which to survey the surrounding city below, and, together with the limited entrances to the complex at ground level, contributes to the conception of the Barbican as fortified structure from the surrounding streets.
- The volume of space created by the concentration of built development in dense 'off-the ground' structures. These spatial reservoirs are recognised to be as significant as the buildings themselves.
- The contrast of the planning of the Barbican with the grain and plan of the surrounding townscape, and the creation of characteristically unique dramatic vistas across the estate and into the surrounding townscape.
- The richness and variety of types of external space across the estate delivered within a consistent design idiom, the scale of which is unique.
- The successful designed relationships with 'found' historic elements including the Roman and Medieval wall, and the Church of St Giles Cripplegate and associated gravestones.
- The urban character of the Barbican, and its conception and realisation as a new piece of urban fabric designed and delivered in its entirety by a single client and architect.
- The consistent use of a small number of materials and detailing across the estate, delivering a powerful sense of visual continuity and consistency to the estate.
- The impact of soft landscaping and the value of experiencing the architecture of the Barbican in the context of trees, foliage, and greenery. Originally this appears to have been intended to result from use of a restricted palette of planting in raised blocks of greenery or planter boxes which assumed an architectural significance in relation to the buildings. The layout established by Janet Jack across the upper podium employs a freer geometry and more varied planting palette.

*Heritage Impact:*

126. The proposed development would have no impact on the identified values which contribute to the significance of the landscape at the Barbican Estate. The visual impact would be confined to longer views of Cromwell Tower and would not impact the layout, landscape and spaces between buildings.
127. Because of this, there would be no harm to the identified significance of the Barbican Estate as a registered park and garden nor is its setting in accordance with the statutory tests and Policy DM12.5 of the Local Plan and Policies S11 and HE1 of the emerging City Plan 2040.

### **Indirect Impacts on Heritage:**

#### **Other Designated Heritage Assets**

128. Setting of a heritage asset is defined in the NPPF as “The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”
129. Given its dense Central London location and owing to the Cromwell Tower being a tall building, the site is within the setting of a large number of heritage assets. Paragraph 009 of the Planning Practice Guidance on the Historic Environment sets out that any assessment should be proportionate to the asset’s importance and no more than is sufficient to understand the potential impact of the proposal on its significance. Taking this into consideration, Officers have considered the following designated heritage assets, but not exclusively so:
- Brewery Conservation Area
  - Bunhill Fields and Finsbury Square Conservation Area (LB Islington)
  - Ceramic Mural of Nine Panels on Cromwell Highwalk (Grade II)
  - Charterhouse Square Conservation Area
  - Charterhouse Square Conservation Area (LB Islington)
  - Chiswell Street Conservation Area (LB Islington)
  - Church of St Giles (Grade I)
  - Cripplegate Institute (Grade II)
  - Golden Lane Estate (RHPG Grade II)
  - Nos. 42 Chiswell Street (Grade II)
  - Nos. 43 – 46 Chiswell Street (Grade II)
  - Nos. 53, 54 and 55 Chiswell Street (Grade II)
  - Nos. 56 Chiswell Street (Grade II)
  - Smithfield Conservation Area
  - St Lukes Conservation Area (LB Islington)
  - Whitbread Brewery Building (Grade II)
  - Whitbread Brewery, Bridge over the Yard (Grade II)

- Whitbread Brewery, Buildings in Islington (Grade II)
- Whitbread Brewery, Entrance Wing South Side (Grade II)
- Whitbread Brewery, Jugged Hare Public House (Grade II)
- Whitbread Brewery, North Side Yard (Grade II)
- Whitbread Brewery, Partners House (Grade II\*)
- Whitbread Brewery, Porter Tun Room (Grade II)
- Whitbread Brewery, Sugar Room (Grade II)
- Whitbread Brewery, Thirteen Bollards in Yard (Grade II)

130. Their settings and the contribution this makes to the significance of these listed buildings, registered historic park and gardens, and conservation areas, would not be adversely affected by the proposals due to the relative distance and minor nature of the proposals (notwithstanding the impacts assessed above) where it would not appear unduly prominent in the context of surrounding designated heritage assets. The proposed development would not harm the significance or setting of these designated heritage assets.

131. Officers consider that the identification of heritage assets which may be affected, are proportionate to the significance of the assets and to the nature and extent of the proposed development. Officers are confident that the analysis that has been undertaken is sufficient to identify the heritage assets which may be affected, to understand their significance, and to assess impact on that significance.

### **Heritage Conclusion**

132. The proposal would result in a low degree of less than substantial harm to the Grade II listed Cromwell Tower and the Barbican and Golden Lane Conservation Area of which it is part.

133. The proposal is not considered to result in public benefits that would outweigh this harm. The applicants have not provided any evidence to discount other suitable locations for this infrastructure that are not of heritage sensitivity. The proposals would not sustain nor enhance the significance of the heritage asset, due to their insensitive and incongruous nature. The proposals would be detrimental to, and detract from, the special architectural and historic interest of the listed building and the character and appearance of the conservation area.

134. There would be no harm to the significance of the Barbican Estate registered park and garden and its significance would be preserved.

135. The proposal would preserve the special architectural and historic heritage significance and settings of surrounding listed buildings and spaces.



136. As such the proposal is contrary to Local Plan policies CS12, DM12.1, DM12.2, DM12.3, CS13; Emerging City Plan 2040 policies S11 and S13 of the Emerging City Plan 2040; London Plan Policy HC1 and the relevant NPPF paragraphs 200-214. There has been special regard given to the desirability of preserving Barbican Estate and surrounding listed buildings including their setting and any features of special architectural or historic interest which they possess, under s.16 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended. Considerable importance and weight has been attached to and special attention has been paid to the desirability of preserving or enhancing the character or appearance of Barbican and Golden Lane Conservation Area under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended.

### **Amenity**

#### **Policy Context**

137. Local Plan Policies CS21 (Housing) and DM21.3 ('Residential Environment') and draft City Plan policies S3 and HS3, requires amenity of existing residents in identified residential areas to be protected; and The Barbican Estate is defined as a residential area.

138. Local Plan policy DM15.7 and Draft City Plan policy HL3 require noise pollution to be considered.

139. Local Plan policy DM10.7, draft City Plan policy DE8, and London Plan policy D6 considers impact of development on existing daylight and sunlight of residential properties.

140. Objections have been received regarding amenity impacts to neighbours resulting from the installation and ongoing maintenance of the proposed equipment.

#### **Noise and disturbance**

141. Neighbouring residential occupants have raised concerns relating to noise impacts resulting from the installation of the equipment, together with concerns relating to the additional use of the lift during installation and maintenance. There is also concern that there will be disruption to residents due to the additional lift traffic.

142. Had the proposal been otherwise acceptable then a Scheme of Protective Works would be secured via a planning obligation and condition, which would require approval from the local planning authority prior to commencement of development. To be acceptable, this would be expected to detail how

disruption to residents would be minimised during the works. A maintenance management plan would also need to be secured by condition and planning obligation to detail, and secure commitments to ensure residential amenity would be protected during ongoing maintenance of the equipment.

143. It is noted that objections have been received relating to the possible financial costs to residents resulting from additional use of the lifts, however this is not a material planning consideration and has not been considered by officers in this assessment.
144. Had the proposal been otherwise acceptable, officers would recommend conditions and S106 planning obligations requiring a construction scheme of protective works, and a maintenance management plan, to ensure residential amenity would be protected during works and ongoing maintenance.

#### Daylight and sunlight, overshadowing and other physical impacts

145. As the proposed equipment and shrouding would be located on top of the roof, and would not extend beyond the existing external faces of the building, there would be no impact to residents of Cromwell Tower as a result of the additional massing at roof level with relation to daylight and sunlight, overshadowing or any other physical impacts.
146. Due to the distance between Cromwell Tower and neighbouring residential buildings, and the relatively small increase in height compared to the overall height of the building, it is not considered that there would be any significant impacts on daylight and sunlight, or other physical impacts to neighbouring residential amenity as a result of the proposal.

#### Amenity conclusions

147. Overall, there would be no materially harmful impact to the amenity of neighbouring occupiers, however additional information would be secured by condition and planning obligations relating to construction and maintenance management were the application to be recommended for approval.

#### Ecological Impacts

148. Chapter 15 of the NPPF relates to preserving and enhancing the natural environment. The environments is one of the three overarching objectives that define sustainable development.
149. Policy CS15 of the adopted City Plan (2015) paragraph 4(vi) states the need to enhance biodiversity and provide for its conservation and enhancement, particularly for the City's flagship species and the City's priority habitats. Policy OS3 of the draft City Plan 2040 requires development to incorporate measures to enhance biodiversity, including measures recommended in the

City of London Biodiversity Action Plan (BAP, 2021) in relation to particular species or habitats and action plans.

150. Peregrine Falcons are included in the list of species in Schedule 1 of the Wildlife and Countryside Act 1981, giving them additional legal protection than other bird species and it is a criminal offence to disturb, take or kill nesting individuals, their eggs or young. They are defined as a target species in the BAP (2021), which states that one pair regularly nests in the City and has successfully raised young for several years. It is important that the nesting sites of these birds are protected.
151. A number of residents have stated that the roof of Cromwell Tower is a nesting site for peregrine falcons. Officers do not currently have evidence to substantiate the claim, however had the proposal been otherwise acceptable, then the applicant would be requested to carry out an ecological survey of the roof, and submit the results to officers for assessment. As the proposal is recommended for refusal on principle and design grounds, it would not be reasonable to require surveys to be carried out by the applicant at this stage due to the financial and time cost of this, however if the proposal was otherwise acceptable, then these surveys would need to be carried out prior to a decision being made.
152. If it were found that the roof of the tower does include a nesting site for Peregrine Falcons, then this would form an additional reason for refusal of the application, as nesting sites should be protected in line with Policy C15 of the City Plan, the City Biodiversity Action Plan and Policy OS3 of the emerging draft City Plan 2024.

#### **Public Sector Equalities Duty**

153. When considering the proposed development, the Public Sector Equality Duty requires the City of London Corporation to consider how the determination of the application will affect people who are protected under the Equality Act 2010, including having due regard to the effects of the proposed development and any potential disadvantages suffered by people because of their protected characteristics.
154. Under the Act, a public authority must, in the exercise of its functions, have due regard to the need to:-
- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under this Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
155. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
156. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.
157. This application has been assessed against the Equality Act 2010 and any equality impacts identified.
158. Officers recommend refusal of the application and do not consider there would be any Equalities impacts resulting from refusal of the application.
159. Potential impacts of the proposed development if approved on the nearby occupiers (some who may share protected characteristics), if the proposal were granted planning consent, could include: Limited impacts on occupiers as a result of construction impacts, and health impacts arising from the proposed equipment, considering the required conformity statement has not been submitted. If the application were to be granted, then regard would need to be had to whether or not those with protected characteristics would be disproportionately affected by this.

### **Human Rights Act 1998**

160. It is unlawful for the City, as a public authority, to act in a way which is incompatible with a Convention right (being the rights set out in the European Convention on Human Rights (“ECHR”).
161. The refusal to grant planning permission would not result in any interference with human rights. However, if the proposal were to be granted then consideration would need to be had towards the interference with the right to respect for one’s private and family life (Article 8 of the ECHR) or peaceful enjoyment of one’s possessions (Article 1 of Protocol 1), including by causing harm to the amenity of those living in nearby residential properties.
162. Therefore, it is the view of officers that there would be no infringement of Article 8 or Article 1 of Protocol 1 of the ECHR as a result of refusal of planning permission.

### **Heritage Impact and assessment against paragraph 208**

163. When addressing the balancing exercise, the heritage harm as outlined is afforded considerable importance and great weight in line with the NPPF. The more important the asset, the greater the weight should be given to the asset's conservation and in this case there are multiple designations, Cromwell Tower is a Grade II listed building, within Barbican and Golden Lane Estate conservation area and set within a Grade II\* registered park and garden.
164. Paragraph 208 of the NPPF states "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, where appropriate, securing its optimum viable use". Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the NPPF. The Planning Practice Guidance provides that public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.
165. When carrying out the paragraph 208 NPPF balancing exercise in relation to the less than substantial harm caused to Cromwell Tower (GII) and the Barbican and Golden Lane Conservation Area, due importance and weight must be given to the economic benefits associated with providing additional high speed internet connectivity within the City.
166. When considering the listed building consent application, the duty imposed by section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies and in considering whether to grant listed building consent special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
167. When considering the planning application, the duty imposed by section 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 applies and in considering whether to grant planning permission special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. When considering the planning application, the duty imposed by S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special

attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

168. The overall finding is that the proposal would result in a low level of less than substantial harm to the Grade II listed Cromwell Tower and the Barbican and Golden Lane Conservation Area of which it is part. Great weight is attached to the significance of these assets of national importance and to the level of harm that has been identified.
169. The sole public benefit of the proposal would be the provision of additional high speed internet connectivity. The NPPF chapter 10 makes clear that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Officers therefore consider the provision of additional high speed internet connectivity could in some circumstances be a public benefit to which significant weight could be attached.
170. However, in this case the applicant has failed to demonstrate the level of public benefit that would arise from the proposal. Officers are not able to quantify or even estimate how many City businesses and residents would benefit from the proposal, as the geographic range of the technology has not been specified.
171. The submission makes clear that the proposed technology is for use between short range buildings and can only provide a direct line of sight connection. No maximum distance has been given, however the range can be inferred to be relatively short from the descriptions. Therefore, whilst generally officers give a great level of weight to the public benefit of providing additional high speed internet connectivity, the public benefits of this specific case are not clear, and appear to be limited due to the short-range nature of the technology. It is acknowledged that cumulatively if additional sites were to utilise this same technology, then the public benefit may increase, but this information is not available to officers and nonetheless this assessment must be based upon the current proposal.
172. The proposal has not been demonstrated to be necessary nor justified.
173. There are no benefits relating to securing optimum use of heritage assets, as Cromwell Tower is fully utilised as a residential building, and the proposal would not provide a more optimum use of the site.
174. On balance therefore, officers would give the public benefits of the current proposal a low level of weight.



175. This application identifies a low level of less than substantial harm to Cromwell Tower (GII) and the Barbican and Golden Lane Estate Conservation Area. Great weight is attached to the significance of these assets of national importance and to the level of harm that has been identified.
176. It is considered that the low level of less than substantial harm when given due importance and great weight, would not be outweighed by the low level of public benefit in this case. The proposal would be contrary to paragraph 208 and of the NPPF. This is a material consideration which weighs against the grant of planning permission and one of the reasons for which it is recommended that planning permission should be refused.

### **Conclusion**

#### **Conclusion on Planning Permission (Reference 23/01386/FULL) and Overall Planning Balance**

177. The proposal has been assessed in accordance with the relevant statutory duties and having regard to the development plan and other relevant policies and guidance, SPDs and SPGs and relevant advice including the National Planning Policy Framework, and the emerging Local Plan and considering all other material considerations.
178. The proposal would result in a low level of less than substantial harm to the Grade II listed Cromwell Tower and the Barbican and Golden Lane Conservation Area of which it is part. Great weight is attached to the significance of these assets of national importance and to the level of harm that has been identified.
179. It is considered that the application proposals conflict with paragraph 121 of the NPPF, London Plan policies D4, HC1 and SI6; Local Plan policies CS2, CS10, CS12 and CS13; emerging draft City Plan 2024 policies S8, S10, S11, S13 and DE2, and London Plan Policy HC1, HC3 and HC4.
180. When taking the development plan as a whole the proposal is considered to be contrary to the provisions of the development plan. The Local Planning Authority must determine the application in accordance with the development plan unless other material considerations indicate otherwise. The most significant of these material considerations in the determination of this application are summarised below.
181. Insufficient information has also been submitted to allow officers to determine the ecological impact of the proposal, with respect to the possibility of the roof being a nesting site for a protected species of birds (peregrine falcons). Had the proposal been otherwise acceptable, then the application could not have

been approved until an ecological survey and impact assessment had been submitted and assessed to be acceptable with regard to this impact by the local planning authority.

182. The principle of development cannot be established to be acceptable, as there is no statement in the submission which self-certifies that the cumulative exposure of the proposal together with the existing equipment when operational, will not exceed International Commission guidelines on non-ionising radiation protection, and no details of consultation with nearby schools has been submitted. This means that the impact on public health and safety cannot be established by officers, contrary to Policy 121 of the NPPF.
183. Regard has been had to the duties in sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. As previously concluded in the main body of this report, it is the view of officers, when giving great weight to the conservation of heritage assets, and considerable importance and weight to the desirability of preserving the significance and setting of listed building, the identified harm is not outweighed by the public benefits that have been identified, contrary to paragraph 208 of the NPPF.
184. The proposal is not in accordance with the Development Plan when read as a whole. Other material considerations also weigh against the application and do not indicate that a decision should be made other than in accordance with the plan. Accordingly, planning permission is recommended to be refused for the reasons as set out below:
  - No evidence of consultation with nearby schools has been submitted and the applicant has failed to certify that the proposed equipment together with the existing equipment when operational, would not exceed International Commission guidelines on non-ionising radiation protection, contrary to paragraph 121 of the National Planning Policy Framework.
  - The proposals would fail to preserve the special architectural and historic interest and setting of Cromwell Tower as part of the Barbican Estate (grade II) and the Barbican and Golden Lane Conservation Area, causing less than substantial harm to its heritage significance as a result of direct and indirect impacts on the heritage assets. The harm would not be outweighed by public benefits. The proposal is not in accordance with London Plan Policy HC1; Local Plan Policies CS 12, DM 12.1, DM 12.3; HE1; Draft City Plan Policies S11 and HE1 and the NPPF
  - The proposals would fail to protect and enhance views of the Barbican Towers as identified city landmarks and is not in accordance with Local Plan policy CS13 (2), emerging City Plan 2040 S13 and guidance in the Protected Views SPD.

Conclusion on Listed Building Consent (Reference 23/01387/LBC and Overall Planning Balance

185. The proposal would result in a low level of less than substantial harm, failing to preserve the special architectural and historic interest and heritage significance of the listed building, and is considered contrary to Policies CS12, DM12.1, DM12.2, DM12.3, CS13; Emerging City Plan 2040 policies S11 and S13 of the Emerging City Plan 2040; London Plan Policy HC1 and the relevant NPPF paragraphs 200-214.
186. When addressing the balancing exercise, this harm has been afforded considerable importance and great weight, and account taken of the importance of those heritage assets as a nationally important Grade II listed building and a conservation area in accordance with the advice given in paragraph 205 of the NPPF that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The full heritage planning balance is considered in the main body of the report against paragraph 208. It is considered that the low level of less than substantial level of harm would not be outweighed by the public benefits in this case.
187. When taking all matters into consideration including the development plan and the NPPF tests, it is recommended that Listed Building Consent be refused for the following reasons:
- The proposals would fail to preserve the special architectural and historic interest and setting of Cromwell Tower as part of the Barbican Estate (grade II) and the Barbican and Golden Lane Conservation Area, causing less than substantial harm to its heritage significance as a result of direct and indirect impacts on the heritage assets. The harm would not be outweighed by public benefits. The proposal is not in accordance with London Plan Policy HC1; Local Plan Policies CS 12, DM 12.1, DM 12.3; HE1; Draft City Plan Policies S11 and HE1 and the NPPF
  - The proposals would fail to protect and enhance views of the Barbican Towers as identified city landmarks and is not in accordance with Local Plan policy CS13 (2), emerging City Plan 2040 S13 and guidance in the Protected Views SPD.

## APPENDIX A: BACKGROUND PAPERS

### **Plan titled:**

- 101 Rev.B Site Location Plans
- 102 Rev.B Existing Roof Plan
- 103 Rev.B Proposed Roof Plan
- 104A Rev.B Existing North East Elevation A
- 104B Rev.B Existing South East Elevation B
- 104C Rev.B Existing South West Elevation C
- 104D Rev.B Existing North West Elevation D
- 105A Rev.B Proposed North East Elevation A
- 105B Rev.B Proposed South East Elevation B
- 105C Rev.B Proposed South West Elevation C
- 104D Rev.B Proposed North West Elevation D

### **Document titled:**

- Overview of Luminet Technology and Health & Safety Statement (Luminet, 13 November 2023)
- Declaration of Conformity for RF Exposure (Signed by CEO of Siklu Communications Ltd., dated 5 July 2018)
- Covering Letter (Luminet, 14 December 2023)

### **List of neighbouring objections (23/01386/FULL)**

- Wendy Harrison
- Sarah Stobbs
- Tom and Helen Flanagan
- Mr Tom Flanagan
- Mr Gordon Wise
- Mr Tom Flanagan
- Mr Paul Moriarty
- Ms Elizabeth Evans
- Stephen Rothholz
- Mr christos christou
- Lisa Shaw
- David Candy
- Dr Michèle Riley
- Dr Michèle Riley
- Ms Karen Munroe
- Mrs. Claire Anstee
- Terry Bennett
- Hiroko Mitomi

- Mr Robert McKay
- Mr Robert Letham
- Ms Helen Fairfoul
- Jane Northcote
- John Shuker
- Mrs Myra Moriarty
- Alan Budgen
- Mrs Helen Clifford
- Bruno Min
- Bruno Min
- Dr Nicholas Deakin
- Dr Clare Wood
- Mr Michael Collett
- Judith Flanders
- Ms Katherine Jacomb
- Mrs Christine Clifford
- Mr Costanzo Capece
- Mr Jan Demytri Szczesny
- Jennifer Mernagh
- Lord John Vercoutre
- Mrs Ann George
- Mr Andrew Vergottis
- Mr Roland Jeffery

#### List of Statutory or Other Consultee Responses

- Historic England
- Environmental Health Team
- CAAC
- Barbican Association
- Barbican and Golden Lane Neighbourhood Forum
- Barbican Estate Office

## **APPENDIX B: Relevant Policies of the Development Plan**

### **Relevant London Plan Policies**

Policy CG3 Creating a Healthy City

Policy D4 Delivering Good Design

Policy D14 Noise

Policy HC1 Heritage conservation and growth

Policy HC3 Strategic and Local Views

Policy HC4 London View Management Framework

Policy SI 6 Digital Connectivity Infrastructure

### **Relevant Local Plan Policies**

CS2 Utilities Infrastructure

CS10 Design

CS12 Historic Environment

DM12.1 Managing change affecting all heritage assets

DM12.2 Development in conservation areas

DM15.7 Noise and Light Pollution

CS13 Protected Views

CS15 Sustainable Development and Climate Change

CS21.3 Residential Environment

### **Relevant City Corporation Guidance and Supplementary Planning Documents (SPDs)**

Barbican and Golden Lane Estates Conservation Area Appraisal (2022);

Protected Views SPD (January 2012)

City of London Biodiversity Action Plan (2021)

### **Relevant Draft City Plan 2040 Policies**

HL3 Noise

HS3 Residential Environment



S1 Healthy and inclusive city

S7 Infrastructure and Utilities

S8 Design

DE2 Design Quality

S11 Historic environment

OS3 Biodiversity

S13 Protected Views

HE1 Managing change to heritage assets