

Messrs Barton Willmore Partnership

Netherton House

23-29 Marsh Street

BRISTOL
BS1 4AQ

Eich cyf . Your ref 10604/CF0028ASH

Ein cyf . Our ref A-PP 171-98-010 & 011

Date: 13 November 2002

November 2002

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 78

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: SECTION 20

APPEALS BY HUTCHISON 3G UK LTD – LAND AT EMPIRE HOUSE, MOUNT STUART SQUARE. CARDIFF

1. Consideration has been given to the report of the Inspector, Mr Clive Cochrane DipArch RegArch MSc MRTPI, who reported on the appeals, by Hutchinson 3G UK Ltd, against the decisions of the Cardiff County Council to refuse both planning permission and listed building consent for "the erection of 2 wall-mounted antennae at 27.6m, 1 wall-mounted antennae at 17.0m, four 300mm microwave dish antennae at 29.0m and an equipment cabinet measuring 1.8m x 0.85m x 1.3m high. The antennae at 27.6m to be shrouded in GRP and the rest of the equipment painted to match existing" at Empire House, Mount Stuart Square, Butetown, Cardiff.

2. By letters dated 5 March 2002, the Planning Inspectorate directed that the Section 78 appeal should be determined by the National Assembly for Wales instead of by an appointed Inspector. On 12 November 2002 the Assembly resolved that a committee, to be known as Planning Decision Committee 2002/7 be established in accordance with Assembly Standing Order 35 to discharge the functions of the Assembly under Section 79 of the Town and Country Planning Act 1990 and Section 22 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of the two appeals described above. Accordingly,

the Planning Decision Committee has considered the appeals and has resolved under Standing Order 35.16 to adopt this letter.

3. The written representations submitted in support of the appeals together with those of Cardiff County Council have been considered by the Inspector. The Inspector has visited the appeals site and furnished a description of it. His appraisal is set out in paragraphs 28 to 35 of his report, a copy of which is enclosed, and those conclusions are reproduced as an annex to this letter. The Inspector has recommended that both appeals be dismissed.

SUMMARY OF DECISION

4. For the reasons given below the Planning Decision Committee accepts the recommendation that the appeals should be dismissed.

REASONS FOR THE DECISION

5. Since the determination of the applications – and the lodging of the appeals – the Assembly's Planning Policies have been revised and published as Planning Policy Wales (March 2002) and TAN 19: Telecommunications has replaced Welsh Office Circular 29/99 and

TAN 19: August 1998. The Committee notes that you – and the Council – have been afforded an opportunity to make further representations in the light of that material.

6. On the question of the merits of the appeals, the Committee agree with the Inspector's assessment. Leaving aside the question whether there are other options, this is a sensitive location and the proposal is lacking in the necessary detail to enable them to be sure that the roof installation would not affect the character of the listed building and its appearance within the conservation area.

FORMAL DECISION

7. For the reasons given above, the Planning Decision Committee hereby refuse your clients' appeals under Section 78 of the Town and Country Planning Act 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. A copy of this letter has been sent to the Director of Legal and Administrative Services, Cardiff County Council and to the Council's Strategic Planning Manager.

Yours faithfully

Sue Essex AM

Chair, Planning Decision Committee 2002/7

Enc: "HC" and "HC(LBCA)"