



Cynulliad Cenedlaethol Cymru

The National Assembly for Wales

Parc Cathays / Cathays Park

Caerdydd / Cardiff

CF10 3NQ

Messrs Smith-Woolley

8 Oxford Street

WOODSTOCK

Oxfordshire

OX20 1TP

Eich cyf / Your ref:

Ein cyf / Our ref: APP171-98-007 & 008

Dyddiad/Date: 12 September 2001

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990: S78

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: S20

APPEALS BY BT CELLNET LTD - LAND AT EVANS AND REID COAL COMPANY, EMPIRE HOUSE, MOUNT STUART SQUARE, BUTETOWN, 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 BT Cellnet Ltd, against the decisions of the Cardiff County Council to refuse both planning and listed building consent for the installation of a telecommunications equipment cabin with aerials strapped to the cabin and associated steel work on the roof of the Evans and Reid Coal Company Building, Empire House, Mount Stuart Square, Butetown, Cardiff.

2. By letters dated 20 March 2001, 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 17 July 2001, the Assembly resolved that a committee, to be known as Planning Decision Committee 2001 /5 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 11 to 19 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. The Committee noted that the Inspector accepted that other buildings in the vicinity were not of sufficient height to provide the necessary coverage and that there was no opportunity to mast-share so as to fill the gap in coverage. They also accept the Inspector's view, however, that the proposed development does not necessarily represent the only method of providing telecommunications coverage in this fairly small area and that there may be more innovative ways of installing antennae to provide the necessary coverage, which would not have such a conspicuous impact on an important listed building in a conservation area. Whatever the desirability of ensuring coverage in the area and the difficulties of doing so by other means, the Committee agrees with the Inspector that these factors would be insufficient to outweigh the visually harmful effect on the building itself and on the conservation area, generally, including the settings of other listed buildings.

FORMAL DECISION

6. 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.

7. 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 2001/5

The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ

Tel: 029 2082 3889 Fax: 029 2082 5150

Report

by Clive Cochrane DipArch RegArch MSc MRTPI

an Inspector appointed by the National Assembly for Wales

Date: 14/06/2001

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

SECTION 20

CARDIFF COUNTY COUNCIL

APPEALS

By

File Ref: APP/Z6815/E/01/1061087 & APP/Z6815/A/01/1061058

File Ref: APP/Z6815/E/OI/1061087

Site address: Evans & Reid Coal Company, Empire House, Mount Smart Square, Bntetown, Cardiff.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by BT Cellnet Ltd against the decision of Cardiff County Council.
- The application (Ref: 00/01334/C), dated 31/05/00, was refused by the Council by notice dated 14/09/00.
- The works proposed are the installation of a telecommunications cabin with aerials strapped to the cabin and associated steelwork on roof of property.

Summary of Recommendation: that the appeal be dismissed.

Site address: Evans & Reid Coal Company, Empire House, Mount Stuart Square, Butetown, Cardiff.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by BT Cellnet Ltd against the decision of Cardiff County Council.
- The application (Ref: 00/01332/C), dated 31/05/00, was refused by notice dated 14/09/00.
- The development proposed is the installation of a telecommunications cabin with aerials strapped to the cabin and associated steelwork on roof of property.

Summary of Recommendation: The appeal be dismissed

Procedural Matters

1. The appeal building, Empire House, is listed as being of special architectural or historic interest, Grade II*. Appeals under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 for listed building consent on Grade I and II* listed buildings are determined by the National Assembly, and the associated section 78 planning appeal has also been recovered for decision by the Assembly.

2. As the appeal building is listed, and is situated in close proximity to other listed buildings in Mount Stuart Square, such as the Coal Exchange, sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that, in deciding both appeals, special regard should be had to desirability of preserving these buildings or their settings or any features of special architectural or historic interest which they possess.

3. The appeal site lies within the Mount Stuart Square Conservation Area. Accordingly, section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.

4. This report contains a description of the appeal building and its surroundings, a summary of the relevant development plan policies, my appraisal of the proposals and recommendations. A list of those persons attending the site inspection is appended.

The Site and Surroundings

5. The appeals site is located on the roof of Evans and Reid Coal Company building, Empire House. This is the dominant tall building in a line of buildings forming the northern side of Mount Stuart Square, lying opposite the former Coal Exchange, which is listed Grade II for its fine interior and façade in the inter-war Neo-Georgian style.

6. Built in 1929, the 7-storey front elevation of Empire House is also of Neo-Georgian style and includes a double height mansard roof of 2 attic storeys, which have 2 stepped-back rows of dormer

windows. The main portion of the façade is 7 windows wide and five storeys high, of Flemish-bond brickwork with Portland Stone features at ground floor and details elsewhere. Behind the steep mansard, the roof is flat with 2 light wells, chimney stacks and a lift room structure. To the rear and west, the building reveals its more functional concrete frame structure **with plain utilitarian windows to the rear north elevation** and a fire escape stair.

7. Mount Stuart Square Conservation Area is an important and historic commercial area of Butetown, built during and after the Industrial Revolution. Including several listed buildings, which all have group value, the area displays a high degree of special architectural and historic interest in its Victorian and Edwardian period buildings.

Planning Policy

8. Policy U2 of the South Glamorgan Replacement Structure Plan is in favour of new proposals for telecommunications equipment, provided that there is no possibility of the equipment being installed on an existing building, mast or other structure, the design would minimise its visual impact, and the equipment would not have an unacceptable adverse impact on (inter alia) the built environment.

9. Policy 3 of the City of Cardiff Local Plan aims to protect the character and appearance of the conservation area through good design, the use of sympathetic materials and development that is of appropriate height, form and scale. Local Plan Policy 11 also requires development to be of good design. Policy 41 of the Local Plan reiterates the Structure Plan Policy U2 on the general acceptability of telecommunications development.

The Proposals

10. The proposal in both appeals is the installation of a telecommunications base station, comprising a grey coloured, pre-fabricated steel cabin approximately 3.7m long x 2.5m wide x 3.4m height above roof level, attached to which would be 3 aerials 6.2m high above roof level. The roof deck is 18m above ground level, providing the required height of 23m to the centre of each antenna.

Appraisal

11. The Council does not dispute that there is a need for additional telecommunications equipment to fill a deficiency in service coverage of the area. The appellants require coverage of the Mount Stuart Square area and explain that alternative locations on non-listed buildings have been assessed and dismissed as unsuitable. It is also claimed that there are no mast-sharing opportunities in the locality. Two alternative sites at the NatWest building and Baltic House were considered unsuitable. Although there is little evidence about the suitability of alternative sites and other operators' equipment in the area, I accept that other buildings in the vicinity are not of sufficient height to provide the necessary coverage and there is no opportunity to mast-share so as to fill the gap in coverage.

12. The Council takes the view that the siting, design and scale of the proposed telecommunications equipment would have a harmful impact on the listed building and its setting. It would not complement the appearance of the building, because both the equipment cabin and the antennae

would be visible in views from the streets to the south and north. It is claimed that the proposals would be contrary to Policy 11 of the Local Plan, which requires all new development to be of good design and appropriate in scale and character to the surrounding environment and aesthetic quality of the area.

13. Compared to normal ground-based PCN telecommunications installations, the proposals are not of large scale, comprising three sets of antennae fixed to an equipment cabin, and the proposed siting meets criteria set out in Planning Guidance (Wales) - Planning Policy and Technical Advice Note (Wales) 19 to use existing buildings to site new antennae. However, as the Council argues, in this sensitive historic location it is necessary to pay particular attention to the visual impact of the proposals on the listed building and the conservation area.

14. No special design techniques, as suggested in Welsh Office Circular 22/99, would be employed to disguise or screen the antennae on the roof of the listed building. Although the Council feels that the appellants ought to have considered other design solutions for the equipment, the appellants' 23m height requirement for the antennae above ground level appears to preclude such camouflage techniques.

15. The flat roof of Empire House already contains some plant and equipment. There are substantial flat-roofed structures housing the lift plant-room and water tanks, as well as chimney stacks and handrails, a flag pole and existing radio communications aerial equipment. However, as the building is tall in comparison to its neighbours, and the streets surrounding Mount Stuart Square are fairly narrow, and the existing paraphernalia is located towards the rear, apart from the chimney stacks and flag pole, none of this is easily visible in street-level views from the historic area to the south. Views of the top half of the existing plant room are only obtained along the east side of the Exchange building from as far away as James Street, a considerable distance from the listed building.

16. However, the proposed new equipment and aerials would be located closer to the front edge of the mansard roof, between the 2 lightwells, and I calculate that they would have a greater visual impact than the existing plant on these important street vistas. The proposed antennae would be sited on the corners of the new equipment cabin some 6m forward of the existing plant room and only a few metres back from the skyline of the slate mansard roof. Consequently, it seems likely that the proposed equipment would be more readily seen above the front facade of the historic building.

17. Whilst the shape of the new equipment cabin would blend with that of the plant room, it would be seen as an addition to the roofscape of the listed building from parts of Mount Stuart Square. The 3 "dual polar dual band" antennae, which would be angled so as to have different orientations, would project above the mansard roof as alien features above the elegant architectural composition of the front façade. The foremost antenna would be likely to be visible directly above the dormer windows from a position fairly close to the front elevation, looking up along the plane of the mansard roof. All three would be seen from part way along Mount Stuart Square. These would not be slender single pole aerials, but slim angled cabinets attached to supporting poles, which would have a significant presence on the skyline of the historic façade.

18. By their intrinsic nature, both the equipment cabinet and its spiky antennae would look out of place on this historic façade. These additions to the roofline would be most visible in middle distance views of the main façade, which is the most important aspect of the historic building. The

proposals would be less visible in the side and rear views of the building, but these are much plainer and less interesting. The impact on the architectural composition of the building would be harmful and therefore the proposed alteration works would fail to preserve the character of the listed building and they would also make a negative contribution to the setting of the nearby listed Cardiff Exchange building.

19. I do not accept that the proposed development represents the only method of providing telecommunications coverage of this fairly small area, as there are more innovative ways of installing antennae to provide the necessary coverage, which would be less conspicuous on this important listed building in the conservation area. It follows from the effect of the proposals on the building and its setting, that they would also have a negative visual impact on the settings of other nearby listed buildings and the character of the conservation area generally.

Conditions

20. There are no suggested conditions from either party in these appeals, and I do not consider that the imposition of conditions would overcome the substantial objections to the development.

Recommendation

21. I recommend that both appeals should be dismissed.



INSPECTOR

PERSONS PRESENT AT SITE INSPECTION

Mr G Davies - Cardiff County Council

Miss C Badham - Hugh Phillips Surveyors

Mr R Pemberton - Smith-Woolley, Chartered Surveyors