

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE A</b>		<b>AGENDA ITEM NO:</b>	<b>B6</b>
<b>Date:</b>	Thursday, 7 November 2019	<b>NON-EXEMPT</b>	

Application number	P2018/4282/FUL
Application type	Full Planning
Ward	Bunhill
Listed building	N/A
Conservation area	N/A
Development Plan Context	Bunhill & Clerkenwell Core Strategy Key Area Central Activities Zone Cycle Routes (Major) Bunhill & Clerkenwell Local Plan Area Article 4 Direction A1 to A2 (Rest of Borough) Article 4 Direction B1(c) to C3 Heathrow Safeguarding Area
Licensing Implications	None
Site Address	Michael Cliffe House Skinner Street London EC1R 0WW
Proposal	The installation of 86 no. small antennas pole mounted on 10 no. free-standing support frames upon the roof of the building, as well as one equipment cabinet.

Case Officer	Alexander McCombie
Applicant	N/A
Agent	Mr Chris Andrews – Waldon Telecom Ltd

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission:

1. subject to the conditions set out in Appendix 1;

## 2. SITE PLAN (site outlined in red)

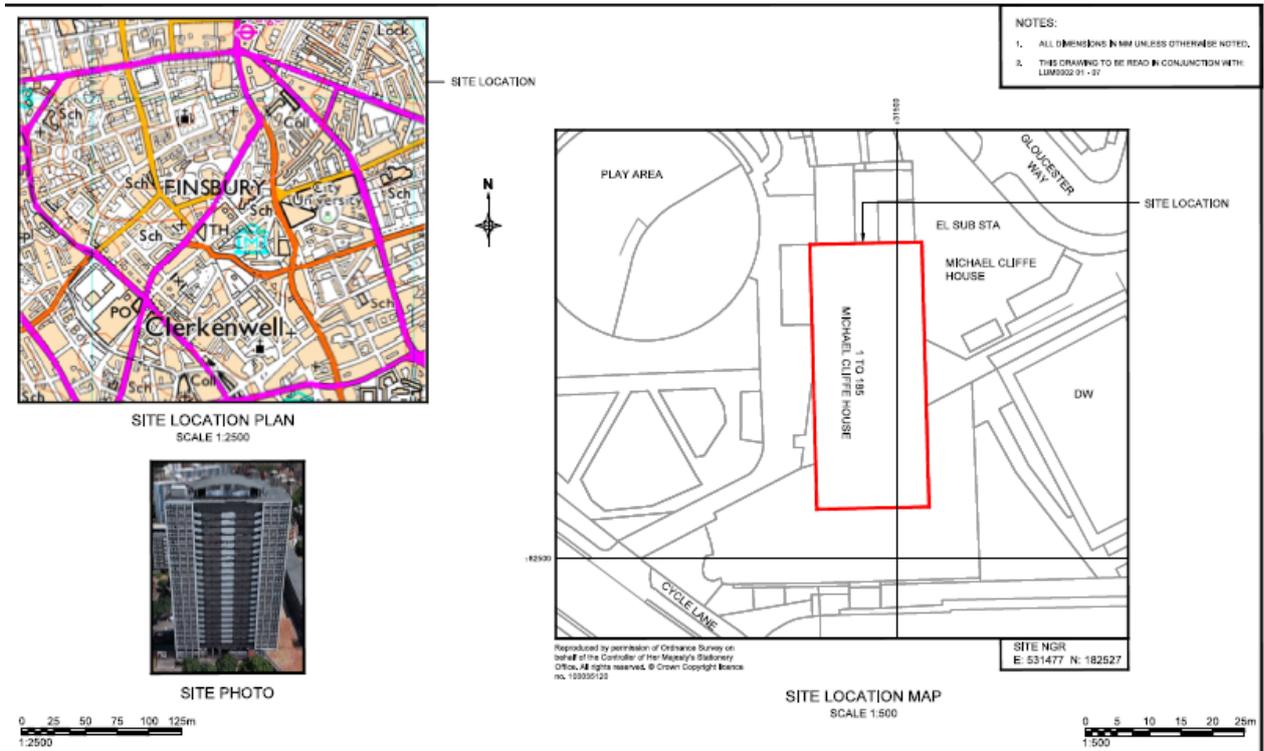


Image 1: Site location Plan (outlined in red)

### 3. PHOTOS OF SITE/STREET



**Image 2:** Aerial view of site (from the south)



**Image 3:** Aerial view of site (from the north)



EXISTING VIEW A



PROPOSED VIEW A

**Image 4:** View from junction of Tysoe Street and Roseberry Avenue to the west of the site (Roseberry Avenue Conservation area)



EXISTING VIEW B



PROPOSED VIEW B

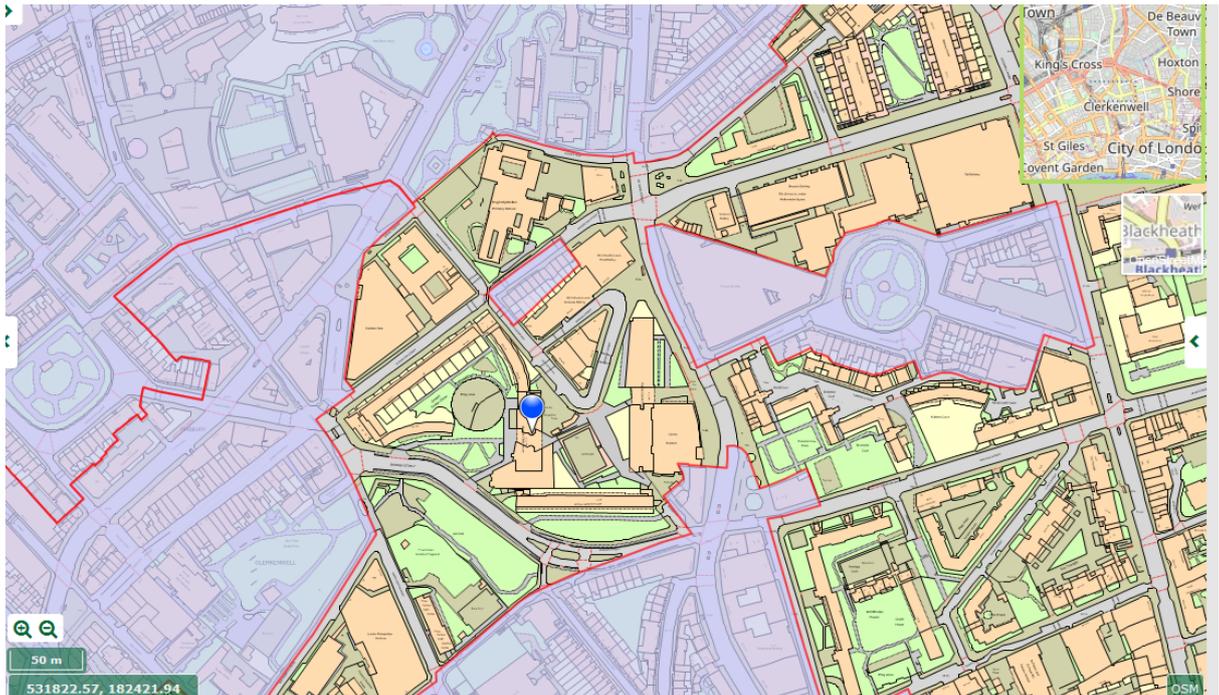
**Image 5:** View of proposals from Junction of St John, Percival and Skinner Street to the east of the site (Clerkenwell Green Conservation Area).

## 4. SUMMARY

- 4.1 The application proposes the installation of 86 x small antennas pole mounted on 10 x free standing support frames upon the roof of the building, the installation of 2 x equipment cabinets within the existing plant room and associated works. The installation of this equipment is sort in connection with the improvement of the mobile phone network in order to improve wireless internet services, including 5G.
- 4.2 The proposed antennas would sit inside an existing 1.1-metre-high handrail inset from the edge of the roof upon which existing telecommunications antenna is already fixed. The antennas are necessitated to be positioned close to the edge of the roof on all side of the building in order to ensure sufficient signal.
- 4.3 Matters of design and scale have been considered during the course of the application. In this instance it is considered that the siting of the proposed equipment, when considered against the high level location of the proposals, are placed appropriately to reduce its prominence from the public realm. This is on the basis that the height of the building ensures that views are heavily obscured from nearby views, and that the equipment is not large enough to be noticeably visible from longer views. It is acknowledged these would be visible from some longer views from the surrounding conservation areas, however the positioning, relative small scale of the dishes and high level position of the antennas would not lead to harm to the surrounding conservation areas.
- 4.4 The proposals are thus considered to be acceptable in visual amenity terms, would in light of their limited scale have no impact on the amenities of neighbouring properties according with the Council's Development Plan.
- 4.5 Further, the proposals would provide a significant public benefit in improving wireless internet according with the intentions of Paragraph 7 of the NPPF to ensure the purpose of the planning system to contribute to the achievement of sustainable development and the presumption in favour of sustainable development in paragraph 10 of the NPPF. More specifically, the proposals would also support paragraph 112 of the Framework which 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*'.
- 4.6 Paragraph 196 of the NPPF 2019 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'. In accordance with the NPPF, public benefits are looked at. In this situation, there is considerable public benefit from the overall objective to improve electronic communication and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to outweigh the less than substantial harm caused to the nearby heritage assets. Appropriate weight in accordance with the statutory duties (S66 and S72) have been applied to "preserve" the heritage assets. In addition, the proposals would not be considered to cause harm to the amenities of neighbouring properties. For the reasons above the recommendation to committee is to resolve to grant planning permission subject to planning conditions.

## 5. SITE AND SURROUNDING

- 5.1 The application site refers to the roof of a 24 storey residential building situated on the north of Skinner Street in the Bunhill and Clerkenwell area of the borough.
- 5.2 The site is not situated within a conservation area, nor does it contain any statutory listed or locally listed buildings. The site is located in proximity to a number of conservation areas including the New River CA to the north, the Northampton Square CA to the east, the Clerkenwell Green CA to the south and Roseberry Avenue CA to the west. The location of the conservation areas in relation to the application site is shown below:



**Image 7:** Nearby Conservation Area Boundaries

- 5.3 The immediate surrounding area is predominantly characterised by multi-unit housing. However, the broader area is comprised of a range of commercial and mixed uses. The site is designated within the Central Activities Zone and the Bunhill and Clerkenwell Core Strategy Key Area.

## 6. PROPOSAL (IN DETAIL)

- 6.1 The proposals include the installation of 86 small antennas pole mounted on 10 free-standing support frames upon the roof of the building, the installation of 2 x equipment cabinets at roof level and associated works.

## 7. RELEVANT HISTORY:

- 7.1 **P2017/4482/FUL** - Installation of eight poles, each supporting four antennas on the rooftop plus associated equipment. **Approved 9<sup>th</sup> January 2019.**

- 7.2 **P062129** - Re-siting of existing equipment cabinet at roof top level and provision of a second cabinet. **Approved 21<sup>st</sup> July 2007**

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 316 adjoining and nearby properties at Skinner Street, Myddelton Street and Gloucester Way on 20 February 2019. A site notice was also displayed on 28 February 2019. The public consultation of the application therefore expired on 24 March 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision.
- 8.2 At the time of the writing of this report a total of two responses have been received from the public with regard to the application. The issues raised can be summarised as follows
- 8.3 Concern raised in relation to the impact of the proposed antennas on human health (see paragraphs 13.1 to 13.4)

### External Consultees

- 8.4 None.

### Internal Consultees

- 8.5 Public Protection Noise- No response received.
- 8.6 Commercial Environmental Health- No response received.
- 8.7 Planning Policy- No response received.
- 8.8 Conservation and design team: *In addition to the policies set out within the development plan, section 72(1) of the Planning (Listed Building & Conservation Areas) Act 1990 requires local authorities, in the exercise of their planning functions with respect to any buildings or land, to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas. Section 66(1) of The Act requires that local authorities have special regard to preserving or enhancing listed buildings and their settings in considering whether or not to grant permission for development which affects a listed building or its setting. Additionally, paragraph 190 of the NPPF 2019 requires local authorities to assess the significance of any heritage assets that may be affected by a proposal (including development affecting the setting of a heritage asset), and paragraph 192 directs local authorities to take account of the desirability of preserving and enhancing that significance in determining applications.*
- 8.9 *The proposed installation of tall, contemporary telecommunications equipment on the application site with resulting impact on views from the public realm is considered to harm the character and appearance of the area and the setting of the listed buildings, and visual amenity generally.*

## **9. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATION & POLICIES**

9.1 Islington Council (Planning Sub-Committee A), in determining the planning application has the following main statutory duties to perform:

- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004) (Note: that the relevant Development Plan is the London Plan and Islington's Local Plan, including adopted Supplementary Planning Guidance.)

9.2 National Planning Policy Framework 2019 (NPPF): Paragraph 10 states: "at the heart of the NPPF is a presumption in favour of sustainable development.

9.3 The National Planning Policy Framework 2019 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

9.4 Since March 2014 Planning Practice Guidance for England has been published online

9.5 In considering the planning application account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

9.6 The Human Rights Act 1998 incorporates the key articles of the European Convention on Human Rights into domestic law. These include:

- Article 1 of the First Protocol: Protection of property. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
- Article 14: Prohibition of discrimination. The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, or other status.

9.7 Members of the Planning Sub-Committee must be aware of the rights contained in the Convention (particularly those set out above) when making any Planning decisions. However, most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted. Any interference with any of the rights contained in the Convention must be sanctioned by law and be aimed at pursuing a legitimate aim and must go no further than is necessary and be proportionate.

- 9.8 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular, the Committee must pay due regard to the need to: (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.9 In line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special regard has been given to the desirability of preserving the Conservation Area, its setting and any of its features of special architectural or historic interest.
- 9.10 The National Planning Policy Framework 2012 seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of these proposals.

#### **Development Plan**

- 9.11 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and Site Allocations 2013. The policies of the Development Plan are considered relevant to this application and are listed at Appendix 2 to this report.
- 9.12 Some weight is attributable to the Draft London Plan

#### **Supplementary Planning Guidance (SPG) / Document (SPD)**

- 9.13 The SPGs and/or SPDs which are considered relevant are listed in Appendix 2.

### **10. ASSESSMENT**

- 10.1 The main issues arising from this proposal relate to:

- Design and character
- Impact on the amenity of neighbouring resident's amenity
- Public health
- Public benefits

#### **Design and Character**

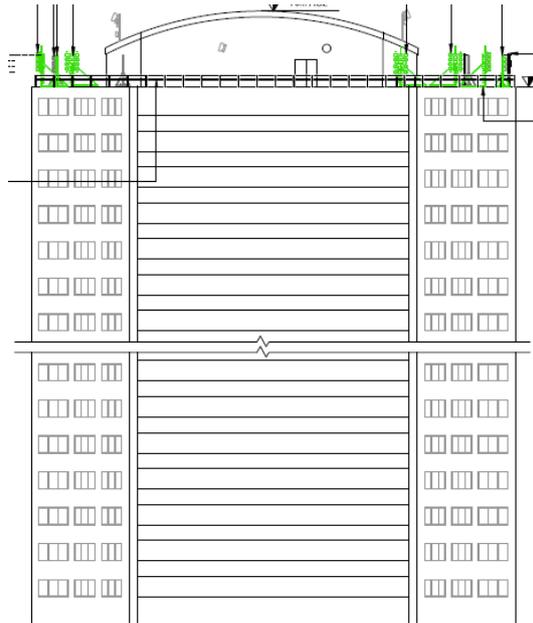
- 10.2 The National Planning Policy Framework (NPPF) has been considered in the assessment of this application. Policy DM2.1 states that all forms of development should be of a high quality and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics.

- 10.3 Development Management Policy DM2.3 states that Islington's historic environment is an irreplaceable resource and the council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance. In this instance, whilst the application site is not within a Conservation Area, it is within close proximity to four different conservation areas. To the north is New River CA, to the east is Northampton Square CA, to the south is Clerkenwell Green CA and to the west is Roseberry Avenue. The closest of which is New River that is approximately 60m to the north for the site.
- 10.4 Development Management Policy DM2.7 states that telecommunications and utilities equipment will only be permitted where they are sited and designed to minimise their visual impact, do not have a detrimental effect upon the character or appearance of the building or area, innovative design and technological solutions have been explored to minimise visual impact, and there is no reasonable possibility of sharing facilities.
- 10.5 Paragraph 112 of the NPPF 2019 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.
- 10.6 Paragraph 113 of the NPPF 2019 states that 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.
- 10.7 Paragraph 114 of the NPPF 2019 states that local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development.
- 10.8 Paragraph 192 of National Planning Policy Framework (2019) states 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; and
  - c) the desirability of new development making a positive contribution
- 10.9 Paragraphs 194-196 of the NPPF (2018) deals specifically with harm to the significance of a designated heritage asset and whether this harm is substantial or less than substantial. In cases where the harm is less than substantial harm, this should be weighed against the public benefits of the proposal.
- 10.10 Michael Cliffe House is a mid-twentieth century building in an area which exhibits a wide variety of building sizes and typologies. Whilst the building is surrounded by Conservation Areas, the majority of nearby properties in the immediate area are of mid to late 20th century construction, at heights much lower than Michael Cliff House.

10.11 The application property is 24 storey building in residential use, situated to the west of St Johns Street and to the north of Skinner street, and forms the main building of a residential estate known as Finsbury Estate. It is located in the Central Activities Zone and within the Bunhill and Clerkenwell Core Strategy Key Area.

10.12 The proposal would lead to the installation of pole mounted dishes on the roof of the property in addition to existing equipment. The purpose of these would be to provide improved wireless internet services

Proposed Western Elevation



Proposed Eastern Elevation



- 10.13 The proposed development would lead to the placing of the equipment on all sides of the roof of the building. It is understood that in order to receive sufficient signal, the proposed equipment is required to be sited towards the edge of the roof. The existing roof includes a 1.1m hand rail that borders the roof, inset from the buildings edge and there are various pieces of telecommunications equipment already installed at roof level. At the northern end of the roof three frames will be installed capable of holding 10 antennas each and one smaller frame capable of holding 3 antennas. To the southern end of the roof a further five 10 antenna frames will be installed and a single three antenna frame installed. In total 10 frames will be installed capable of holding 86 antennas.
- 10.14 In this instance the siting of the proposed equipment, when considered against the high level location of the proposals, are placed appropriately to reduce its prominence from the public realm. This is on the basis that the height of the building ensures that views are heavily obscured from nearby views, and the equipment not large enough to be noticeably visible from longer views. It is acknowledged these would be visible from some longer views from the surrounding conservation areas, however the positioning, relative small scale of the dishes and high level position of the antennas would lead to some limited visual to harm to the surrounding conservation areas.
- 10.15 It is also proposed to install an equipment cabinet at roof level where previously this was proposed to be installed within an existing plant room. The cabinet is 2.5m high and positioned in the central location of the roof space and will therefore not be visible from the surrounding streetscene. Overall, the proposed development would cause some limited harm to the character and appearance of the surrounding Conservation Areas.
- 10.16 According to the National Planning Policy Framework section 16 and paragraph 196 which states the following “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”. The weighing of public benefits against harm is carried out at Paragraphs 10.27 to 10.30 below.

## **11. PUBLIC BENEFIT**

- 11.1 Paragraph 112 of the NPPF 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*”.
- 11.2 Paragraph 113 of the NPPF 2019 states that “*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*”.
- 11.3 Paragraph 114 of the NPPF 2019 states that *local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:*

- a) *they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and*
  - b) *they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services*
- 11.4 As demonstrated above, the proposals would cause less than substantial harm to the character and appearance of the surrounding conservation areas. It is considered that the public benefit of the next generation mobile technology (5G) brought by the proposals outweigh the less than substantial harm caused to the character and appearance of the conservation area. In accordance with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposal hereby under consideration, special regard has been paid (and great weight given to “doing no harm”) to the desirability of preserving or enhancing the character or appearance of the nearby Grade I Listed Building and surrounding conservation areas. In this instance there are several mitigating factors to consider, including the height and scale of the existing building, limiting public views to infrastructure at roof level, as well as the strong government support within the updated NPPF (2019) for increased provision of 5G infrastructure across London.
- 11.5 The benefits of the proposal, including efforts to improve wireless internet infrastructure and the resulting fast and ubiquitous access to the internet from mobile and fixed devices is considered to outweigh the less than substantial harm caused to the nearby heritage assets. The proposals would be either not visible or of glimpsed visibility from adjoining public viewpoints from within and outside the adjoining conservation areas.
- 11.6 The benefits of improved mobile infrastructure form the basis of public benefits that tips the planning balance to outweigh the visual harm, in a manner that gives great weight to “preserving” or doing no harm on nearby heritage assets. Also recognised is the importance the Government attaches to a high quality communications infrastructure, and the related benefits this brings, in this case, the public benefits of allowing the proposal would not contravene the statutory requirement to pay special regard to the conservation areas, designated heritage assets.

## **12. NEIGHBOURING AMENITY**

- 12.1 The proposals comprising the installation of 86 x dish antennas to short antenna poles mounted on 10 x freestanding support frames upon the roof of the building and the installation of 2 x equipment cabinets is not considered to raise any concerns in relation to sunlight, daylight and outlook from neighbouring properties. Further, the proposals would not raise any concerns in relation to privacy conforming with Policy DM2.1 of the DMP (2013).

## **13. HEALTH RISKS**

- 13.1 Paragraph 116 of the National Planning Policy Framework states that Local authorities must determine applications on planning grounds only. They should not question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

- 13.2 Luminet regulates the operation of mobile networks in relation to their use of radio frequencies and whilst it does not have any duties related to the recommendations for exposure to Electromagnetic radiation emissions, it does set out the need for certificates of International Commission on Non-Ionizing Radiation Protection (ICNIRP) compliance to be provided with planning applications and for operators to continue to ensure all sites remain compliant.
- 13.3 An ICNIRP Declaration from the manufacturer was submitted with the application confirming that the proposed antennas would not generate Electromagnetic radiation above thresholds that would pose a risk to the general public or workers responsible for maintaining the equipment.
- 13.4 With telecommunications equipment the recent view from Public Health is that risks from EMF are low. Overall, it is considered that the electromagnetic radiation emitted by the proposed antennas would be minimal and would conform with ICNIRP Guidelines. As a result, it is considered that the proposed installation of antennas atop the roof of the building would not pose a risk to Public Health.

#### **14. SUMMARY AND CONCLUSION**

- 14.1 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.6 of this report.
- 14.2 The public benefits of improved telecommunications infrastructure form the basis of public benefits that tips the balance to outweigh harm, in a manner that gives great weight to “preserving” or doing no harm. Significant weight has been given to National Policy relating to 5G telecommunication infrastructure.
- 14.3 As such, the proposed development is considered to accord with the policies in the London plan, Islington Core Strategy, Islington Development Management Policies and the National Planning Policy Framework and as such is recommended for an approval subject to appropriate conditions.

#### **Conclusion**

- 14.4 It is recommended that planning permission be granted subject to conditions as set out in Appendix 1 - RECOMMENDATION.

## APPENDIX 1 – RECOMMENDATIONS

### RECOMMENDATION A

That the grant of planning permission be subject to conditions to secure the following:

#### List of Conditions:

<b>1</b>	<b>Commencement</b>
	<p>CONDITION: The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p>REASON: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 (Chapter 5).</p>
<b>2</b>	<b>Approved plans list</b>
	<p>CONDITION: The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Silku Declaration of RF Exposure ICNIRP Document, LUM 0002-PM 01 Rev A, LUM 0002-PM 02 Rev A, LUM 0002-PM 03 Rev A, LUM 0002-PM 04 Rev A, LUM0002-04-Issue F, LUM0002-05 Issue F, LUM0002-03 Issue F &amp; planning statement.</p> <p>REASON: To comply with Section 70(1)(a) of the Town and Country Planning Act 1990 as amended and also for the avoidance of doubt and in the interest of proper planning.</p>
<b>3</b>	<b>Materials (Compliance)</b>
	<p>CONDITION: The hereby approved development shall be constructed in accordance with the schedule of materials noted on the approved plans and within the Design and Access Statement. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter into perpetuity.</p> <p>REASON: In the interest of securing sustainable development and to ensure that the resulting appearance and construction of the development is of a high standard.</p>

## **APPENDIX 2: RELEVANT POLICIES**

This appendix lists all relevant development plan policies and guidance notes pertinent to the determination of this planning application.

### **1. National Guidance**

The National Planning Policy Framework 2019 and Planning Policy Guidance (PPG) seek to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF and PPG are material considerations and have been taken into account as part of the assessment of these proposals.

### **2. Development Plan**

The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013, and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

#### **A) The London Plan 2016 - Spatial Development Strategy for Greater London**

Policy 7.4 Local character  
Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology

#### **B) Islington Core Strategy 2011**

##### Strategic Policies

Policy CS 8 – Enhancing Islington’s character  
Policy CS 9 - Protecting and enhancing Islington’s built and historic environment

#### **C) Development Management Policies June 2013**

- Policy DM2.1 – Design
- Policy DM2.3 – Heritage
- Policy DM2.7 – Telecommunications and utilities

### **3. Designations**

- Bunhill & Clerkenwell Core Strategy Key Area
- Central Activities Zone
- Cycle Routes (Major)
- Bunhill & Clerkenwell Local Plan Area
- Article 4 Direction A1 to A2 (Rest of Borough)
- Article 4 Direction B1(c) to C3
- Heathrow Safeguarding Area

### **4. SPD/SPGS**

Urban Design Guidelines