

## PLANNING COMMITTEE REPORT

Development Management Service  
Planning and Development Division  
Environment and Regeneration Department

<b>PLANNING SUB COMMITTEE B</b>		AGENDA ITEM	<b>B8</b>
<b>Date:</b>	14 July 2020	<b>NON-EXEMPT</b>	

Application number	P2019/0778/FUL
Application type	Full Planning
Ward	Clerkenwell
Listed building	N/A
Conservation area	Hat and Feathers Conservation Area Within 50m of Northampton Square Conservation Area
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	Davina House, 137-149 Goswell Road, London, EC1V 7ET
Proposal	Replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units.

Case Officer	Amanda Peck
Applicant	UK Broadband
Agent	Concentric Comms Ltd - Charles White

### 1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in **Appendix 1** (Recommendation A);

## 2. SITE PLAN

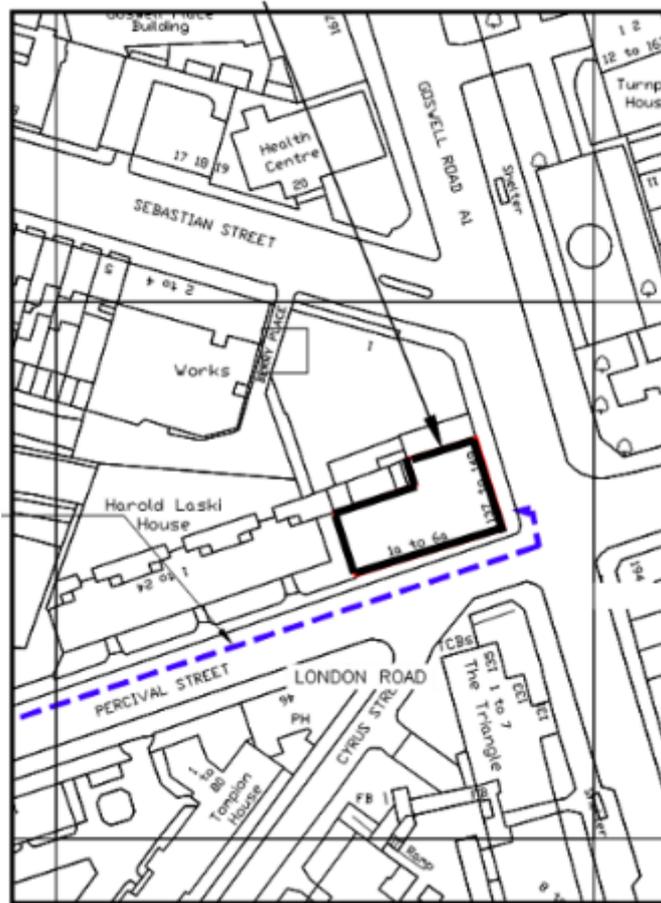


Image 1: Site Location Plan

## 3. PHOTOS OF SITE/STREET



Image 2: Aerial view looking north



**Image 3: Aerial view looking west**



**Image 4: View from Goswell Road and Percival street junction looking north west**



Image 5: View from Percival Street looking east



Image 6: View from Lever Street looking west



**Image 7: View from Berry Place looking south east**

#### **4. SUMMARY**

- 4.1 Planning permission is sought for the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units. These will replace the existing 3 no. antennas, 1 no. dish, 3 Remote Radio Units and 1 equipment cabinet (all permitted under P111738). There will therefore be an uplift of 3 no antennas and 1 equipment cabinet overall and an increase in height when compared to existing of 2cm, which will still be below the taller existing equipment on the roof used by other operators.
- 4.2 The installation of the equipment proposed is sought in association with providing additional 5G coverage along with the existing 4G coverage.
- 4.3 The application property is a six-storey office building located at the junction of Goswell Road, Lever Street and Percival Road. It is not listed; however, it is located within the Hat and Feathers Conservation Area. The area is a mixture of residential and commercial properties of varying designs ranging from tower blocks to terraced properties.
- 4.4 The application is being brought to committee due to the nature of development on the roof of a taller building located within a conservation area, with historically sensitive buildings and protected spaces adjacent to the site.
- 6.1 The main considerations in this assessment include the impact of the proposals on the character and appearance of the Conservation Area, as well as considering the potential neighbour amenity impacts and public benefits of the proposals. The proposal has been amended during the course of the assessment of the application and the proposed equipment has been moved back from the edge of the building so that it does not overhang the parapet line.
- 4.5 The Design and Conservation Team consider that whilst proposals would be visible in views from the public realm, there would be a neutral impact on the character and appearance of the conservation area and visual amenity generally. This is because the replacement and additional equipment would not meaningfully exacerbate the relatively limited harm caused by the existing rooftop plant.

- 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 as the proposals would 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'*. Appropriate weight in accordance with the statutory duties (S72) have been applied to "preserve" the heritage assets. In addition, the proposals would not be considered to cause harm to the amenity of neighbouring properties.
- 4.7 For the above reasons the recommendation to committee is to resolve to grant permission subject to planning conditions.

## 5. SITE AND SURROUNDINGS

- 5.1 The application property is a six-storey office building located at the junction of Goswell Road, Lever Street and Percival Road. It is not listed; however, it is located within the Hat and Feathers Conservation Area. The area is a mixture of residential and commercial properties of varying designs ranging from tower blocks to terraced properties.



**Image 8: Conservation Area Boundary**

## 6. PROPOSAL (IN DETAIL)

- 6.2 Planning permission is sought for the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units. These will replace the existing 3 no. antennas, 1 no. dish, 3 Remote Radio Units and 1 equipment cabinet (all permitted under P111738). There will therefore be an uplift of 3 no antennas and 1 equipment cabinet overall and an increase in height when compared to existing of 2cm, which will still be below the taller existing equipment on the roof used by other operators.

- 6.3 The proposal has been amended during the course of the assessment of the application and the proposed equipment has been moved back from the edge of the building so that it does not overhang the parapet line.

## 7. RELEVANT HISTORY

- P2012/0030/FUL Installation of a non-penetrating 1.8 meter wide satellite dish on the roof of Davina House. Approved 8 February 2012
- P120689 Three existing UMTs antenna to be replaced with three combined GSM/UMTS antenna and new cabinet. Approved 9 August 2012
- P111738 The installation of 3 no. antennas, 3 no. 600mm dish antennas and 2 no. equipment cabinets to the rooftop of Davina House for the provision of 4G coverage. Approved 27 October 2011
- P031320 Erection of 3 x antennae, 1 x radio equipment cabinet and 1 x electricity meter cabinet. Approved 6 October 2003
- P021149 Installation of two pole antennae equipment cabin, two satellite dishes, one wall mounted antennae and ground level cabinet. Approved 10 September 2002
- 991586 The construction of a BTCellnet radio base station comprising 3 panel antennae attached to the face of building below parapet and 1 radio equipment cabin supported on a new grillage at roof level. Approved 1 October 1999
- 990375 Installation of three panel antennae supported on a single pole mount and one radio equipment cabin supported on new grillage at roof level. Refused 5 July 1999

## 8. CONSULTATION

### Public Consultation

- 8.1 Letters were sent to occupants of 326 adjoining and nearby properties on 25 March 2019. A site notice and press advert were also displayed. It was noted during the course of the assessment that not all of the proposed elevations were submitted and further consultation was carried out on 28 October 2019. The public consultation of the application therefore expired on 24 November 2019, however it is the Council's practice to continue to consider representations made up until the date of a decision. At the time of the writing of this report 3 responses had been received from the public with regard to the application:

- I am worried about the health implications of 5G antennae.  
**Officer Comment:** Please see public health comments at paragraph 8.3 and assessment at paragraphs 10.18-10.23.
- Davina House is surrounded by residential properties in the Brunswick Estate, Sebastian Street and Northampton Square. All of these are susceptible to noise nuisance. There is no discussion of noise in the application. That being the case it is submitted that this application should be granted subject to a condition that no noise generated by equipment on this site should be audible at the boundary of any other property.  
**Officer Comment:** Please see Acoustic Officer comments at paragraph 8.4 and assessment at paragraph 10.17.
- The application includes a request for empty equipment space for future (unspecified) use. **Officer Comment:** The comments refer to a note on the existing plans not the proposed drawings. Space was left previously for a 'future cabinet' but this cabinet has been proposed on the new drawings in that location so no empty equipment space is proposed.

## **External Consultees**

8.2 None.

## **Internal Consultees**

- 8.3 ***Design and Conservation Officer:*** The additional equipment will have a neutral impact on the conservation area, providing it does not break through the parapet. OFFICER COMMENT: The proposal has consequently been amended and the equipment is now set behind the parapet (which is actually not a parapet but railings around the roof edge).
- 8.4 ***Acoustic Officer:*** The antenna and cabinets do not require noisy mechanical plant such as condensing units or cooling fans. The EPPP Team have never received a noise complaint about a mobile phone installation. The EPPP Team would not typically require a noise assessment of the impact or stipulate a condition to control noise from the installation.
- 8.3 ***Public Health:*** Islington Council takes the health, wellbeing and safety of its residents very seriously. Having due regard to an assessment of the available national and international scientific evidence and current national guidance for the installation of telecommunications infrastructure, including masts, we do not consider that the deployment of 5G poses a threat to the health and safety of our residents. This position is consistent with the latest guidance from Public Health England (PHE), the statutory body responsible for protecting the nation from public health hazards.

Radiofrequency electromagnetic field exposures include exposures to radio waves produced by Wi-Fi equipment, smart meters and mobile phone base stations. PHE guidance on this matter was last updated in May 2019. Extensive research has been conducted for many years on the impact of exposure to radio waves on health. This research has been examined by groups of UK and international independent experts, and their conclusions from this accumulated evidence is that adverse health effects are unlikely to occur if exposures are below the levels set in current standards.

The management of telecommunications is governed by national and international legislation and guidance, with installations needing to comply with the limitations imposed by the International Commission on Non-Ionising Radiation Protection (ICNIRP). These instruct that the design and placement of sites must ensure that exclusion zones are either in areas that individuals cannot enter (for example in inaccessible clear space adjacent to a rooftop) or be signposted and in a controlled area. Moreover, emissions surveys and audits of similar existing telecommunications installations have found that the levels of all types of radio frequency transmissions found near to mobile phone base stations remain hundreds or even thousands of times lower than the permissible limits set by ICNIRP.

I understand that the applicant for this particular planning application has provided a declaration of conformity with ICNIRP guidelines. Moreover, the National Planning Policy Framework is explicit in that local planning authorities must determine applications for telecommunications equipment on planning grounds only. Local planning authorities cannot set health safeguards that are different to the International Commission's guidelines.

This link (<https://www.gov.uk/government/publications/mobile-phone-base-stations-radio-waves-and-health/mobile-phone-base-stations-radio-waves-and-health>) includes detailed information on exposure guidelines and health-related evidence and reviews. PHE continues to monitor the latest scientific evidence on this topic and update its advice, and Islington Council will regularly review its position in light of the latest available evidence and national guidance on the health impacts of mobile phone installations.

**For reference, set out below is further background scientific and technical references.**

A general overview of High Frequency Electro-Magnetic Frequency, 100Khz to 300Ghz (HF EMF), can be found [here](#). With all the telecoms installations in the borough, operators must ensure that all

equipment is ICNIRP (International Committee on Non-Ionising Radiation Protection) compliant, as stated in the Department for Communities and Local Government's National Planning Policy Framework (<https://www.gov.uk/government/publications/national-planning-policy-framework--2>).

Radio base stations and handsets use Electromotive Force (EMF) to transfer information and make mobile phone communications possible. EMFs are used for television and radio transmissions, by the police, fire and ambulance services, by taxi firms and public utilities. EMFs are also used for a wide range of personal and commercial equipment from electronic car keys, Wi-Fi equipment and baby monitoring devices to shop security tag systems. They are also produced by household electrical appliances like fridges, vacuum cleaners or electric shavers.

In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature ( $> 1\text{ }^{\circ}\text{C}$ ) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).

The Advisory Group on Non-Ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].

In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.

Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection). These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: "ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice." [Source: ICNIRP statement on the "Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)"] (As above, these guidelines are currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)

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

9.1 Islington Council (Planning Committee), 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.)
- As the development affects the setting of listed buildings, Islington Council (Planning Committee) is required to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- As the development is within or adjacent to a conservation area(s), the Council also has a statutory duty in that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (s72(1)).

9.2 At paragraph 8 the NPPF (2019) states: "that sustainable development has an economic, social and environmental role".

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

9.4 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.

9.5 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.

9.6 Members of the Planning 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.

9.7 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.

### Telecommunications

- 9.8 Chapter 10 of the NPPF is entitled Supporting High Quality Communication Infrastructure. It is stated at Paragraph 112 that, *'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 set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).'*
- 9.9 Paragraph 113 further clarifies 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) equipment should be sympathetically designed and camouflaged where appropriate.'*
- 9.10 Paragraph 114 establishes 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.'*
- 9.11 Paragraph 115 states that *'Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) 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 34 and a statement that self-certifies that, when operational, International Commission guidelines will be met.'*
- 9.12 In addition, Paragraph 116 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'*

### Development Plan

- 9.13 The Development Plan is comprised of the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013 and the Finsbury Local Plan 2013. The policies of the Development Plan that are considered relevant to this application are listed at Appendix 2 to this report.

9.14 The site has the following designations under the London Plan 2016, Islington Core Strategy 2011, Development Management Policies 2013:

- Hat and Feathers Conservation Area
- Within 50m of Northampton Square Conservation Area
- 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

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

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

### **Emerging Policies**

#### Draft London Plan (Intend to Publish Version, December 2019)

9.19 The draft new London Plan was published for consultation in December 2017. The consultation period ended on Friday 2 March 2018. In accordance with section 338(3) of the GLA Act, the Secretary of State has appointed a Panel to conduct an examination in public (“EIP”) this opened on 15 January 2019 and continued until May 2019. The Planning Inspector made several recommendations to the Mayor on the 8th October 2019 and the Mayor responded on the 9th December 2019 with a version which is intended to be published by March 2020. The Secretary of State has now considered the ‘Intend to Publish’ version and the proposed changes and has made several recommendations, which are referenced in the main body of the Inspector’s report. Whilst the draft London Plan does not have the full weight of a statutory development plan at this stage, it is capable of being considered a material consideration. The emerging London Plan policies have been taken into account. Relevant policies in the emerging London Plan are set out below:

- Policy D1: London’s Form, Character and Capacity for Growth
- Policy D4: Delivering Good Design
- Policy HC1: Heritage Conservation and Growth
- Policy SI6 Digital Connectivity Infrastructure

9.20 It is worth noting that the Secretary of State has written to the Mayor of London setting out various directions to alter aspects of the emerging London Plan. It is not known at this stage what response the Mayor will make to the directions. Given what is proposed in the application, the direction does not alter the assessment in this case.

#### Draft Islington Local Plan 2019

9.21 The Regulation 19 draft of the Local Plan was approved at Full Council on 27 June 2019 for consultation and subsequent submission to the Secretary of State for Independent Examination. From 5 September 2019 to 18 October 2019, the Council consulted on the Regulation 19 draft of the new Local Plan. Submission took place on 12 February 2020 with the examination process in progress.

9.22 In Line with the NPPF Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- 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
- 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).

9.23 Emerging policies relevant to this application are set out below:

- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy ST1: Infrastructure Planning and Smarter City Approach
- Policy ST3: Telecommunications, communications and utilities equipment

## 10. ASSESSMENT

10.1 The main issues arising from this proposal relate to:

- Design and harm to the conservation area,
- Neighbours Amenity
- Public Benefit

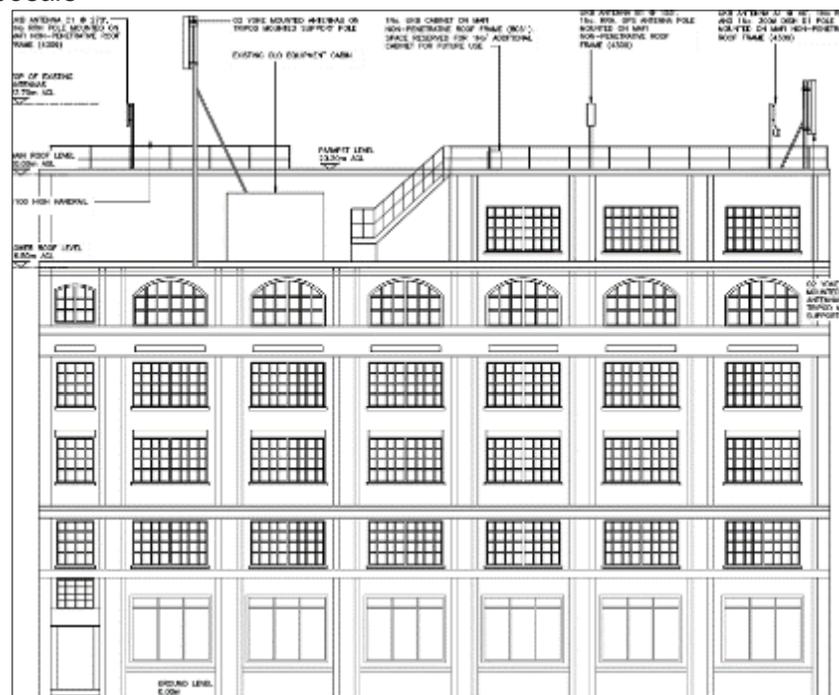
### **Design and Conservation**

#### *Policy context*

- 10.2 Section 72 (1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 10.3 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.
- 10.4 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
- 10.5 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.

- 10.6 Policy CS9 of Islington's Core Strategy (CS) 2011 and Policy DM2.1 of Islington's Development Management Policies 2013 accord with the National Planning Policy Framework (NPPF) in seeking to sustain and enhance Islington's built environment. Taken together, they seek to ensure that proposed development responds positively to existing buildings, the streetscape and the wider context, including local architecture and character, surrounding heritage assets, and locally distinctive patterns of development.
- 10.7 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. It also states that the council will require that alterations to existing buildings in conservation areas conserve or enhance their significance.
- 10.8 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.
- 10.9 According to the Urban Design Guide (paragraph 5.189) telecommunication aerials and equipment often contribute to physical clutter. It states that every opportunity should be made to rationalise and reduce their impact within the public realm.
- 10.10 Paragraph 190 of the Islington Urban Design Guide SPD states that particular care needs to be taken with mobile phone/telecommunication masts to ensure their size, height and positioning does not dominate the surrounding public realm. Where it will not have a detrimental impact on performance, they should be located where they are largely obscured from the surrounding public realm and do not impact adversely upon the skyline from longer views.
- 10.11 The Hat and Feathers Conservation Area Guidelines states that all plant rooms and lift overruns should be located so as to be invisible from the street including long views from adjacent streets.

*Assessment of proposals*



**Image 9: Existing Percival Street elevation**

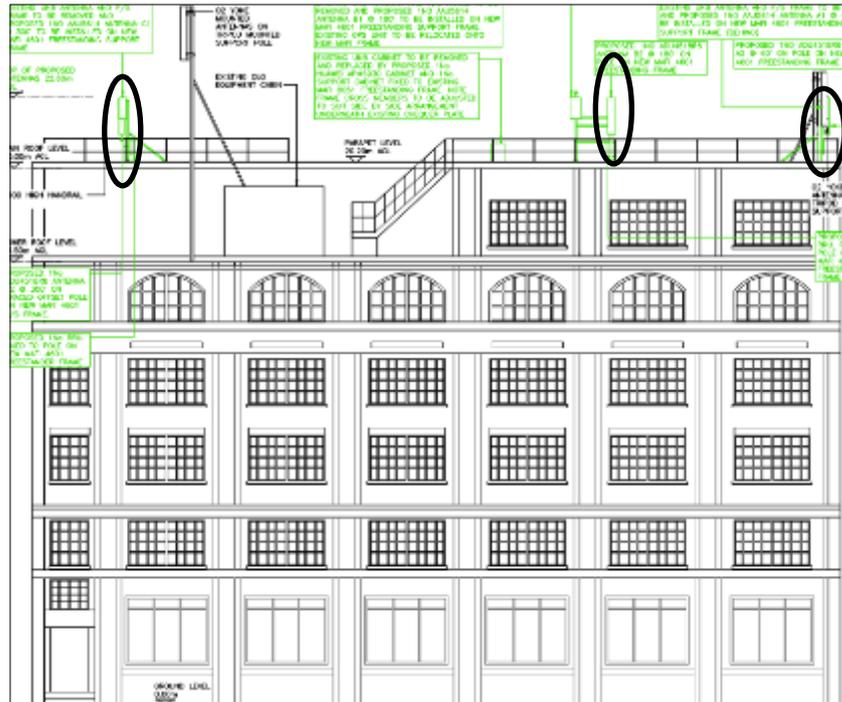


Image 10: Proposed Percival Street elevation

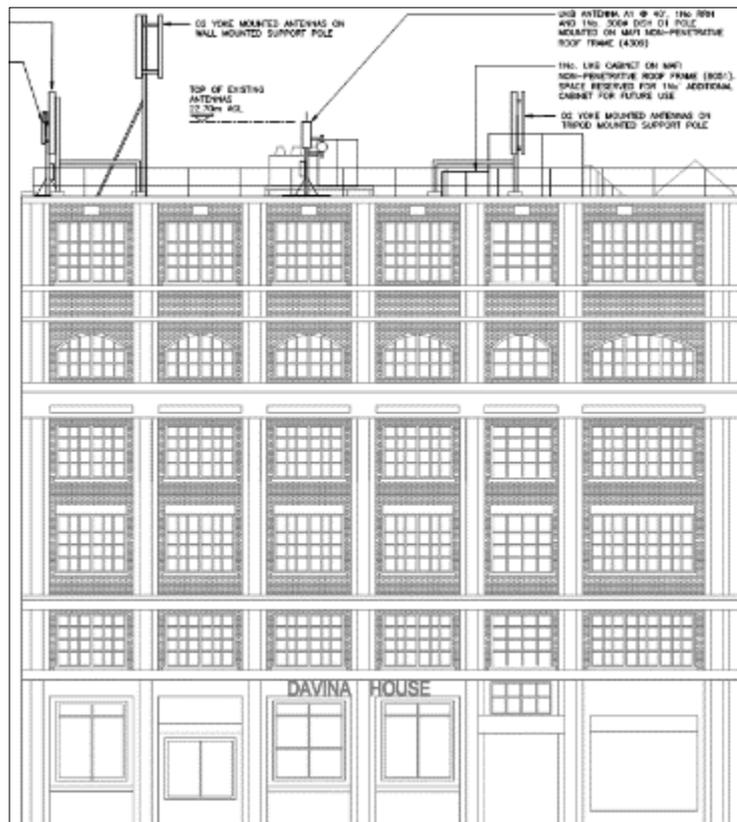


Image 11: Existing Goswell Road elevation

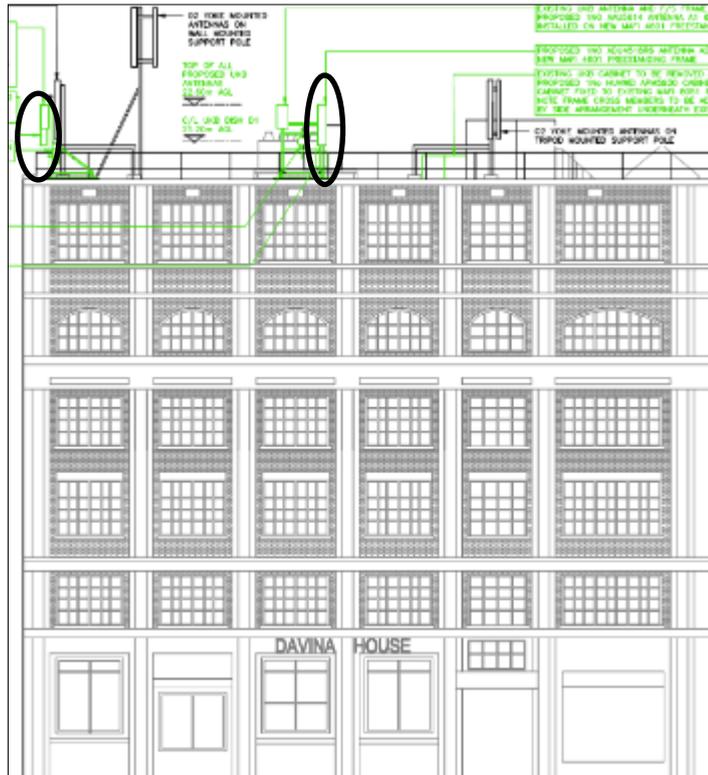


Image 12: Proposed Goswell Street elevation

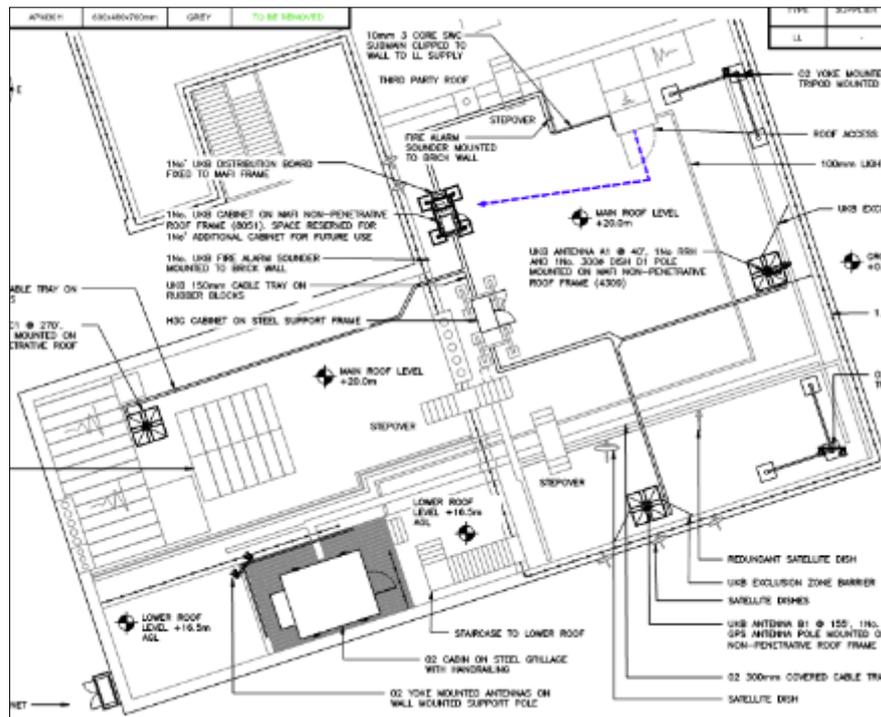
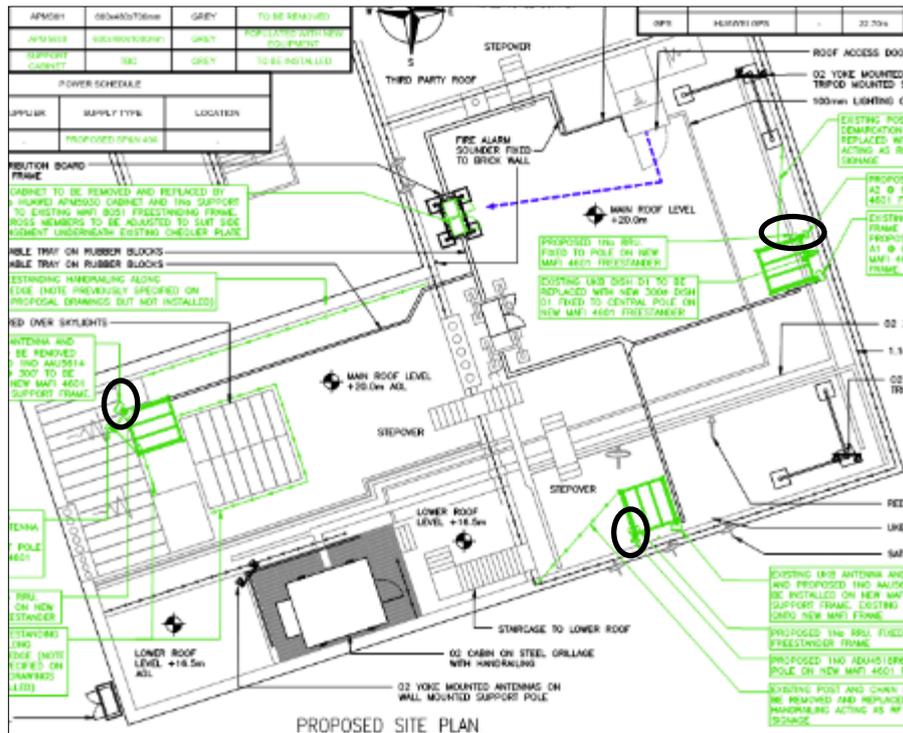


Image 13: Existing roof plan



**Image 14: Proposed roof plan**

- 10.1 Planning permission is sought for the replacement of existing antennas, dish and cabinet with 6 no. new antennas, 1 no. dish and 2 replacement equipment cabinets. Removal and replacement of 3 x Remote Radio Units. These will replace the existing 3 no. antennas, 1 no. dish, 3 Remote Radio Units and 1 equipment cabinet (all permitted under P111738). There will therefore be an uplift of 3 no antennas and 1 equipment cabinet overall and an increase in height when compared to existing of 2cm, which will still be below the taller existing equipment on the roof used by other operators.
- 10.2 The installation of the equipment proposed is sought in association with providing additional 5G coverage along with the existing 4G coverage.
- 10.3 The proposal has been amended during the course of the assessment of the application and the proposed equipment has been moved back from the edge of the building so that it does not overhang the parapet line. It is not possible for the equipment to be moved any further back from the edge, as this would impact on the effective operation of the antennas. The replacement and additional equipment would be visible from the street level from both Goswell Road, Percival Street and Lever Street and limited views from the rear on Berry Place/Tompion Street.
- 10.4 The building is on a prominent corner at a road junction and has a large amount of existing roof top equipment including a mast and antennas on the Percival Street elevation that is approximately 5m in height. There are no listed buildings or locally listed buildings within the immediate context of the application site, which is in the Hat and Feathers Conservation Area.
- 10.5 The existing rooftop equipment is visible from the public realm and the visual impact of the new equipment will not cause a discernible impact on the conservation area. The proposals would not meaningfully exacerbate the relatively limited harm caused by the existing rooftop plant. Within the overall context of the Hat and Feathers Conservation Area the application site is one of the least harmful locations for locating the proposed new antennae, given the amount of existing equipment. The increase in rooftop telecommunications equipment in a conservation area is generally undesirable, however, given the minimal impact of the additional equipment and that the site is not within the immediate context of listed or locally listed buildings, the proposals are considered acceptable.

- 10.6 Overall, the proposed development would cause a neutral impact on the character and appearance of the Hat and Feathers Conservation Areas. It complies with the Framework and to Core Strategy policy CS9, which together amongst other things, seek to protect local character, Policy DM2.1, Policy DM2.3 and Policy DM2.7 of the Development Management Policies and the conservation area guidance.
- 10.7 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 area, a designated heritage asset
- 10.8 The paragraphs above outline the impact of the proposals on the character or appearance of the conservation areas. In accordance with the NPPF, public benefits are looked at. In this situation, there is clear public benefit from the improved wireless mobile internet network.
- 10.9 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 detailed at Paragraphs 10.10 to 10.14 below.

### **Public Benefits**

- 10.10 Paragraph 112 of the National Planning Policy Framework states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. The Paragraph sets out that 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.
- 9.9 Paragraph 113 further clarifies 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) equipment should be sympathetically designed and camouflaged where appropriate.’*
- 10.11 Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including where appropriate, securing its optimum viable use.
- 10.12 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”*
- 10.12 As demonstrated above, the proposals would have a neutral impact on the character and appearance

of the conservation areas. It is considered that the public benefit of the introduction of next generation mobile technology (5G) from the proposal outweighs the neutral impact caused to the character and appearance of the conservation area. In accordance with Section 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 conservation area. In this instance there are several mitigating factors to consider, including the existing roof top plant and the height and scale of the existing building, as well as the strong government support within the updated NPPF (2019) for increased provision of 5G infrastructure across London.

- 10.13 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 limited glimpsed visibility from Bunhill Fields and Burial Ground, Whitecross Street, and Chequer Street. Whilst visible from some public views within the Conservation Area, the design of the proposals and their siting are for the purpose of achieving maximum efficiency.
- 10.14 The benefits of improved mobile infrastructure form the basis of public benefits that tips the planning balance to outweigh the limited visual harm, in a manner that gives great weight to “preserving” or doing no harm on nearby heritage assets. Therefore, it is considered that the visual harm created would be limited and would be mitigated by the public benefits of increased broadband and telecommunications coverage within a dense urban and central London location in this case.

#### **Impacts to Neighbour Amenity**

- 10.15 Policy 7.6 of the London Plan and Development Management Policy DM2.1 requires that development should have regard to the form and layout of existing and adjacent buildings; good level of amenity including consideration of noise and the impact of disturbance, hours of operation, vibration, pollution, fumes between and within developments, overshadowing, overlooking, privacy, direct sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 10.16 Paragraph 116 of the Framework states that the need for the telecommunication system should not be questioned, nor should health safeguards be determined if the proposal meets International Commission guidelines for public exposure. That would be the case here, within the application having submitted an appropriate Declaration of Conformity by way of the ICNIRP evidence provided by the applicant.
- 10.17 The antenna and cabinets do not require noisy mechanical plant such as condensing units or cooling fans. There is therefore no requirement for a noise assessment of the impact or for any conditions to control noise from the installation

#### **Health Risks**

- 10.18 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.
- 10.19 UK Broadband 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.

10.20 An ICNIRP Declaration from the applicant (UK Broadband) 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.

10.21 Further, the Public Protection Officer has reviewed the proposals with their comments as follows.

*In terms of health concerns regarding installations of this type, mobile phones and devices are new but the technology is not, and research has been ongoing in this area for almost 75 years. After a thorough review of the available scientific findings, the World Health Organization (WHO) reported: "To date, the only health effect from radiofrequency (RF) fields identified in scientific reviews has been related to an increase in body temperature (> 1 °C) from exposure at very high field intensity found only in certain industrial facilities, such as RF heaters. The levels of RF exposure from base stations and wireless networks are so low that the temperature increases are insignificant and do not affect human health" [Source: World Health Organisation, Fact Sheet 304, Base stations and wireless technologies, 2006]. In addition, the WHO notes that "Based on a recent in-depth review of the scientific literature, the WHO concluded that current evidence does not confirm the existence of any health consequences from exposure to low level electromagnetic fields" (<http://www.who.int/peh-emf/about/WhatisEMF/en/index1.html>).*

*The Advisory Group on Non-Ionising Radiation summarised that: "...although a substantial amount of research has been conducted in this area, there is no convincing evidence that RF field exposure below guideline levels causes health effects in adults or children." [Health Effects from Radiofrequency Electromagnetic Fields – RCE 20, 2012].*

*In addition, the report 'Recent Research on EMF and Health Risk – Tenth report from SSM's Scientific Council on Electromagnetic Fields, 2015' notes that: "new studies on adult and childhood cancer with improved exposure assessment do not indicate any health risks for the general public related to exposure from radiofrequency electromagnetic fields from far-field sources, such as base stations and radio and TV transmitters.*

*Radio base stations are designed to comply with the stringent, precautionary public exposure guidelines set out by ICNIRP (International Commission on Non-Ionizing Radiation Protection). These guidelines have been developed following a thorough review of the science including both thermal and non-thermal effects. UK radio base station installations have been surveyed by independent bodies and found to be hundreds, and sometimes thousands, of times below these guidelines. When ICNIRP reviewed their guidelines in 2009 they concluded: "ICNIRP reconfirms the 1998 basic restrictions in the frequency range 100 kHz–300 GHz until further notice." [Source: ICNIRP statement on the "Guidelines for limiting exposure to time-varying electric, magnetic and electromagnetic fields (up to 300 GHz)"] (As above, these guidelines are currently being revised, with consultation having been undertaken in July to October 2018 and the results being collated at the moment.)*

10.22 In this case the planning application proposal has provided the required declaration of conformity with ICNIRP guidelines. Moreover, the National Planning Policy Framework is explicit in that local planning authorities must determine applications for telecommunications equipment on planning grounds only. Local planning authorities cannot set health safeguards that are different to the International Commission's guidelines.

10.23 With telecommunications equipment Public Health confirm 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 to existing or adjoining

residents in the area.

## **11. SUMMARY AND CONCLUSION**

### **Summary**

- 10.24 A summary of the proposal and its impacts and acceptability is set out at paragraphs 4.1 to 4.7 of this report. Great weight has been afforded to the desirability to “preserve” the character and appearance of the Conservation area (Section 72). Whilst the proposed antennas will be visible from some public views within the Conservation Area, given the existing rooftop plant on the building and the size of the existing building, the impact is considered to be neutral.
- 10.25 The benefits of increased provision of 5G infrastructure across London 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.
- 10.26 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**

- 10.27 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><b>CONDITION:</b> The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.</p> <p><b>REASON:</b> 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><b>CONDITION:</b> The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>ISL00007 01; -02; -03; -04; -05; -06; -07; -08; -18; 19; -19; -20; -21 all issue A4 dated 08.01.19; Supplementary Information prepared by UK Broadband dated 11 March 2019; Supporting Planning Statement; Cover Letter by Waldon dated 11 March 2019.</p> <p><b>REASON:</b> 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><b>CONDITION:</b> 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><b>REASON:</b> 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**

- 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**

- Hat and Feathers Conservation Area
- Within 50m of Northampton Square Conservation Area
- 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