

ADDENDUM TO PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division
 Community Wealth Building

PLANNING SUB COMMITTEE B		AGENDA ITEM NO:
Date:	13th June 2023	NON-EXEMPT

Application number	P2022/2151/FUL
Application type	Full Planning Application
Ward	Highbury
Listed building	None
Conservation area	Highbury New Park Conservation Area Within 50m of Calabria Road and Canonbury Conservation Area
Development Plan Context	Rail Land Ownership - National Rail Surface Rail Safeguarding - Channel Tunnel Rail Link Cycle routes (Local) Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	Canonbury ATE, Highbury Grove, London N5 1HJ
Proposal	Installation of telecommunications equipment including 6No. Antennas (on 4No. new replacement tripods & support poles), 4No. Dishes, 2No. GPS Antennas, 5No. Equipment Cabinets and ancillary apparatus (following removal of existing equipment including 4No. Existing Antennas, 2No. Existing Cabinets and Ancillary Apparatus)

Case Officer	Mark Heaney
Applicant	Cellnex
Agent	WHP Telecoms - Mr Tiernan Walsh

1. RECOMMENDATION

1.1 The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1.

2. REASONS FOR DEFERRAL

2.1 This application was previously considered at Planning Sub-Committee B meeting on 15th December 2022 where those making representations were given an opportunity to speak. Members raised a number of concerns with the proposed height of the telecommunications equipment and requested clarification of what the increase in height between the existing and proposed equipment would be.

2.2 In the discussion the following points were made:

- The height increase was queried. It was then clarified by the Planning Officer that the difference in height between the existing equipment and the proposed equipment was 2.5m in height.
- Concerns were raised by Members regarding the proposed height, design and visual prominence of the equipment. Members queried why the new equipment needed to be higher than the existing equipment and if an alternative design configuration could be achieved without such a high projection upwards. Members also queried if the equipment could be spread over other buildings/sites in the surrounding area to reduce the height and why this is the chosen site over other sites or that amalgamating with other sites isn't an option.
- In response to Member's queries the Planning Agent explained that the new equipment, for technical reasons, had to be higher than the existing 3G/4G equipment and had to be bulkier to withstand weight and wind loading. The Planning Officer explained that the site selection process was undertaken in accordance with the sequential approach required by the NPPF.

2.3 Minutes of that meeting will be published on the Councils Democratic Services webpage.

2.4 The application was then deferred by the Committee to give the applicant additional time to explore alternative design options to reduce the height of the proposed telecommunications equipment and further explore if alternative locations are suitable.

3. UPDATES FOLLOWING PLANNING SUB-COMMITTEE B

3.1 The applicant has reviewed alternative approaches and revisited the site selection process but considers the original design, layout and location as stated within the description of proposal, achieves the best balance between technical, operational, and heritage considerations. The applicant has submitted an addendum document which provides justification for their current design approach where all antennae are grouped towards the centre roof level.

3.2 The applicant has also reviewed the site selection process and have provided further justification why there are no sequentially preferable locations that would provide the required coverage within the defined site search area with a lesser visual impact. This addendum document provides justification why the current rooftop site is considered the most acceptable location option.

4. CONSULTATION

4.1 A second consultation has taken place since the application was last heard at the Committee to allow surrounding occupiers to view the supporting addendum document submitted by the applicant to provide further justification in support of their initial design approach.

4.2 The second consultation expired on the 21st May 2023 and at the time of writing this report **3** letters of objection were received and are summarised below:

- The presence of equipment on this roof should not mean that overbearing over-development should be permitted in the future. *(Paras 5.5-5.19 below and Paras 9.2-9.30 of the earlier Committee report below).*
- This unsightly telecommunications equipment is proposed to be increased in height *(Paras 5.5-5.19 below and at Paras 9.2-9.30 of the earlier Committee report below).*
- No changes have been made to the design since the previous committee hearing. *(Paras 5.5-5.19 below).*
- The addition of technical hazardous equipment should not be placed so low and in an area so close to residents, it is a proven health hazard. *(Paras 5.21-5.22 below and at Paras 9.34-9.35 of the earlier Committee report below).*
- There has been no public notification of this planning re-application on Calabria Road. *(Para 4.4 below)*

4.3 Please also see the original Committee report at Appendix 3 (section 7) for full details of objections received to the first consultation which took place on the 11th August 2022.

4.4 It is noted above within the objections received which have raised issue with the consultation process. The application has been re-consulted to include neighbour letters, a press advertisement and a site notice. Therefore, the Council is satisfied it has met its statutory obligations and also the Council's own local consultation requirements as published within its Statement of Community Involvement.

4.5 It is the Council's practice to continue to consider representations made up until the date of a decision. Any additional representations received prior to the committee hearing shall be reported by way of an addendum.

5. ASSESSMENT OF ADDITIONAL INFORMATION

Site Selection Process

5.1 The Committee questioned if other buildings in the area would be a more suitable location than above the Canonbury ATE building and why amalgamating with other sites isn't an option.

5.2 The planning statement outlines the initial site selection process undertaken by the applicant's radio engineers. An additional addendum document further expands on the selection process and states that the sequential starting point for planning new networks or the expansion of existing networks is to use existing electronic communications sites owned by other operators or radio site management companies. The applicant's radio engineers consider that by upgrading the existing installation meets the sequential approach. This is because the current design option would have lesser visual impact when considered against other alternative antennae configuration options discussed below. It would also accommodate two other network operators sharing this installation as advised the NPPF (para 115). The current proposals would only have a 2.5m increase in height and the applicant has stated that if planning permission cannot be obtained for the current option, then 5G specific base stations would have to be built elsewhere in the immediate area. This would create more sites within the immediate vicinity, i.e. other rooftop sites or failing that locations for new ground based masts. It should also be noted that the principle of rooftop telecommunications equipment above this building has previously been considered acceptable by the Council noting the approved planning applications listed within sites planning history at section 6 of the earlier Committee report below.

5.3 The applicant has therefore followed the guidance set out within the Code of Practice for Wireless Network Development in England (2022) and the NPPF (2021) of which at paragraph 115 states that the "use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged". The proposed roof top site is considered to

be the most sequentially preferable solution. It would upgrade an existing rooftop site which also shared with other network operators and the new 5G antennae would fit within the existing network 3G and 4G configuration. Thereby eliminating the need to introduce additional new masts or base stations within the cell search area.

- 5.4 Officers consider that sufficient justification has been submitted to demonstrate that the installation of upgraded apparatus on this existing telecommunications site hosted on the rooftop of Canonbury ATE is the most appropriate option rather than the introduction of an entirely new and separate base station(s) within the conservation area.

Design and Conservation

- 5.5 In response to Members request to reduce the height through an alternative design approach, the applicant's design team have explored alternative design options to try to find a solution to reduce the height of the antenna. However, after reviewing different options they consider the current design as being the best option available that achieves the best balance between technical, operational, and heritage considerations. The applicant has therefore requested that the application is determined with the current design as was proposed at the last Committee hearing and has provided further justification, as discussed below.
- 5.6 The applicant explains that the only alternatives to the current design approach of pole mounted antennae grouped around the existing rooftop frame is a 10m high rooftop stub mast or alternatively the installation of 3 pole mounted antennas at separate locations towards the edge of the roof. Examples of the type of sub masts that would be required are shown at images 1 and 2 below.
- 5.7 The main roof level is 13.3m above ground level with a 1m high parapet wall and is approx. 3m lower than the steel grillage that forms the base for the existing pole mounts. An alternative design would require a stub mast structure no less than 10m in height attached to roof level to elevate the antennas to the height required to meet technical coverage objectives. This would create a much bulkier and visually concentrated arrangement with all antennas installed on a single headframe at the most visible part of the development.
- 5.8 As mentioned above, the alternative option to a stub mast would require installing antennas towards the edge of the roof and would require at least 3 tall pole mounts, extending up to 10m high, to elevate the antennas to a height required to provide coverage to the local area. This design option would have greater visual impact within the streetscene, to surrounding properties and in views into and out of the conservation areas. It is considered that it would be more harmful than the current proposal. The proposed option would have a lesser visual impact as it involves relatively minor changes to the position and increase in height of existing infrastructure (an approx. increase of 2.5m) as shown in images 5 and 6 below.

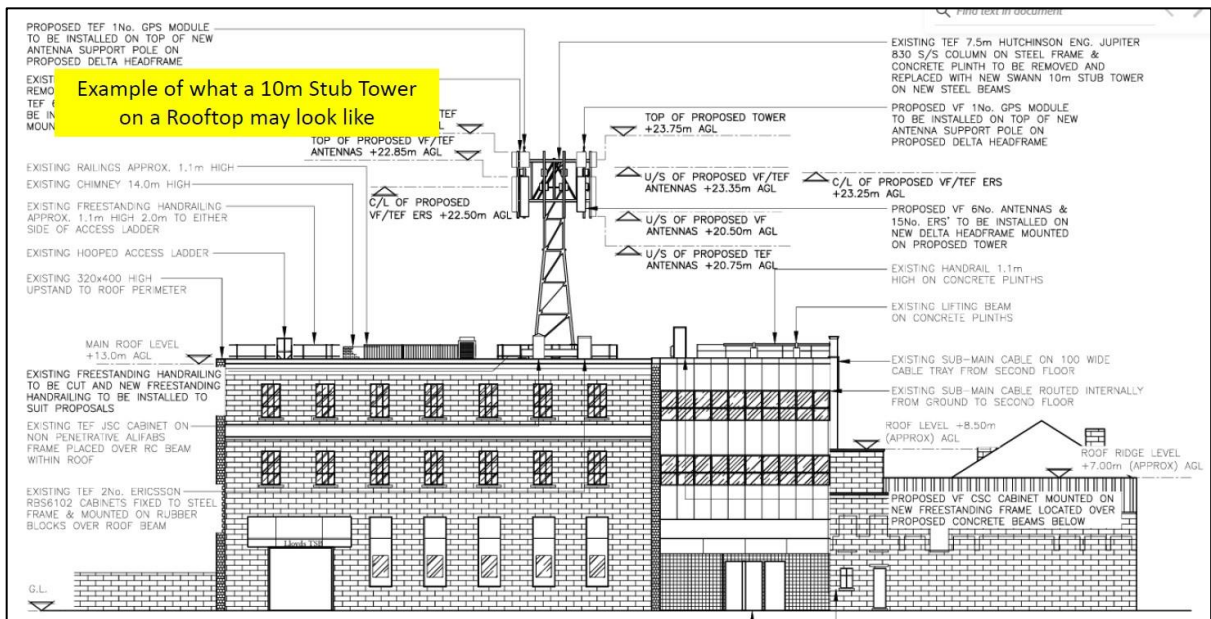


Image 1 - Example of a 10m High Stub Tower on a rooftop (*Not to scale and only for reference*).



Image 2 - Examples of a 10m & 7m High Stub Tower on a rooftop (*Not to scale and only for reference*).



Image 3 - Examples of Pole Mounts on Highbury Grove Court (Not to scale and only for reference).

- 5.9 The rooftop telecoms equipment installed on Highbury Grove Court, opposite the Telephone Exchange to the east is an example of the alternative design option of edge of roof pole mounted masts. These antennae have been previously approved by the Council and the relevant planning history for that site is included at section 6 of the earlier Committee report below. While Highbury Grove Court is located just outside the two conservation areas, it is located on a key approach to them from the south and north where the antennas are highly visible within the street scene as shown in image 3 above and image 4 below.



Image 4 - Examples of Pole Mounts on Highbury Grove Court (Not to scale and only for reference).

- 5.10 The justification images show that the current design approach (Images 5 and 6) where antennas are grouped towards the centre roof level would help mitigate the visual impact due to a

combination of an overall increase in height of 2.5m height when measured against the maximum height of the existing rooftop antennae. Its position would also be set back from the edge of the roof which would limit it in public views when viewed from ground level. By contrast, as can be seen from the Highbury Grove Court design (above), antennas at the edge of the roof are much more visible when viewed from surrounding streets and create visual clutter within the skyline.

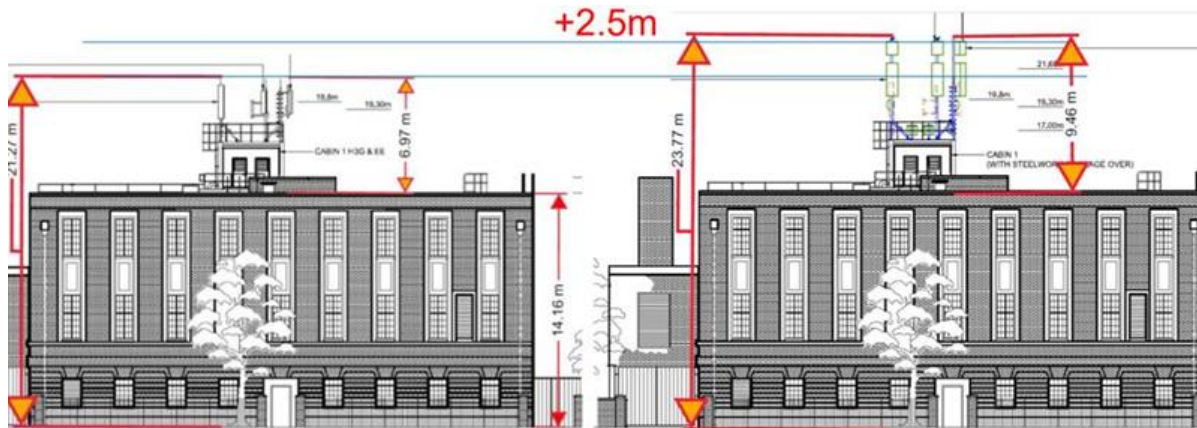


Image 5: Existing Front (east) Elevation

Proposed Front (east) Elevation

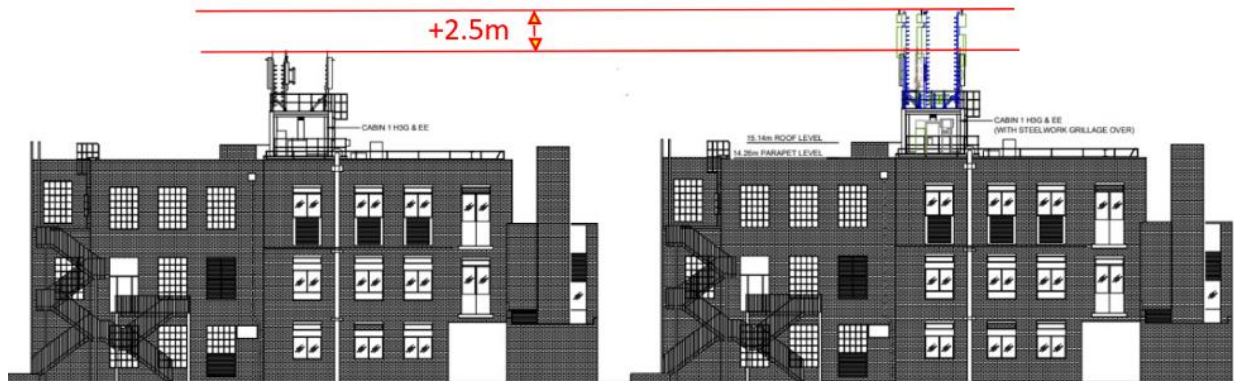


Image 6: Existing Rear (west) Elevation

Proposed Rear (west) Elevation

Public Benefits

- 5.11 The addendum document provides further justification to the merits of the scheme, and this gives further weight when considering the planning balance of the scheme.
- 5.12 Due to there being existing telecommunications antennae on the property in the same location, the current proposals are considered to result in less than substantial harm to the visual appearance and historic character of the host building and wider conservation area in the terms of the National Planning Policy Framework (the Framework)(para 202). This was also the conclusion within the previous Committee Report (see Appendix 3).
- 5.13 In such scenarios, paragraph 202 of the National Planning Policy Framework 2021 indicates that the harm to that designated heritage asset should be weighed against the public benefits of the proposal. The development would provide new 5G network coverage in the area and replace existing coverage that is already being provided at this site.
- 5.14 Paragraph 114 of the Framework sets out that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being and that the expansion of electronic communications networks, including next generation mobile technology such as 5G, should be supported. Furthermore, paragraph 118 of the Framework explains that the need for electronic communications systems should not be questioned. The proposal would bring about substantial public benefits, particularly given the very high volumes of people that are likely to be within or travel through the immediate area on a daily basis. This is due to the site being located

within close proximity to nearby Canonbury overground and Highbury & Islington rail, tube and overground stations. The applicant has stated that there is no alternative design that would be an improvement to that proposed which achieves the best balance between technical, operational, and heritage considerations.

- 5.15 The additional justification document shows that potential siting opportunities to replace the existing network coverage and upgrade to 5G infrastructure would be limited to a relatively narrow area and it has been demonstrated that other design options would visually be more harmful to the heritage assets and surrounding streetscene.
- 5.16 The applicant has satisfactorily demonstrated that they have explored alternative design options and considered using alternative sites in the immediate vicinity and consider that upgrading the existing installation follows the sequential approach as it would not create more sites within the immediate vicinity. Given the additional justification provided by the applicant, officers consider that it is unlikely that there is an alternative site which would achieve operational requirements effectively and have fewer adverse visual impacts on the character and appearance of the area and surrounding heritage assets.
- 5.17 Officers have given appropriate weight and importance to the desirability of preserving the character and appearance of the conservation area. However, on review of the additional supporting information, officers consider that the public benefits of the proposal outweigh the less than substantial harm to the character and appearance of the conservation area.
- 5.18 The public benefits of the proposal discussed above are a material consideration which outweighs the conflict with the development plan. The decision maker is advised that a decision can therefore be taken otherwise than in accordance with the development plan.
- 5.19 As such, the proposal would not be contrary to policies D1, D3, SI 6 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1, DM2.3, and DM2.7 of Development Management (2013), and the design advice found within the Islington Urban Design Guide (2017) and Highbury Fields Conservation Area Design Guidelines.

Neighbouring Amenity

- 5.20 There have been no changes to the proposed development and the proposal does not raise any adverse issues in terms of impacting neighbouring amenity regarding noise, disturbance, outlook, sense of enclosure or loss or daylight and sunlight. Please see the earlier Committee report (Appendix 3) for the full amenity assessment.

Health Risks

- 5.21 It is noted that within the objections received to the second consultation which have raised concerns relating to locating 5G infrastructure near to residential properties. The applicant has submitted a declaration of conformity to Public radio frequency (RF) Exposure guidelines formerly known as an ICNIRP Declaration. Officers would draw Members attention to paragraph 118 of the NPPF which states:

“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.”

- 5.22 Therefore, the equipment is designed and certified to be in full compliance with ICNIRP and would not pose a risk to Public Health. Please see the earlier Committee report for the full public health risk assessment

Conclusion

- 5.23 There have been no changes to the proposed development since the proposals were heard last at Committee on the 15th December 2022. The application was deferred by the Committee to give the applicant additional time to address the concerns and questions raised.
- 5.24 The applicant has since reviewed alternative approaches and revisited the site selection process but considers the original design, layout and location, achieves the best balance between technical, operational, and heritage considerations.
- 5.25 The applicant has explained that the only alternatives to the proposed design approach of pole mounted antennas grouped around the existing rooftop frame would be a 10m high rooftop stub mast or the installation of pole mounted antennas at three separate locations at the edges of the roof to meet technical coverage objectives. However, these alternative options would be visually more harmful to the option currently proposed.
- 5.26 The submitted addendum document provides sufficient justification to demonstrate that the current design approach where all antennae are grouped towards the centre roof level would best mitigate the schemes visual impact. This is due to a combination of installing the new infrastructure with a modest increase in height near the centre of the roof which would help reduce views of the masts from the surrounding streetscene and buildings when compared to the alternative options explored by the applicant which would be more visible within the street scene.
- 5.27 The applicant has also reviewed their site selection process and confirmed that by upgrading the existing shared infrastructure is the most sequentially preferable location that would provide the required coverage within the defined site search area. Therefore, it is considered that the current proposal is considered the most acceptable location option.
- 5.28 The public benefits of improved mobile infrastructure including next generation mobile technology such as 5G are considered to outweigh any perceived visual harm that may be realised from the additional equipment proposed and increased height and bulk.
- 5.29 It is considered that the less than substantial harm to the visual appearance and historic character of the setting of the heritage assets, the Highbury New Park Conservation Area and the nearby Calabria Road and Canonbury Conservation Areas are outweighed by the substantial public benefits that would result from the development. Consequently, on balance the application is assessed as being acceptable in this instance.
- 5.30 The proposals would not be considered to cause harm to the amenities of neighbouring properties.
- 5.31 For the above reasons the recommendation to Committee is to resolve to grant permission subject to planning conditions.

APPENDIX 1 – RECOMMENDATIONS

RECOMMENDATION A

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

List of Updated Conditions:

1	IMPLEMENTATION PERIOD CONDITION: The development hereby permitted shall be begun not later than the expiration of three years beginning from the date of this decision notice. 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.
2	APPROVED PLANS LIST CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans: 166672-06-000-MD015/15.A (Existing Site Plan), 166672-06-002-MD015/15.A (Existing East Elevation), 166672-06-002-MD015/15.A (Existing South Elevation), 166672-06-002-MD015/15.A (Existing West Elevation), 166672-06-002-MD015/15.A (Existing North Elevation), 166672-06-100-MD015/15.A (Proposed Site Plan), 166672-06-150-MD015/15.A (Proposed East Elevation), 166672-06-150-MD015/15.A (Proposed South Elevation), 166672-06-150-MD015/15.A (Proposed West Elevation), 166672-06-150-MD015/15.A (Proposed North Elevation), 166672-06-150-MD015/15.A (Proposed Antenna / PRU Plan), Cellnex Declaration of conformity dated 18th May 2022, Cellnex Town Planning Statement dated May 2022, 222470 - Cellnex – Copy of Developers Notice Letter, Cellnex Consultation Plan, Cellnex - 5G - Helping to tackle climate change, Cellnex - 5G Health and Safety, General Background Information for Telecommunications Development Document, Cellnex - 5G Technical Considerations, Cellnex - Delivering Ultra Fast Broadband Mobile Connectivity, Cellnex Cover Letter ref. 222470 dated 31/05/22, Collaborating for Digital Connectivity Letter dated 07/03/19, Health and Mobile Phone Base Stations Document 2014, 166672/00-004-ML003 Rev3 (Location Plan), Additional Supporting Addendum Document received 19/04/23, Email from Agent dated 31/05/23 providing technical details regarding 5G coverage. REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.

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 2021 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.

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy D1 London's form, character and capacity for growth
Policy D4 Delivering good design
Policy HC1 Heritage conservation and Growth
Policy ST3: Telecommunications, communications, and utilities equipment

B) Islington Core Strategy 2011

Policy CS8 – Enhancing Islington's character
Policy CS9 – 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
Policy DM7.2 – Energy Efficiency and Carbon Reduction in Minor Schemes

E) Site Allocations June 2013

Not Allocated

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Highbury New Park Conservation Area

- Within 50m of Calabria Road and Canonbury Conservation Area
- Rail Land Ownership - National Rail Surface
- Rail Safeguarding - Channel Tunnel Rail Link
- Cycle routes (Local)
- Article 4 Direction (A1-A2)

4. Supplementary Planning Guidance (SPG) / Document (SPD)

The following SPGs and/or SPDs are relevant:

<u>Islington Local Development Plan</u>	<u>London Plan</u>
- Urban Design Guide 2017	- None
- Highbury New Park Conservation Area Design Guidelines (2002)	

5. Draft Local Plan Policies

- Policy PLAN1: Site appraisal, design principles and process
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy ST3: Telecommunications, communications and utilities equipment

**APPENDIX 3: OFFICER'S REPORT TO PLANNING APPLICATIONS COMMITTEE 31
 MARCH 2015**
PLANNING COMMITTEE REPORT

 Development Management Service
 Planning and Development Division,
 Community Wealth Building.

PLANNING SUB COMMITTEE B		B1
Date:	15th December 2022	

Application number	P2022/2151/FUL
Application type	Full Planning Application
Ward	Highbury
Listed building	None
Conservation area	Highbury New Park Conservation Area Within 50m of Calabria Road and Canonbury Conservation Area
Development Plan Context	Rail Land Ownership - National Rail Surface Rail Safeguarding - Channel Tunnel Rail Link Cycle routes (Local) Article 4 Direction (A1-A2)
Licensing Implications	None
Site Address	Canonbury ATE, Highbury Grove, London N5 1HJ
Proposal	Installation of telecommunications equipment including 6No. Antennas (on 4No. new replacement tripods & support poles), 4No. Dishes, 2No. GPS Antennas, 5No. Equipment Cabinets and ancillary apparatus (following removal of existing equipment including 4No. Existing Antennas, 2No. Existing Cabinets, and Ancillary Apparatus)

Case Officer	Daniel Jeffries
Applicant	Cellnex
Agent	WHP Telecoms - Mr Tiernan Walsh

1. RECOMMENDATION

The Committee is asked to resolve to **GRANT** planning permission subject to the conditions set out in Appendix 1

2. SITE PLAN (SITE OUTLINED IN RED)



Image 1: Site Location Plan

3. PHOTOS OF SITE/STREET



Image 2 - Aerial View of Site



Image 3 – View of host building (left) from public highway of Highbury Grove, looking north



Image 4 – View of host building (right) from public highway of Highbury Grove, looking south

SUMMARY

- 3.1 The application seeks planning permission for the installation of telecommunications equipment comprising 6 x Antennas (on 4 x new replacement tripods and support poles), 4 x Dishes, 2 x GPS Antennas, 5 x Equipment Cabinets and ancillary apparatus to facilitate 5G coverage. This is following the removal of existing equipment including 4 x Existing Antennas, 2 x Existing Cabinets, and Ancillary Apparatus.
- 3.2 The application building is known as Canonbury ATE (Automatic Telephone Exchange) building, which is a three-storey brick building. The equipment would be at roof level, above the existing plant enclosure. The site is situated within the Highbury New Park Conservation Area and there are no statutory or locally listed buildings in the immediate vicinity of the site.
- 3.3 The main consideration in the assessment of the application relates to the planning balance between the impact of the proposals on the character and appearance of the conservation area and the public benefits of the proposal, as well as consideration of the amenities of surrounding occupiers.
- 3.4 The additional height and visual prominence of the proposal is considered to result in less than substantial harm to the wider conservation area. However, the proposals would deliver a public benefit by delivering improved electronic communication. Paragraph 114 of the NPPF (2021) 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'*.
- 3.5 Paragraph 202 of the NPPF states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*. In this case, there is public benefit derived from the overall objective to improve electronic communication and the resulting fast and ubiquitous access to the internet from mobile and fixed devices. In accordance with the NPPF, it is considered that given the less than substantial harm impact the replacement equipment will have on the setting of the surrounding heritage assets, the public benefits outweigh this harm. Appropriate weight in accordance with the statutory duties of Section 72 have been applied to "preserve" the heritage asset.
- 3.6 The proposals would not be considered to cause harm to the amenities of neighbouring properties.
- 3.7 For the above reasons the recommendation to Committee is to resolve to grant permission subject to planning conditions.
- 3.8 It is concluded that the development accords with all relevant development plan policies, as listed in Appendix 2.

4. SITE AND SURROUNDING

- 4.1 The application site is the rooftop of the Telephone Exchange building at Canonbury ATE (Automatic Telephone Exchange) also known as 1-3 Highbury Grove. The Telephone Exchange is a three-storey detached building with existing telecommunications equipment located centrally on the rooftop. The site is located within the Highbury New Park Conservation Area, and immediately adjacent to the Calabria Road Conservation Area. The property is not a Listed Building.

5. PROPOSAL (IN DETAIL)

5.1 The application proposes to replace various pieces of telecommunications equipment on the roofspace at the Canonbury ATE building, with the Planning Statement confirming that the current proposal provides the necessary equipment upgrades and additional capacity to the 2G, 3G and 4G and 5G network.

5.2 The Planning Statement confirms that the following equipment would be installed:

- 6No. Antennas (on 4No. new replacement tripods & support poles)
- 4No. Dishes
- 2No. GPS Antennas
- 5No. Equipment Cabinets
- All other ancillary apparatus (including mast head amplifiers (MHA), break-out box (BOB) testing devices, remote radio units (RRU) annotated on the drawings).

5.3 The proposed equipment would be located to the roof of the host building. The host building measures 14.26m at parapet level. The equipment would be located above the existing plant enclosure which measures 3m in height, and is located centrally within the roof, with the proposed equipment measuring 6.5m. The maximum height of the proposal would be 23.5m above ground floor level.

5.4 The proposal would replace existing telecommunications equipment including the following:

- 4No. Existing Antennas
- 2No. Existing Cabinets
- Other Ancillary Apparatus (including mast head amplifiers (MHA), break-out box (BOB) testing devices, remote radio units (RRU) annotated on the drawings)

5.5 The submitted Planning Statement confirming that the existing installation currently in situ is not structurally capable of supporting the required upgrade technologies, as the existing steelworks are not currently designed to fit all the required equipment within the same structure. As such the development before the Council is to swap out the existing tripods and supports with new tripods with support poles and new ancillary apparatus (including mast head amplifiers (MHA), break-out box (BOB) testing devices, remote radio units (RRU) annotated on the drawings).

6. RELEVANT HISTORY

PLANNING APPLICATIONS:

Application Number	Development Description	Decision	Decision Date
P2020/1916/PRA	Prior Approval (Telecommunications) for replacement of 1No existing rooftop equipment cabinet with 2 no. new equipment cabinets.	Prior approval required approved	10/09/2020
P2016/2670/PRA	Prior Approval determination for the installation of electronic communications apparatus including: 3no. antenna on the rooftop together with cabinet and ancillary infrastructure.	Prior approval required approved	05/09/2016

P2013/0614/FUL	Replacement of three existing rooftop aerials with three new smaller sized aerials at the same height and bearing, together with the installation of a new controlling equipment cabinet of 0.48m x 0.6m x 1.6m (h) on existing rooftop support grillage with associated feeder cables and ancillary development thereto.	Approved	12/06/2013
P080836	Relocation of existing radio equipment housing on the roof	Approved	11/12/2008
P062401	Installation of louvre into existing window opening on ground floor, west elevation.	Approved	18/12/2006
P040973	Installation of three louvres into glazed windows on ground floor east elevation (facing Highbury Grove).	Refused	18/06/2004
P030323	Installation of telecommunications antennae, equipment housing and ancillary development at roof level.	Refused (Appeal Withdrawn)	18/02/2004 (04/05/2006)
P012504	Installation of three dual polar antenna on tripod mounted poles and one equipment cabin on the roof.	Prior Approval Required - Refused	24/01/2002
P010373	Installation of telecommunications system on roof and electrical meter cabinet on forecourt.	Prior Approval not required	04/04/2001
931772	Installation of 0.9m diameter satellite dish on roof.	Approved	03/03/1994
890622	Alterations in connection with installation of additional chiller plant.	Approved	23/06/1989
880047	Elevational alterations to front and side	Approved	29/06/1988

RELEVANT SURROUNDING HISTORY

P031059	<u>Highbury Grove Court, Highbury Grove, Islington, London, N5 2NG</u> Installation of telecommunications radio base station on the roof.	Prior Approval required - Approved	30/05/2003
P032493	<u>Highbury Grove Court, Highbury Grove, Islington, London, N5 2NG</u> Erection of 2 pole mounted antennas, 1 equipment cabinet and associated ancillary equipment.	Prior Approval required - Approved	11/12/2003
P032538	<u>Highbury Grove Court, Highbury Grove, Islington, London, N5 2NG</u> Erection of one additional pole mounted antenna on existing pole structure, one additional equipment cabin and associated ancillary equipment.	Prior Approval required - Approved	11/12/2003

P043009	<u>Highbury Grove Court, Highbury Grove, Islington, London, N5 2NG</u> Development of a radio base station consisting of 3 x 1.7m antennae, 2 x 0.3m transmission dishes and radio equipment housing.	Prior Approval required - Approved	25/02/2005
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7. CONSULTATION

Public Consultation

- 7.1 Letters were sent to occupants of 110 adjoining and nearby properties on St Paul's Road, Calabria Road, Highbury Grove, on the 11th August 2022, and site and press adverts were displayed. The second round of public consultation of the application therefore expired on 4th September 2022. It is the council's practice to continue to consider representations made up until the date of a decision.
- 7.2 At the time of writing this report **5 objections** had been received. The points raised within the representations are summarised below (*with reference to which sections of this report address those particular concerns in brackets*).

Design

- Increased visual prominence and impact on the conservation area.
(Paragraphs 9.2 to 9.30)

External Consultees

- 7.3 None

Internal Consultees

- 7.4 Environmental Health Pollution (Acoustic) Officer: Confirmed that the proposed equipment are not typically high noise generating installations and that they have no objections.
- 7.5 Conservation and Design Officer: Raised concerns regarding the visual appearance and prominence of the increase in rooftop telecommunications equipment in a conservation area.
- 7.6 Public Health:

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.

- 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-basestations-radio-wavesand-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 your reference, I set out below some 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-policyframework--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 °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.)

8. RELEVANT STATUTORY DUTIES & DEVELOPMENT PLAN CONSIDERATIONS & POLICIES

8.1 Islington Council (Planning Sub-Committee B), 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.) and;
- As the development is within close proximity 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)).

8.2 National Planning Policy Framework (NPPF): Paragraph 10 states: ‘at the heart of the NPPF is a presumption in favour of sustainable development’.

8.3 The National Planning Policy Framework 2021 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

- 8.4 Since March 2014 Planning Practice Guidance for England has been published online.
- 8.5 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.
- 8.6 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.
- 8.7 Members of the Planning Sub-Committee B 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.
- 8.8 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

National Guidance

- 8.9 The National Planning Policy Framework 2021 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

- 8.10 The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 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.

Emerging Policies

Draft Islington Local Plan 2019

8.11 The Regulation 19 draft of the Local Plan was approved at Full Council on 27th 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. As part of the examination consultation on pre-hearing modifications took place between 19 March and 9 May 2021. The Examination Hearings took place between 13 September and 1 October 2021. The Council consulted on the main modifications to the plan from 24 June 2022 to 30 October 2022.

8.12 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).

Given the advanced stage of the draft plan and the conformity of the emerging policies with the Framework it is considered that the policies can be afforded moderate to significant weight depending on the significance of objections to main modifications.

8.13 Emerging policies that are relevant to this application are set out in below:

- Policy PLAN1: Site appraisal, design principles and process
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy ST3: Telecommunications, communications and utilities equipment

5.32 Designations

8.14 The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Highbury New Park Conservation Area
- Within 50m of Calabria Road and Canonbury Conservation Area
- Rail Land Ownership - National Rail Surface
- Rail Safeguarding - Channel Tunnel Rail Link
- Cycle routes (Local)
- Article 4 Direction (A1-A2)

Supplementary Planning Guidance (SPG) / Document (SPD)

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

9. ASSESSMENT

9.1 The main issues arising from this proposal relate to:

- Design, conservation and heritage
- Neighbouring amenity

Design and Conservation

- 9.2 The application proposes to replace various pieces of telecommunications equipment on the roofspace at the Canonbury ATE building. The site is located within the Highbury New Park Conservation Area and is adjacent to the Calabria Road Conservation Area and within 50m of Canonbury Conservation Area. The following Map indicates the location of the building along with conservation area boundaries.

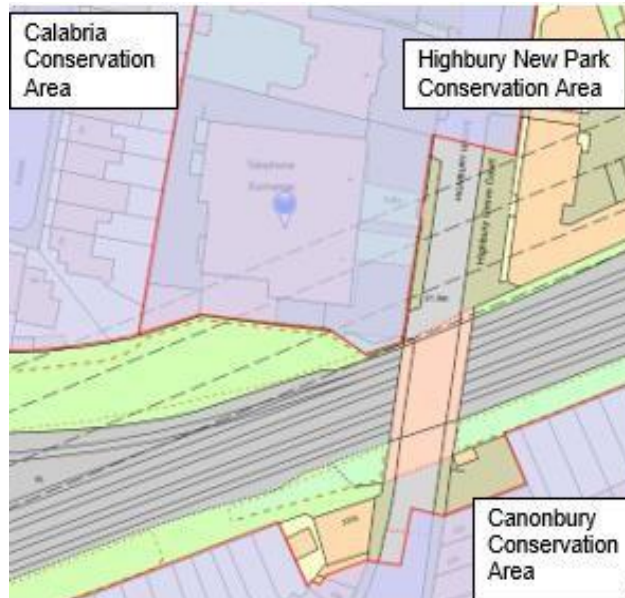


Image 5: Map showing proximity of conservation areas to existing site

- 9.3 Therefore, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in assessing the proposals hereby under consideration, special attention is required to be paid to the desirability of preserving or enhancing the character and appearance of the setting of these heritage assets.
- 9.4 In terms of the acceptability of the proposal in design terms, the advice found within the Islington Urban Design Guide 2017, the Highbury New Park Conservation Area Design Guidelines should be used in its assessment.
- 9.5 London-wide planning policies relevant to design and conservation are set out in Chapter 3 of the London Plan, and the Mayor of London's Character and Context SPG is also relevant. At the local level, Policies CS8 and 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.
- 9.6 Chapter 10 of the NPPF, within paragraphs 114 to 118, provides advice in relation supporting high quality communications. Paragraph 114 states that:
- 9.7 *Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should 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). Paragraph 115 of the NPPF states that:

The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.

9.8 Paragraph 116 of the NPPF 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.*

9.9 Paragraphs 5.189 to 5.191 of the Islington Urban Design Guide provides advice in relation to telecommunications equipment, advising 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.*

9.10 Paragraph 197 of the NPPF advises that

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 to local character and distinctiveness.*

9.11 Paragraphs 199 to 204 of the NPPF (2021) 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.

9.12 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.

- 9.13 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.
- 9.14 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.
- 9.15 The Highbury New Park Conservation Area Design Guidelines advises that (para. 15.7 part (iv)) that *the Council is opposed to the erection of plant rooms, air conditioning units and other services including water tanks and radio or satellite equipment at roof level where this can be seen from street level or public space, including long views from side streets.*

Assessment of Proposal

- 9.16 The Canonbury ATE is a 3-storey building to the west of Highbury Grove. There are already various pieces of similar telecommunications equipment positioned on the roof space at the host building in the same location as that of the proposed equipment, being located above the existing plant enclosure.
- 9.17 The surrounding area is predominately residential with a built form that is formed of terraces to the west (along Calabria Road) or rows of semi-detached residential properties or blocks of flats (along Highbury Grove).
- 9.18 The development proposes to replace the existing equipment on the roofspace with new telecommunications equipment, including that which can facilitate 5G mobile communication. The replacement equipment will be situated in the same location within the roof above the existing plant enclosure located centrally within the building.

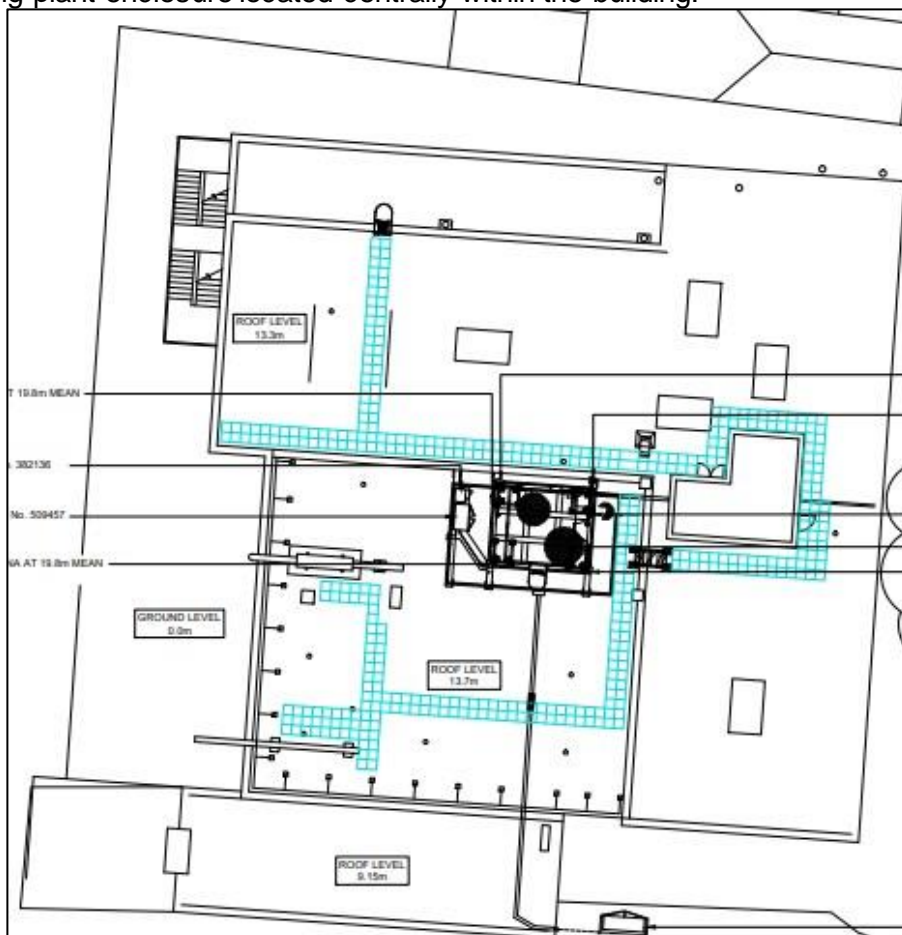
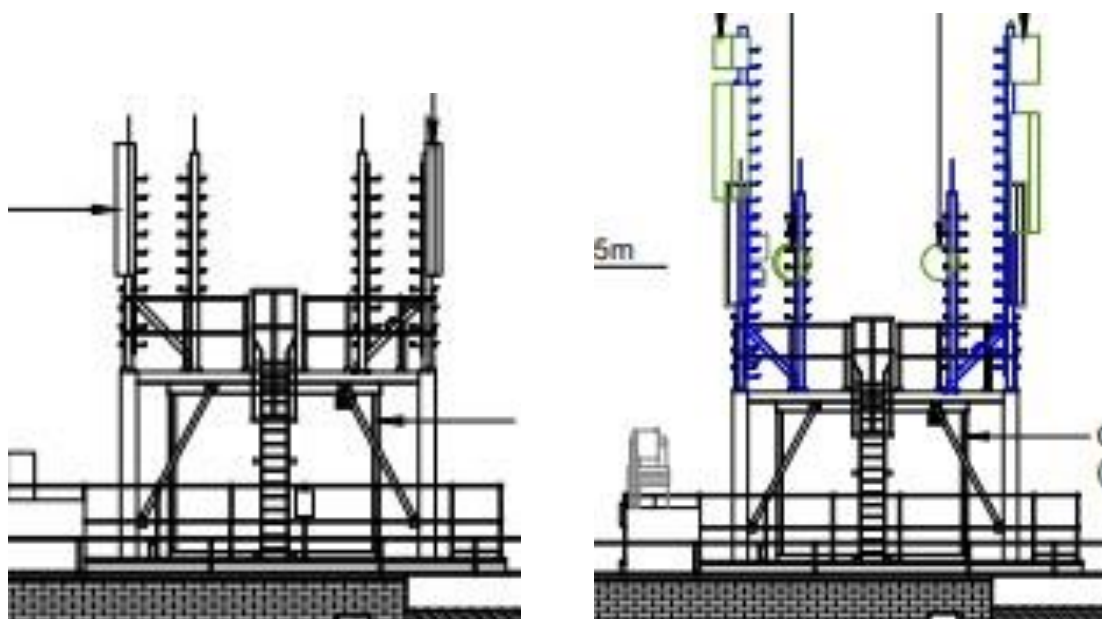


Image 6: Existing Site Plan



Image 7: Proposed Site Plan

9.19 The proposed equipment would be larger in height than the existing equipment to be removed. The existing building, including the roof level equipment, has a maximum height of 21m above ground floor level, and the existing equipment measures 4m above the plant enclosure (which is 3 metres in height). The proposal would result in the existing building, together with the proposal having a maximum height of 23.5m, with the proposed equipment measuring 6.5m. Therefore, the proposal would result in an increase in height of 2.5m in comparison to the existing equipment.



Images 9 and 10: Existing (left) and Proposed (right) equipment

- 9.20 Whilst the principle of telecommunications equipment is considered to have been established as acceptable, with the existing building having telecommunications equipment at roof level, with the planning history confirming some existence of equipment since 1993. However, given the increase in height it is important to assess the impact of this increase in terms of the impact on visual appearance and historic character of the host building.



Images 11 and 12: Street view photos facing west (left) and south west (right) towards host building

- 9.21 As shown in the images above, the existing equipment is not visible from either immediately to the west or to the north of Highbury Grove, due to the central location of the equipment on the existing roofspace and the buildings relationship with other buildings and trees. The additional height of the proposed equipment is not considered to result in the equipment being more prominent nor immediately visible from these locations.
- 9.22 However, the existing equipment is visible from the south of Highbury Grove, adjacent to the junction with St Paul's Road. Therefore, the proposed equipment, which is taller, would also be visible from this location. The additional height and size of the equipment is considered to be more visually prominent than the existing situation.



Image 13: Street view photo facing north west facing towards host building

- 9.23 The proposal is considered to result in harm to the visual appearance and historic character of the host building and wider conservation area. Given the location of existing telecommunications structures on the property in the same location, the level of harm to the setting of the heritage assets as a result of the proposal is considered to be less than substantial. However, as advised by paragraph 202 *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.* Therefore, it is important to assess the public benefits of the scheme.

Public Benefits

- 9.24 Paragraph 114 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”.*
- 9.25 Paragraph 115 of the NPPF 2021 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”.*
- 9.26 Paragraph 116 of the NPPF 2021 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
- 9.27 As demonstrated in the preceding section, the proposals would result in less than substantial harm to the character and appearance of the Whitehall Park Conservation Area. It is considered that the public benefit of next generation communications infrastructure (5G) is a significant public benefit to justify the proposed replacement equipment in 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 surrounding conservation areas. In this instance there are several mitigating factors to consider: the existing situation, the height and scale of the existing building, limiting public views to the equipment at roof level, over and above the existing situation as well as the strong government support within the updated NPPF (2021) for increased provision of 5G infrastructure across London.

- 9.28 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 weigh heavily in the planning balance. The proposals would not be visible from immediately to the west and north, being more visible from the south along Highbury Grove. Whilst visible from limited points within the surrounding conservation areas, the design of the proposals and their siting are for the purpose of achieving maximum efficiency.
- 9.29 The public benefits of improved mobile infrastructure are considered to outweigh any perceived visual harm that may be realised from the additional equipment proposed and increased height. It is Officer's opinion that the less than substantial harm to the visual appearance and historic character of the setting of the heritage assets of the Highbury New Park Conservation Area and the nearby Calabria Road and Canonbury Conservation Areas and that there are tangible public benefits as a result of the development. Consequently, on balance the application is assessed as being acceptable in this instance.
- 9.30 As such, the proposal is considered to be compliant with policies D1, D3 and HC1 of London Plan (2021), CS8 and CS9 of Islington Core Strategy (2011) and DM2.1 and DM2.3 of Development Management (2013), and the design advice found within the Islington Urban Design Guide (2017) and Highbury Fields Conservation Area Design Guidelines.

Neighbouring Amenity

- 9.31 Policy DM2.1Ax of the Islington Development Management Policies, which requires developments to provide a good level of amenity, including consideration of noise, disturbance, hours of operation, vibration, pollution, overshadowing, overlooking, privacy, sunlight and daylight, over-dominance, sense of enclosure and outlook.
- 9.32 Paragraph 118 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.
- 9.33 The increase in telecommunications equipment on the roofspace does not raise any adverse issues in terms of impacting neighbouring amenity with regard to noise, disturbance, outlook, sense of enclosure or loss of daylight and sunlight. The equipment is low sound generating, designed to be in full compliance with ICNIRP and sufficiently separated from nearby residential accommodation to not cause any disturbance.

Health Risks

- 9.34 Paragraph 118 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.
- 9.35 The plans submitted by Cellnex have provided a declaration that the proposal has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP), and the EU Council recommendation of 12 July 1999* "on the limitation of exposure

of the general public to electromagnetic fields (0 Hz to 300 GHz)" in all areas legitimately accessible to the public.

- 9.36 Public Health consider that the risks from EMF are low and that the deployment of 5G does not pose a threat to the health and safety of residents. Overall, it is considered that the electromagnetic radiation emitted by the proposed antennas would comply with ICNIRP Guidelines. As a result, it is considered that the proposed installation of antennas on the roof of Canonbury ATE would not pose a risk to Public Health.

Conclusion

- 9.37 The proposal is considered to be acceptable, and it is recommended that the application be approved subject to conditions.

APPENDIX 1 – RECOMMENDATIONS

6. RECOMMENDATION A

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

List of Conditions:

1	IMPLEMENTATION PERIOD
	<p>CONDITION: The development hereby permitted shall be begun not later than 29th March 2021.</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>
2	APPROVED PLANS LIST
	<p>CONDITION: The development hereby approved shall be carried out in accordance with the following approved plans:</p> <p>166672-06-000-MD015/15.A (Existing Site Plan), 166672-06-002-MD015/15.A (Existing East Elevation), 166672-06-002-MD015/15.A (Existing South Elevation), 166672-06-002-MD015/15.A (Existing West Elevation), 166672-06-002-MD015/15.A (Existing North Elevation), 166672-06-100-MD015/15.A (Proposed Site Plan), 166672-06-150-MD015/15.A (Proposed East Elevation), 166672-06-150-MD015/15.A (Proposed South Elevation), 166672-06-150-MD015/15.A (Proposed West Elevation), 166672-06-150-MD015/15.A (Proposed North Elevation), 166672-06-150-MD015/15.A (Proposed Antenna / PRU Plan), Cellnex Declaration of conformity dated 18th May 2022, Cellnex Town Planning Statement dated May 2022, 222470 - Cellnex – Copy of Developers Notice Letter, Cellnex Consultation Plan, Cellnex - 5G - Helping to tackle climate change, Cellnex - 5G Health and Safety, General Background Information for Telecommunications Development Document, Cellnex - 5G Technical Considerations, Cellnex - Delivering Ultra Fast Broadband Mobile Connectivity, Cellnex Cover Letter ref. 222470 dated 31/05/22, Collaborating for Digital Connectivity Letter dated 07/03/19, Health and Mobile Phone Base Stations Document 2014, 166672/00-004-ML003 Rev3 (Location Plan), Additional Supporting Addendum Document received 19/04/23.</p> <p>REASON: To comply with Section 70(1) (a) of the Town and Country Act 1990 as amended and the Reason for Grant and also for the avoidance of doubt and in the interest of proper planning.</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 2021 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.

2. Development Plan

The Development Plan is comprised of the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013. The following policies of the Development Plan are considered relevant to this application:

A) The London Plan 2021 - Spatial Development Strategy for Greater London

Policy D1 London's form, character and capacity for growth
Policy D4 Delivering good design
Policy HC1 Heritage conservation and Growth
Policy ST3: Telecommunications, communications, and utilities equipment

B) Islington Core Strategy 2011

Policy CS8 – Enhancing Islington's character
Policy CS9 – 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
Policy DM7.2 – Energy Efficiency and Carbon Reduction in Minor Schemes

E) Site Allocations June 2013

Not Allocated

3. Designations

The site has the following designations under the London Plan 2021, Islington Core Strategy 2011, Development Management Policies 2013, Finsbury Local Plan 2013 and Site Allocations 2013:

- Highbury New Park Conservation Area
- Within 50m of Calabria Road and Canonbury Conservation Area
- Rail Land Ownership - National Rail Surface
- Rail Safeguarding - Channel Tunnel Rail Link
- Cycle routes (Local)
- Article 4 Direction (A1-A2)

4. **Supplementary Planning Guidance (SPG) / Document (SPD)**

The following SPGs and/or SPDs are relevant:

<u>Islington Local Development Plan</u>	<u>London Plan</u>
- Urban Design Guide 2017	- None
- Highbury New Park Conservation Area Design Guidelines (2002)	

5. **Draft Local Plan Policies**

- Policy PLAN1: Site appraisal, design principles and process
- Policy DH1: Fostering innovation and conserving and enhancing the historic environment
- Policy DH2: Heritage assets
- Policy ST3: Telecommunications, communications and utilities equipment