

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		17/11/2023	
		N/A / attached		<b>Consultation Expiry Date:</b>		16/04/2023	
<b>Officer</b>				<b>Application Number(s)</b>			
Matthew Dempsey				2023/0492/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Scala Building 275 - 277 Pentonville Road London N1 9NL				Please refer to Decision Notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Installation of 6 antennas, 2 dishes, 3 equipment cabinets with ancillary works.							
<b>Recommendation(s):</b>		Refused Planning Permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	00	No. of responses	00	No. of objections	00
<b>Summary of consultation responses:</b>		A site notice was displayed 15/03/2023 which expired 08/04/2023. A press notice was published 23/03/2023 which expired 16/04/2023.  No responses were received during public consultation.					
<b>CAAC</b>		The Kings Cross Conservation Area Advisory Committee were consulted on the scheme but did not provide any comment.					

## Site Description

The host premises 'Scala' is a former cinema converted to a nightclub and music venue. The building is six storeys in height with many classical architectural features, including a prominent domed cupola structure at roof level.

The property is located at the corner of Pentonville Road and Kings Cross Bridge. The building is not listed but it is within the Kings Cross St Pancras Conservation Area and is noted as making a positive contribution to the character and appearance of the conservation area. It is directly next to the Kings Cross Conservation Area (CA21) in Islington with the borough boundary running down the centre of this part of Pentonville Road.

## Relevant History

**2022/1861/P** - Installation of 6 antennas, 2 transmission dishes, 4 equipment cabinets & ancillary development at roof. **Prior Approval Required - Approval Refused 16/08/2022.**

**2022/5333/INVALID** - Proposed base station installation at ct1l\_150765 22, scala building, 275 Pentonville Road, london, n1 9nl (ngr: 530452, 182990). **Pre-app Withdrawn – no fee paid.**

## Relevant policies

**National Planning Policy Framework (2023)**

**The London Plan (2021)**

**Camden Local Plan (2017)**

A1 Managing the impact of development

D1 Design

D2 Heritage

**Camden Planning Guidance:**

Design (2021)

Amenity (2021)

Digital Infrastructure (2018)

**Code of Best Practice on Mobile Network Development (November 2016)**

**Kings Cross St Pancras Conservation Area Statement (2003)**

## Assessment

### 1.0 Proposal:

1.1 Planning permission is sought for the installation of telecommunications equipment at roof level to facilitate 5G coverage in the vicinity of the site.

1.2 The proposed installation include:

- 6 Antennas
- 2 Transmission dishes
- 3 equipment cabinets
- And ancillary development, such as support structures.

### 2.0 Assessment:

2.1 The main planning considerations material to this application are:

- Design and Heritage
- Amenity

### 3.0 Design and Heritage:

3.1 Policy D1 of the Camden Local Plan seeks to secure high quality design in development; specifically requiring development to respect local context and character; preserve or enhance the historic environment and heritage assets in accordance with Policy D2; and preserve strategic and local views. Policy D2 states that the council will seek to protect heritage assets and non-designated heritage assets. Policies D1 and D2 are supported by the Council's Design CPG and Digital Infrastructure CPG.

3.2 The NPPF requires Local Planning Authorities to keep the number of radio and electronic communications masts, and the sites for such installations to a minimum, consistent with the needs of consumers, the efficient operation of the network and to provide 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.

3.3 The proposal would introduce a significant amount of telecommunications equipment to the rooftop space, and would be visually prominent in several locations from local street level and also from longer views from surrounding conservation areas, (both in Camden and neighbouring Islington).

3.4 The flat roof of the host building, facing Pentonville Road, is approximately 20.1m above ground level (AGL). There are sloped elements of the roof, along the King's Cross Bridge frontage, which rise to approximately 24.3m (AGL). The new installation of antennas would be positioned in three clusters mounted to support structures, ranging from approximately 22.5m above ground level at the southwest corner of the roof, with two clusters at the north east corner at approximately 24.7m and 25.5m (AGL).

3.5 The applicant has provided supporting information explaining why antennas are proposed on support structure close to the edge of the roof top, however this is a generic document and does not take account of the specific constraints of the host building. It is noted that the applicant's constraints and solutions for roof top deployment does not consider wall

mounted antennas, which would have the dual benefit of not negatively impacting the unaltered roof line and mobile signals would not clip the side of the building.

- 3.6 The proposed position of associated equipment cabinets to the central part of the roof is accepted. It is not considered that the positioning of these units specific units would cause any harm.
- 3.7 Within their supporting documentation, the applicant suggests that pre-app advice was received, however this is misleading. As noted in the planning history section, the applicant did request pre-app advice, but neglected to pay the fee due, and so the pre-app was withdrawn without advice being issued.
- 3.8 The applicant suggests that the proposed development would be in keeping with the urban nature of the area and that the site is an appropriate setting for the development, however they also acknowledge the harm caused to the conservation area. It is noted the scheme under consideration may have some improvement in comparison to the previously refused scheme on this site, however this is not considered to be satisfactory to warrant a recommendation for approval. As noted in the previous decision, proposed installations should be suited to the specific host property and site context in accordance with best practice. It is considered that the same public benefits (of increased connectivity) could be provided without harming the conservation area in this way.
- 3.9 The host building is in a very prominent location with high visibility from Pentonville Road, Kings Cross Bridge, Grays Inn Road, St Chad's Place; and Caledonian Road (from within Islington). This building currently benefits from a clear roofline which means there is very limited roof level clutter associated with visible rooftop infrastructure. It is accepted that the current proposal is a marginal improvement on the previous scheme, however, the 'revision' as set out in this proposal does not radically alter the Council view on the general approach. For the avoidance of doubt, the previous application for Prior Approval (ref: 2022/1861/P) included proposing antennas adjacent to and in front of the host building's cupola dome feature. The proposal under consideration here has re-positioned the proposed antennas to be behind the dome, and set the height approximately 0.9m lower than the refused scheme. Although less impactful from public views looking south, the nature of the site as described means that the new proposed re-siting has a greater impact on views looking north. Additionally, the current proposal has not been designed to deal with negative impacts to the appearance of the host building with regards to the installations at the main frontages, i.e.) to Pentonville Road and Kings Cross Bridge.
- 3.10 Due to the visual prominence of the installations proposed, and inappropriateness due to the design, siting, and height of the unsympathetic telecommunications equipment, the proposal would be harmful to the appearance of the host building, diminish its contribution to the character of the conservation area in which it sits (Kings Cross St Pancras), and would harm the surrounding Kings Cross Conservation Area in Islington through harmful impact to its setting. That harm in both cases would be less than substantial. Furthermore, in medium to longer views, the proposed installation is considered to have a negative impact on the setting of nearby listed buildings (namely, 259 Pentonville Road (GII), 378-380 Grays Inn Road (GII) and the complex of Kings Cross and St Pancras Railway Stations (GI). Similarly, views north into Islington include listed buildings on the corner of Pentonville Road and Caledonian Road and further along Caledonian Road. Their setting, in terms of this urban context in the conservation areas, contribute to their significance and so the proposal would also cause them less than substantial harm but at the lower end of the scale.

#### **4.0 Amenity:**

- 4.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of

development is fully considered.

4.2 Due to the nature of the proposal, it is unlikely to result in significant harm to neighbouring occupiers by way of loss of light or privacy. Any construction and maintenance impacts would be temporary and if necessary, could be secured through a Construction Management Plan.

4.3 The NPPF requires applications for telecommunications development to 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 and a statement that self-certifies that, when operational, International Commission guidelines will be met.

4.4 The applicant has provided supplementary information confirming that there are no schools in close proximity to the site, and therefore no such consultations were undertaken; the site is not located within 3km of an aerodrome or airfield and as such the Civil Aviation Authority and Secretary of State have not been notified. A declaration of conformity with ICNIRP Public Exposure Guidelines has also been submitted.

4.5 As such the proposed development is not considered to have any significant negative impact on residential amenity.

## **5.0 Planning balance:**

5.1 The need for improved connectivity which this scheme would deliver is understood and accepted, however it is noted that the scheme would also cause harm to the character and appearance of the host building, wider conservation area and setting of listed buildings.

5.2 Considerable importance and weight has been attached to the harm to the designated heritage assets; special regard has been attached to the desirability of preserving the nearby listed buildings, their setting, or any features of special architectural or historic interest which they possess, under s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and, special attention has been paid to the desirability of preserving or enhancing the character and appearance of the Conservation Areas, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.3 Local Plan Policy D1, consistent with Section 16 (Conserving and enhancing the historic environment) of the NPPF 2023 which seeks to preserve and enhance heritage assets, states that the Council will not permit harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh that harm.

5.4 Given the assessment as outlined above, it is considered that the proposed telecommunications equipment would result in 'less than substantial' harm to the character and appearance of the Kings Cross St Pancras Conservation Area, the Kings Cross Conservation Area (through its setting) and the significance of listed buildings through their setting. It is recognised that the proposed scheme would result in better network coverage,

and as such, some public benefit would be derived from the scheme. However, in weighing the harm caused as a result of the development against this public benefit, the proposal is considered to be contrary to Section 16 of the NPPF which seeks to preserve heritage assets.

5.5 The Council does not dispute the public benefit entailed by improving connectivity and indeed welcomes this aspiration; however the harm arising from the prominent visibility of the proposed equipment from within and views into the Conservation Areas is considered to outweigh this public benefit. It is therefore considered contrary to the development plan as a whole and that the heritage constraints of this site prevent the Council from recommending this application for approval.

5.6 The proposal would therefore fail to accord with Policies D1 and D2 of the Camden Local Plan 2017. The development, particularly in views westward along Pentonville Road towards Kings Cross and St Pancras Stations, would create overly dominant visual rooftop clutter on a prominent roofscape, causing harm to the character and appearance of the host building, local views, Kings Cross St Pancras Conservation Area and setting of listed buildings.

## **6.0 Conclusion:**

6.1 The proposed equipment, by reason of its design, siting, height, size, and prominence, would be detrimental to the appearance of the host building, character and appearance of the Kings Cross St Pancras Conservation Area and setting of listed buildings and the adjacent conservation area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, the London Plan 2021 and of the National Planning Policy Framework 2023.

## **7.0 Recommendation:**

5.1 Refuse Planning Permission