

## COMMITTEE REPORT

**Date:** 25 November 2020      **Ward:** Micklegate  
**Team:** West Area                      **Parish:** Micklegate Planning Panel

**Reference:** 20/01031/FUL  
**Application at:** Telecommunications Mast Park Inn North Street York  
**For:** Upgrade of existing rooftop telecommunications equipment including ancillary works  
**By:** Hifzul Moosa  
**Application Type:** Full Application  
**Target Date:** 30 November 2020  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application seeks planning permission for the upgrade of existing telecommunications apparatus on the roof of the Park Inn Hotel located within York city centre. The Park Inn Hotel is located on the bank of the River Ouse within York city centre, positioned between Lendal Bridge and Ouse Bridge. It is accessible from North Street. The applicant advises that the upgrade will provide the latest 5G technology.

1.2 The rooftop contains existing telecommunications installations that consists of three single pole antenna of approximately 2.5m height and associated cabinets.

1.3 Planning permission was refused on 14 February 2020 (19/02629/FUL) for the upgrade of the telecommunications equipment. The number of proposed antennas have been reduced from the refused scheme as well as the removal of the proposed dishes and external cabinets.

1.4 The apparatus proposed includes:

- in the same location as the existing equipment on the roof; the northern and southern ends and within a central position between the two there will be 2no. apertures each containing an antenna within the aperture casing, each erected on a single pole
- other ancillary telecommunication equipment
- relocation of section of handrail to accommodate pod (1.1m high)
- retention of existing dish fitted on existing support pole

1.5 The Park Inn Hotel is unlisted but is located within the designated York Central Historic Core Conservation Area (YCHCCA) and in Character Area 22: Railway Area.

1.6 The application has been called-in by Cllr Baker citing that there is significant wider public interest regarding public safety of the new technology and there is the potential adverse impact on nature conservation and bio-diversity due to the new technology.

### Planning History

1.7 19/02629/FUL Upgrade of existing rooftop telecommunication apparatus with associated works; refused for two reasons; the telecommunication equipment by virtue of their height bulk and quantity would have a greater visual intrusive appearance, which would be prominent in significant views and harmful to the character and appearance of the York Central Historic Core Conservation Area. Secondly, for the same reasons and given the additional prominence of the telecommunications equipment on this tall building which would be seen in the same sightline as principal architectural features, would detract from the setting of neighbouring listed buildings. In both reasons for refusal the public benefits identified were not considered to outweigh the harm to the designated heritage assets.

1.8 There is relevant history relating to the installation of telecommunications equipment submitted as a prior approval under part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and includes:

15/00196/TCNOT Upgrade of telecommunications equipment; no objections from LPA; 25.03.2019

15/02039/TCNOT Upgrade of telecommunications equipment and associated works; no objections from LPA: 22.10.2015

## **2.0 POLICY CONTEXT**

### 2.1 PUBLICATION DRAFT LOCAL PLAN 2018

C1	Communications Development
D1	Placemaking
D4	Conservation Areas
D11	Extensions and Alterations to Existing buildings

### 2.2 DRAFT 2005 DEVELOPMENT CONTROL LOCAL PLAN (DCLP)

GP20	Telecommunication Development
GP1	Design
GP18	External Attachments to Buildings
HE3	Conservation Areas

### **3.0 CONSULTATIONS**

#### Design, Conservation and Sustainable Development (DCSD) (Conservation Officer)

3.1 The Park Inn is identified in the YCHCCA as a building that detracts from the character and appearance of the conservation area as a result of its excessive scale, height, slab like form, lack of affinity with its context and dominating impact particularly in river views. The building is highly prominent in street level views from Lendal Bridge, Ouse Bridge, Wellington Row, North Street, the St Martin's Courtyard river frontage (City Screen/Revolution/Pitcher & Piano) and others, and in elevated views including from the central lower of York Minster. Roof installations are visible in all of these views.

3.2 The current proposal represents a significant reduction in quantity and height of equipment proposed. Replacement antennas have been reduced to the existing number and other equipment omitted. The replacement antennas are described as being approx. 1.5m higher than existing and will be painted light grey.

3.3 I consider that as a consequence of the height of the site and the like-for-like number of fixtures to be replaced the additional impact of the proposed installation in views of the roofscape will be low.

#### Micklegate Planning Panel

3.4 Any response will be reported verbally.

### **4.0 REPRESENTATIONS**

4.1 The application has been advertised by site and press notice as well as neighbour notification. Three letters of objection have been received; two from local residents and one from a relevant campaign body, however that campaign body has not been identified. In summary the objections include:

- the ICNIRP self- certification is invalid; it does not contain a valid statement of compliance with ICNIRP guidelines. Any statement of compliance is based on a flawed assessment of cumulative emissions; it excludes emissions from the planned/required 5G network in this locality entirely
- unsure of the possible effects of a concentration of 5G will have upon human life and the environment from higher frequencies and additional connections.
- the technology has not been tested and the cumulative effect is unknown and it is in the interests of the residents, that as a Council you refuse the application until more research is completed regarding safety of the public.

- 5G was first developed as a military grade weapon for crowd dispersal; residents using Park Inn will be unaware of the exposure they are presenting themselves to.

## 5.0 APPRAISAL

### 5.1 Key Issues:

- Impact upon the character and appearance of the conservation area and setting of neighbouring listed buildings
- Ecology Impacts
- Health and Safety

## LEGISLATIVE BACKGROUND

5.2 The site is within a designated conservation area (York Central Historic Core Conservation Area). The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.3 Additionally, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.

5.4 Case law has made clear that when deciding whether harm to a conservation area or to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

## NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

5.5 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration on the determination of this planning application.

5.6 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.7 Section 10 (Supporting high quality communications) of the NPPF supports high quality communications and paragraphs 112-116 are considered to be of relevance. The Framework sets out in paragraph 112 that advanced, high quality and reliable communications is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications network. Further, paragraph 113 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 cooperation of the network and providing reasonable capacity for future expansion.

5.8 Section 16 (Conserving and enhancing the historic environment) states that when considering the impact of a proposed development on the significance of a designated heritage asset with great weight given to the asset's conservation; the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.9 Paragraph 196 of the framework states that where a 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.

#### PUBLICATION DRAFT LOCAL PLAN (2018)

5.10 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the 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 the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

#### DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.11 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF although they can be afforded very little weight.

## ASSESSMENT

### Impact upon the character and appearance of the conservation area and setting of neighbouring listed buildings

5.12 The applicant has made substantial changes to the amount of equipment proposed on the roof of this building since the previously refused application. The number of apertures (containing a single antenna within its casing) previously proposed was 12 in total and this scheme has reduced this amount by half (6 in total). The apertures however will be higher than the existing antennas by 1.7m (the existing antennas measure 3.4m from roof level and the proposed aperture measures 5.1m). The apertures will be grouped in two and positioned in the same locations as the existing single pole antennas on the roof (northern and southern ends and a central position). Other associated equipment is reduced from the previous scheme, with an existing dish retained.

5.13 Additionally, the applicant has set out that the amount of apertures and ancillary equipment is the minimum required to provide 5G coverage to the surrounding area; any decrease in antenna height would result in a reduced coverage to such an extent that a new base station would be required.

5.14 The site sits with the Character Area 22: Railway Area of the York Central Historic Core Conservation Area. The character of this area has been influenced by the railway and associated engineering functions as well as former areas of industrial riverside that accommodated warehousing. The northern edge of the area, where the application site is situated, is bounded by the riverside walk and North Street which is included in this area because of the historic activities and form that differentiate them from Micklegate and Bridge Street (located within Character Area 21: Micklegate). The Central Historic Core Conservation Area Appraisal (page 409) identifies the Park Inn Hotel as a detractor from the character and appearance of the Conservation Area as a result of its height, mass and design, in particular from views of the river and its setting. The Appraisal comments that "Views and building heights matter in York. The quantity and quality of views, often inextricably linked to the absence of tall modern buildings, is one of the most important, most precious and most fragile components of the city's historic townscape" (p.63).

5.15 The site is situated between two main bridges providing access over the River Ouse in York, Lendal Bridge to the north and Ouse Bridge to the south. The Conservation Area appraisal identifies that the view from Lendal Bridge downstream (south eastern direction) is a key view (Ref: 23) providing a dynamic panoramic view. It is considered that there is a clear view of the Park Inn building along with the existing 2no. antennas positioned along the north eastern edge of the roof. However whilst the existing antennas and ancillary equipment are visible their intrusive effect is limited because of their singular form with slim dimension

5.16 The current proposal represents a significant reduction in the quantity and bulkiness of the equipment when compared to the refused scheme; the apertures are more slim-like in nature. However, when compared to the existing telecommunication equipment they are taller and even with the bulkiness of the apertures reduced, they would still remain visible within views, and result in a greater harm to the character and appearance of the York Central Historic Core Conservation Area.

5.17 The impact of new telecommunications installation is assessed to result in harm to the character and appearance of the conservation area, albeit less than substantial harm and at the lower end of this spectrum. As less than substantial harm is identified, there is a requirement to weigh the application against the public benefits of the proposal, in line with paragraph 196 of the NPPF. The public benefits of the proposal, mostly relate to being an economic and social objective, in line with paragraph 8 of the Framework. That is to help build a strong, responsive and competitive economy and to support strong, vibrant and healthy communities that support communities' health, social and cultural well-being. It states further in paragraph 112 (Section 10 'Supporting high quality communications') that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.

5.18 Given that the level of harm has been identified as being 'less than substantial' and at the lower end of this spectrum, the public benefits of the proposal outlined above are considered to outweigh the level of harm upon the significance of this part of the conservation area.

5.19 The impact of the proposed equipment upon the setting of listed buildings is assessed as principally being where those buildings are seen within the same sightline as the hotel and where the equipment proposed would compete visually with the listed building. This is particularly the case with regards to buildings that punctuate the skyline, including the Minster (Grade 1) viewed from the city walls; the spire of All Saints North Street (Grade 1) viewed from Lendal Bridge and the river frontage; the clock tower of the Magistrates' Court (Grade 2) viewed from Lendal Bridge and the roofline of St John's Church Micklegate (Grade 2\*) viewed from the Micklegate/Bridge Street junction. As detailed above, the amendments to the detailed design of the proposed installations including the bulkiness and the number of apertures and its single antenna across the roofscape has significantly reduced the visual impact of the equipment in views of these buildings. The visual harm arising from the telecommunications equipment has been sufficiently mitigated and the setting to these listed buildings, both individually and cumulatively would be preserved, in line with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Ecology Impacts

5.20 Objections have been raised to the possible impact the telecommunications equipment may have on wildlife. The LPA is unaware of any studies or research on the impacts on wildlife from 5G networks that provide any robust advice or scientific information for use in the decision making process. Tolerance levels of electromagnetic radiation have not been determined and therefore it is not considered possible within the planning process to assess if proposals for telecommunication masts would have a significant impact on biodiversity.

### Health Considerations

5.21 An objector cites that the ICNIRP certificate is invalid as it does not contain a valid statement of compliance with ICNIRP guidelines. Paragraph 115 b) of the Framework sets out that applications for electronic communications should be supported by the necessary evidence and for applications involving additions to a mast or base station this includes a statement that self-certifies that the cumulative exposure, when operational will not exceed International Commission guidelines on non-ionising radiation protection. The application is supported by an ICNIRP certificate confirming that the site is within the ICNIRP guidelines and the applicant has also provided a statement that confirms that all technologies existing and proposed have been captured as part of the ICNIRP assessment of the site.

5.22 The application is therefore considered to be in full compliance with the requirements of the ICNIRP Public Exposure Guidelines on radio frequency. As such, it is deemed acceptable in terms of health-related issues. NPPF para.116 states that local planning authorities must determine applications on planning grounds only and should not set health safeguards different from the International Commission guidelines for public exposure.

## **6.0 CONCLUSION**

6.1 The Park Inn Hotel is an existing site for telecommunications equipment, which provides 3 existing antennas. It is acknowledged that the proposals to upgrade the equipment to provide 5G coverage will result in a greater level of visual impact; the numbers of antennas to be provided will increase to 6 (with one antenna contained within the aperture casing), increase the bulkiness of the equipment as well as these being taller structures than those in situ on the building. Whilst the equipment would still be visible, they are designed in a way to be less visually intrusive within views. Careful consideration has been given to the statutory duties with regard to designated heritage assets. Whilst the proposal would result in harm to the designated heritage assets, this harm is assessed as being less than substantial. The application has demonstrated that there are public benefits of the proposal, notably compliance with Section 10 of the National Planning Policy Framework, which supports high quality communications and which further supports social and

economic objectives which are considered to outweigh the less than substantial harm identified to heritage assets.

6.2 The application satisfies the requirements of the ICNIRP Public Exposure Guidelines on radio frequency and NPPF paragraph 116.

6.3 It is considered that the proposed scheme would not have an adverse impact that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. It is considered that the NPPF and policies C1, D1, D4 and D5 of the Publication Draft Local Plan (2018) and GP1, GP18, GP20 and HE3 of the Development Control Local Plan (2005) are satisfied

## **7.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

701804\_YOR033\_96150\_YO0262\_M002 Rev C 215 Max Configuration Site Plan  
701804\_YOR033\_96150\_YO0262\_M002 Rev C 265 Max Configuration Elevation A  
701804\_YOR033\_96150\_YO0262\_M002 Rev C 266 Max Configuration Elevation B  
701804\_YOR033\_96150\_YO0262\_M002 Rev C 267 Max Configuration Elevation C  
701804\_YOR033\_96150\_YO0262\_M002 Rev C 268 Max Configuration Elevation D

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 On completion of the works the existing telecommunication antenna and any ancillary equipment shall be removed from site in accordance with the submitted plans.

Reason: In order to reduce the amount of unnecessary equipment to the site in the interests of the character of the conservation area

4 All new telecommunications equipment shall be painted light grey.

Reason: In the interest of visual amenity and to preserve the character and appearance of the York Central Historic Core Conservation Area and in accordance with policies D1, D4, D11 and C1 of the City of York Council Publication Draft Local Plan (2018) and GP1, GP18, GP20 and HE3 of the City of York Council's Development Control Local Plan (2005).

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- amended the number and design of the apertures.

#### **Contact details:**

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