

Planning applications committee

Date: Thursday, 12 May 2022

Time: 10:00

Venue: Council Chamber, City Hall

Members of the public, agents and applicants, ward councillors and other interested parties must notify the committee officer if they wish to attend this meeting by 10:00 on the day before the committee meeting, please. Numbers are restricted due to social distancing arrangements. The meeting will be live streamed on the council's YouTube channel.

Committee members:

Councillors:

Driver (chair)
Button (vice chair)
Bogelein
Champion
Everett
Giles
Grahame
Lubbock
Peek
Sands (M)*
Stutely
Thomas (Va)

For further information please contact:

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*subject to re-election on 5 May 2022
(1 vacancy)

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website

Agenda

Page nos

1 Apologies

To receive apologies for absence

2 Declarations of interest

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting)

3 Minutes

5 - 10

To approve the accuracy of the minutes of the meeting held on 10 March 2022

4 Planning applications

Please note that members of the public, who have responded to the planning consultations, and applicants and agents wishing to speak at the meeting for item 4 above are required to notify the committee officer by 10:00 on the day before the meeting.

Further information on planning applications can be obtained from the council's website:

<http://planning.norwich.gov.uk/online-applications/>

Please note:

- The formal business of the committee will commence at 10:00;
- The committee may have a comfort break after two hours of the meeting commencing.
- Please note that refreshments will not be provided. Water is available
- The committee will adjourn for lunch at a convenient

point between 13:00 and 14:00 if there is any remaining business.

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	Standing duties	13 - 14
4a	Application no 21/01524/F, 21/01532/A, Telephone Box Adjacent to 195 and 197 Plumstead Road, Norwich	15 - 28
4b	Application nos 21/01600/F, 21/01603/A, BT Kiosk Outside 2-10 St Stephens Street, Norwich	29 - 44
4c	Application nos 21/01612/F, 21/01604/A, BT Kiosk Infront of 36 St Stephens Street, Norwich	45 - 58
4d	Application no 21/01753/F 7-9 Queen Street, Norwich NR2 4SG	59 - 70

Date of publication: **Monday, 30 May 2022**

Planning applications committee**11:20 to 12:30****10 March 2022**

Present: Councillors Driver (chair), Button (vice chair), Bogelein, Champion, Giles, Grahame, Lubbock, Maxwell, Sands (M)

Apologies: Councillors Everett, Stutely (other council business), Thomas (Va)

1. Declarations of interests

Councillor Driver declared an interest in item 4 (below) no Application nos 21/01573/F and 21/01574/L – The Dog House, 18 St Georges Street, NR3 1BA, as a member of The Campaign for Real Ale (CAMRA).

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 10 February 2022¹.

3. Application no 21/00893/O World of Beds Curtis House Curtis Road, Norwich, NR6 6RB

The planner presented the report with the aid of plans and slides. She explained that this was an outline planning application.

The planner referred to the report and answered members' questions. Members were advised that re-location of street furniture, including lighting etc, would be subject to agreement with the Highways Authority. In reply to a member's suggestion, the planner said that biodiversity enhancements would be agreed by condition and bat and swift boxes could be considered as part of the specific measures to optimise biodiversity on the site. Members also sought clarity on the difficulty of fire appliances being able to reach plot 7. The planner confirmed that the applicant wanted the layout of the site as shown in the plans. There were alternative measures that would be considered at the building regulation stage to ensure that the fire safety of the site was acceptable. The planner advised on the planning

¹ Subsequent to the meeting on 10 March 2022, the minutes of the meeting held on 10 February 2022, item 2, Minutes, were amended for accuracy, to record that the minutes of the meeting held on 13 January 2022 were approved and not 13 January 2021, as stated in the minutes.

history of the site and said that the previous planning application had been refused under officer delegation because of the greater number of dwellings proposed and a lack of information which had now been provided.

The chair moved and the vice chair seconded the recommendations as set out in the report.

During discussion, members spoke in support of the proposal which they considered would enhance the area and was more suited for residential use. A member commented that she had reservations about the proposed car port and that it would have an unattractive impact on the streetscene which she hoped would be improved by planting.

RESOLVED, unanimously, to approve application 21/00893/O and grant planning permission subject to the following conditions:

1. Standard time limit for approval of reserved matters;
2. In accordance with;
3. Contamination investigation;
4. Construction method statement;
5. Provision of sound insulation to habitable rooms;
6. Carport and boundary walls to be designed in accordance with noise impact assessment;
7. Compliance with arboricultural method statement;
8. Biodiversity enhancements to be agreed;
9. Small mammal access;
10. Detailed drawings for highway works;
11. Implementation of agreed highway works;
12. Parking and turning layout provided prior to first occupation;
13. Cycle and bin storage to be agreed and provided prior to first occupation;
14. Sustainable urban drainage system to be agreed;
15. Unidentified contamination;
16. Imported topsoil;
17. Water efficiency.

Informative notes:

1. Noise
2. Asbestos
3. Works within public highway.

4. Application nos 21/01573/F and 21/01574/L – The Dog House, 18 St Georges Street, NR3 1BA

(The chair had declared an interest in this item.)

The senior planner presented the report with plans and slides.

The senior planner referred to the report and answered members' questions. This included confirmation that the proposed restriction for use of the courtyard by members of the public, before 09:00 or after 23:00 hours, reimposed the hours

agreed in an earlier planning application, and it appeared that there was CCTV in the area.

The chair moved and the vice chair seconded the recommendations as set out in the report.

A member commented that as it was a relatively small site, it was unlikely that anything of archaeological significance would be discovered. The proposal would enable the premises to provide food and enhanced an untidy area.

RESOLVED unanimously to approve:

- (1) application no. 21/01573/F - The Dog House, 18 St Georges Street, NR3 1BA and grant planning permission subject to the following conditions:
 1. Standard time limit
 2. In accordance with plans
 3. Archaeological investigation
 4. The materials to be used in the construction of the roof and external walls of the development shall match in colour, form, texture, bond and mortar, those used in the adjacent extensions to the building.
 5. Any damage and repair to be made good.
 6. Preservation and protection of existing features to be agreed.
 7. Odour management equipment shall be installed and maintained in accordance with approved details and manufacturers guidance.
 8. The external courtyard shall not be used by members of the public before 09:00 hours or after 23:00 hours on any day.
 9. There shall be no use of amplified sound within the courtyard without prior consent.
- (2) application no. 21/01574/L - The Dog House, 18 St Georges Street, NR3 1BA and grant listed building consent subject to the following conditions:
 1. Standard time limit.
 2. In accordance with plans.
 3. Materials for roof and walls (including facing brickwork colour, texture, face bond and pointing) to match that of the adjacent extensions.
 4. Any damage and repair to be made good.
 5. Preservation and protection of existing features to be agreed.

5. Application nos 21/01527/F & 21/01534/A, BT Kiosk Outside John Lewis, All Saints Green, Norwich

The area development manager presented the report with the aid of plans and slides.

The area development manager referred to the report and answered members' questions. The officer recommendation was unusual in that members were asked to only approve part of the advertising consent application which was to permit advertising on the north side of the BT street hub only to protect the amenity of the setting of All Saints Church and the conservation area and was contrary to

Development Plan policies DM3 and DM9. He pointed out that this made the proposed condition 11, as set out in the report, unnecessary.

The chair moved and the vice chair moved the recommendations as set out in the report subject to the deletion of condition 11.

Discussion ensued, in which members' views differed between considering that this location was a good one for the street hub because the shop windows were lit up at night and there was space, to other members who considered that it had become a quiet area for pedestrians and cyclists and that advertising would therefore be a distraction. Some members considered that the street hub would spoil the view of the church and the amenity of the conservation area. Members also commented that there was already a telephone kiosk in the location where the proposed street hub would be and on the appearance of the "blank" south side of the street hub.

The chair moved the recommendation to approve the full planning application and it was:

RESOLVED, with 8 members voting in favour (Councillors Driver, Maxwell, Button, Bogelein, Sands, Giles, Lubbock and Peek) and 2 members voting against (Councillors Champion and Grahame) to approve application no. 21/01527/F, BT Kiosk Outside John Lewis, All Saints Green, Norwich and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;
3. Sharing of data with council.

Informative notes:

1. Highways informative 4: works to the public highway.

Councillor Bogelein moved and Councillor Champion seconded that application no 21/01534/A be part-approved to not permit any advertising on both the north or south side of the proposed street hub. On being put to the vote with 3 members voting in favour (Councillors Bogelein, Champion and Grahame) and 7 members voting against (Councillors Maxwell, Button, Sands, Driver, Giles, Lubbock and Peek) the proposal was lost.

The chair then moved the committee to the vote and it was:

RESOLVED, with 8 members voting in favour (Councillors Driver, Maxwell, Button, Bogelein, Sands, Giles, Lubbock and Peek) and 2 members voting against (Councillors Champion and Grahame) to part-approve application no. 21/01534/A, to only permit an advert on the north side of the proposed street hub BT Kiosk Outside John Lewis, All Saints Green, Norwich and grant advertisement consent subject to the following conditions:

1. No advert displayed without permission of owner
2. No advert to obscure highway infrastructure/endanger pedestrians
3. Advert to be maintained as not to impact visual amenity
4. Advert should be maintained as not to endanger the public

5. On removal, the site should not endanger the public or impact visual amenity
6. Screens synchronised to multiple images do not change at different times
7. Minimum display time set at 10 seconds
8. Images should be static with no animation or moving images
9. Maximum level of night-time illumination should be set at 300 cd/2.
10. No audio output permitted.

(Reasons for the part-approval of the application, as subsequently provided by the area development manager are:

Introduction of an illuminated LCD advertisement onto the southern elevation of the BT Street Hub structure would adversely affect the visual amenity of the street scene, which is in a Conservation Area and includes the setting of the Grade I Listed All Saint's Church. The proposal is therefore contrary to Development Plan policies DM3 and DM9.)

CHAIR

Summary of planning applications for consideration

ITEM 4

12 May 2022

Item no	Application no	Location	Case officer	Proposal	Reason for consideration at committee	Recommendation
4a	21/01524/F & 21/01532/A	195 Plumstead Road	Stephen Polley	Removal of existing BT phone box and installation of a replacement BT street hub & Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.	Objections	Approve
4b	21/01600/F & 21/01603/A	BT Kiosk Outside 2-10 St Stephens Street	Stephen Polley	Removal of existing BT phone box and installation of a replacement BT street hub. & Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.	Objections	Approve
4c	21/01612/F & 21/01604/A	BT Kiosk Infront of 36 St Stephens Street	Stephen Polley	Removal of existing BT phone box and installation of a replacement BT street hub. & Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.	Objections	Approve
4d	21/01753/F	7-9 Queen Street	Danni Howard	Installation of pergola, replacement of decking and conversion of existing outbuilding to bar. Erection of awnings to front elevation.	Objections	Approve

STANDING DUTIES

In assessing the merits of the proposals and reaching the recommendation made for each application, due regard has been given to the following duties and in determining the applications the members of the committee will also have due regard to these duties.

Equality Act 2010

It is unlawful to discriminate against, harass or victimise a person when providing a service or when exercising a public function. Prohibited conduct includes direct discrimination, indirect discrimination, harassment and victimisation and discrimination arising from a disability (treating a person unfavourably as a result of their disability, not because of the disability itself).

Direct discrimination occurs where the reason for a person being treated less favourably than another is because of a protected characteristic.

The act notes the protected characteristics of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The introduction of the general equality duties under this Act in April 2011 requires that the council must in the exercise of its functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by this Act.
- Advance equality of opportunity between people who share a relevant protected characteristic and those who do not.
- Foster good relations between people who share a relevant protected characteristic and those who do not.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

The council must in the exercise of its functions have due regard to the need to eliminate unlawful discrimination against someone due to their marriage or civil partnership status but the other aims of advancing equality and fostering good relations do not apply.

Crime and Disorder Act, 1998 (S17)

- (1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its

various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

- (2) This section applies to a local authority, a joint authority, a police authority, a National Park authority and the Broads Authority.

Natural Environment & Rural Communities Act 2006 (S40)

- (1) Every public authority must, on exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Planning Act 2008 (S183)

- (1) Every Planning Authority should have regard to the desirability of achieving good design

Human Rights Act 1998 – this incorporates the rights of the European Convention on Human Rights into UK Law

Article 8 – Right to Respect for Private and Family Life

- (1) Everyone has the right to respect for his private and family life, his home and his correspondence.
- (2) There shall be no interference by a public authority with the exercise of his right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the rights and freedoms of others.
- (3) A local authority is prohibited from acting in a way which is incompatible with any of the human rights described by the European Convention on Human Rights unless legislation makes this unavoidable.
- (4) Article 8 is a qualified right and where interference of the right can be justified there will be no breach of Article 8.

Report to Planning applications committee

Item

12 May 2022

Item 4a

Report of Head of Planning and Regulatory Services

Subject Application no 21/01524/F, 21/01532/A, Telephone Box
Adjacent to 195 and 197 Plumstead Road, Norwich

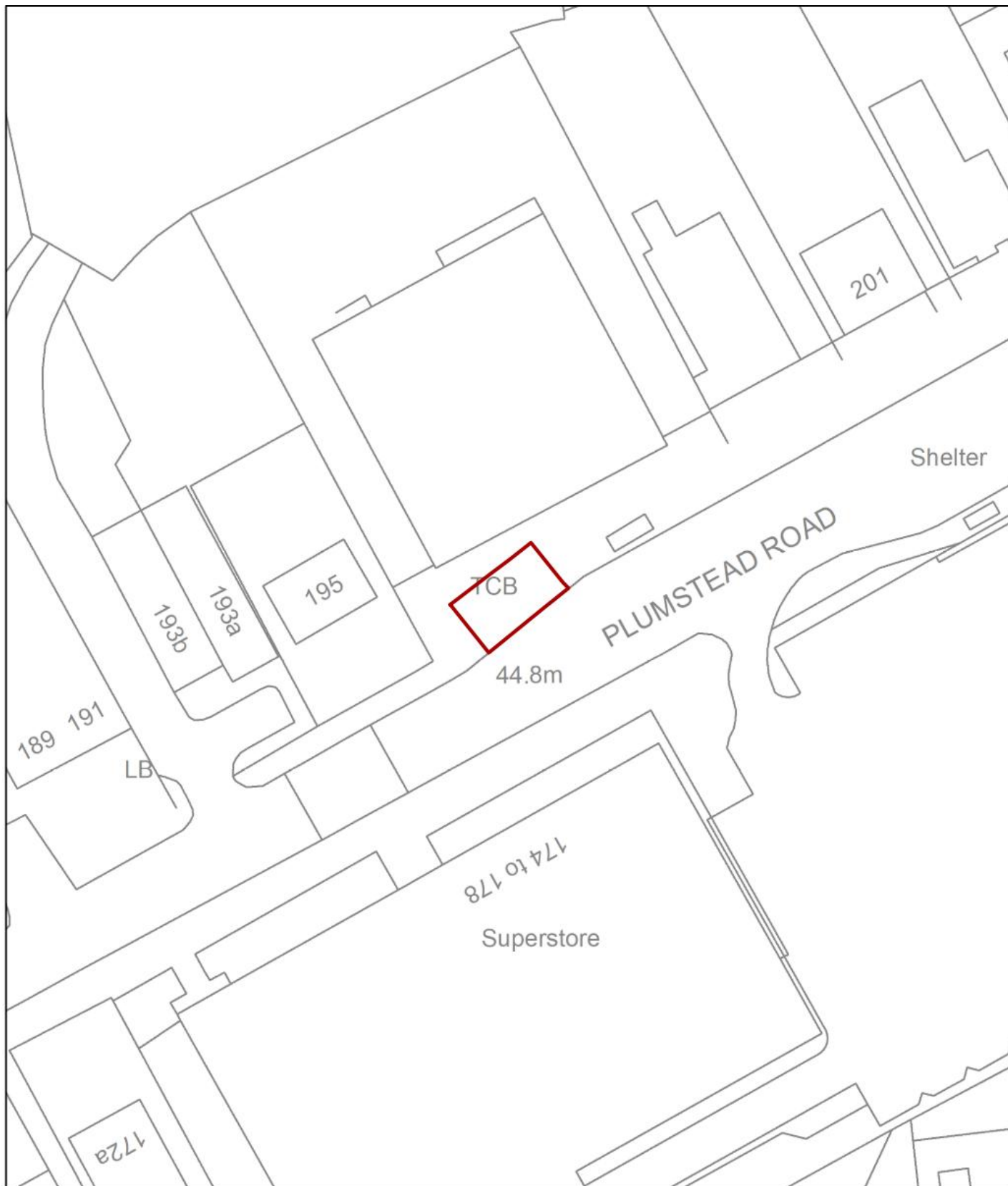
**Reason
for referral** Objection

4a

Ward	Crome
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk
Applicant	British Telecom Plc

Development proposal		
Removal of existing BT phone box and installation of a replacement BT street hub. Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.		
Representations		
Object	Comment	Support
8	0	0

Main issues	Key considerations
1	Principle of Development
2	Design
3	Amenity
4	Transport
Expiry date	27 December 2021
Recommendation	Approve both applications with conditions



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Planning Application No 21/01524/F & 21/01532/A
 Site Address 195 Plumstead Road

Scale 1:500

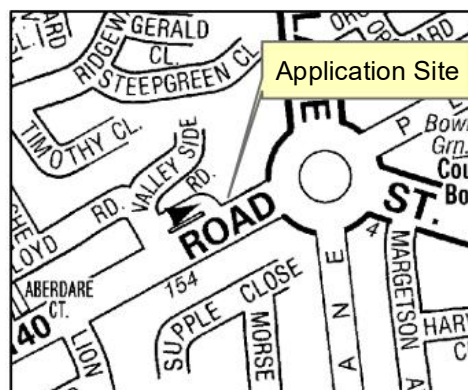


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PLANNING SERVICES



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The site and surroundings

1. The site is located on Plumstead Road, a busy arterial road connecting the east of the city to the city centre.
2. The site is located on a parade of shops running along the northern side of Plumstead Road. To the south is a large Aldi supermarket. There is a large amount of street furniture associated with the surrounding uses.
3. This part of Plumstead Road is of an entirely commercial character at ground floor level. Further along the road towards the city centre, the street has a more residential character.
4. The application is to replace an existing BT phone box with a new 'BT Streethub'. The existing unit is approximately 2.5m tall. It is a traditional walk-in phone box with one blank elevation and three glass elevations.

Constraints

5. None relevant.

Relevant planning history

6. None relevant.

The proposal

7. The proposal is to replace the existing phone unit with a new 'BT Street Hub'. This is part of a larger rollout of hubs across the city centre.
8. The 'Street Hubs' are being rolled out to replace the existing phone units and boxes within the city centre. The hubs provide numerous benefits and services including: wi-fi, access to public services, accessibility options, use of carbon-free energy, secure USB ports for charging, free phone calls, direct 999 calls, display of public messages and provision of environmental sensors (air quality, noise, traffic etc).
9. The replacement hub has the following dimensions: 2.98m height, 1.236m width and 0.35m depth.
10. The unit would feature a large 75" LCD digital advertising screen on each side. The supporting information proposes that the screens display content at 10 second intervals. The supporting information states that commercial content funds the service, but there is intent for the screens to display public messaging also. Free advertising for the Local Authority is offered for 5% of the overall screentime, equivalent to 876 hours per unit per year.
11. Two applications are presented within this report. The first application (21/01524/F) relates to full planning permission for the structure itself. The second application (21/01532/A) relates to advertisement consent for the screens on either side of the unit. There is no scope for public consultation on applications for advertisement consent, and nor is there any requirement within the scheme of delegation for them to be brought before planning committee but given the association between the two applications it has been considered prudent to present them both within this report.

12. The committee is reminded that applications for advertisement consent are covered by a different set of regulations and can only be assessed in relation to impact on amenity and public safety.
13. It is noted that following comments from the Planning Applications Committee members and subsequent representations made by the highways officer, the street hub has been re-sited to a more appropriate location. The street hub was originally to be placed on the exact location of the existing phone box. The proposed street hub has now been re-sited to a location 3.4m from the highway, closer to the hardstanding serving the neighbouring retail unit.

Representations

14. The application for full planning permission has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
15. 8 letters of representation have been received in relation to this application. All of the letters of representation have been submitted in relation to the multiple 'Street Hubs' applications, so express more general concerns with the project rather than the specifics of each site. The representations received in opposition to the proposal are summarised in the table below.

Issues raised	Response
Proposals would cause harm to the quality of the area - unattractive, monolithic design. The units are too tall and screens too high. Norwich is a medieval city and these are out of character. Creates visual clutter.	See main issue 2.
Wasteful use of energy is incompatible with climate emergency and contributes to light pollution. Renewable energy should be used for more socially useful purposes than driving consumerism. Cynical advertising opportunity with no motive other than greed.	See other matters.
Corporate advertising is saturated and encouraging unsustainable consumption is out of line with Ethical Advertising Policy. This type of advertising has a negative impact on public health.	See main issue 2 and other matters.
Free wifi and charging do not equate to fair compensation for the harm caused.	See conclusion.
May lead to anti-social behaviour in the city centre.	See main issue 3.

Impairment to movement for pedestrians and users of mobility scooters/buggies etc.	See main issue 4.
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Consultation responses

16. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Design and conservation

17. No comments received.

Norfolk County Council - Highways

18. (Highways officer comments)

21/01532/A

Digital roadside advertising is not necessarily inherently unsafe and accordingly the County Council does not have a blanket policy of refusal. Each site is assessed on its own specific characteristics and in this instance the local context is such that these particular signs would cause a safety hazard. When assessing public safety, the key considerations are whether the location is appropriate (i.e. undemanding on the driver) and whether the level of illumination and the sequential change between advertisements is controlled to prevent distraction from the driving task. Moving images or advertising with complex information is likely to add to the level of distraction.

The balance is therefore in ensuring that the level of distraction is minimised, particularly at locations where a high level of concentration is required from the driver. This is already a busy road environment with multiple events that the motorist needs to take into consideration.

In this respect adding a digital display at this specific location increases the cognitive load the driver must endure, lengthening reaction times to dangerous situations. However we believe it is possible to provide conditions to manage the level of distraction by control of type, brightness, form of change and interval between advertisements.

Accordingly we are saying that as proposed the signs will cause a distraction to motorists and should be refused but subject to the following conditions we would not raise an objection:-

- The minimum display time is set at 10 seconds
- The image is static with no animation or apparent moving images.
- No audio output
- Maximum level of illumination during the day set at 2500 cd/m² (as per the application form)
- Maximum level of illumination in hours of darkness be set at 300 cd/m²

If the applicant is unable to agree to the above conditions we recommend the application be refused as follows:-

SHCR 26 The proposed signs would add to the distraction of highway users to the detriment of safety on the adjoining highway. Contrary to Development Plan Policies.

21/01524/F

Thank you for consulting the highway authority and facilitating dialogue with the applicant. As the proposed BT Street Hub will be repositioned (to the back of adopted footway) with due consideration of motorists visibility of a mandatory traffic sign (no right turn to Aldi), I do not wish to raise an objection subject to the following condition and informative being used if your authority is minded to grant consent.

SHC 09 amended

Prior to the commencement of the use hereby permitted the former footprint of the removed telephone kiosk adjacent to 195/197 Plumstead Road shall be reinstated and tied into the adjacent footway to an adoptable standard in accordance with the Norfolk County Council highway authority construction specification, details to be agreed in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory highway reinstatement in the interests of highway safety and traffic movement.

Informative 4

This proposal involves excavations adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact

Assessment of planning considerations

Relevant development plan policies

19. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS6 Access and transportation
 - JCS7 Supporting communities
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM10 Supporting the delivery of a communications infrastructure
 - DM30 Access and highway safety

Other material considerations

21. **Relevant sections of the National Planning Policy Framework March 2021 (NPPF) (as revised):**
- NPPF10 – Supporting high quality communications
 - NPPF12 – Achieving well designed places

Case Assessment

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

23. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM10, NPPF10, NPPF12.
24. The proposal involves the removal of the existing BT phone box and replacement with the new 'Street Hub' in the same location. The replacement unit is of a narrower but taller design to the existing unit.
25. Policy DM10 outlines policy for development relating to 'the provision, upgrading and enhancement of wireless and fixed data transfer and telecommunications networks and their associated infrastructure that requires planning permission'. Given the unusual nature of these applications and their broad categorisation as communications infrastructure, this is considered the best policy to determine the acceptability of the proposals in principle. The policy suggests that proposals will be acceptable where there is 'no unacceptable impact on the character and appearance of the area, on residential amenity or on the safe and satisfactory functioning of highways'.
26. It is acknowledged that there is a level of public benefit associated with the applications, as outlined in paragraph 8 of this report.
27. In this instance, the hub is replacing an existing BT phonebox. This replacement is acceptable in principle. Therefore, the acceptability of the proposal will lie in the aesthetic and physical differences between the two units and the impact on the amenity of the wider area.

Main issue 2: Design

28. Key policies and NPPF paragraphs – JCS2, DM3, NPPF12.

Relevant Policy

29. In terms of appearance, the proposal will appear broadly similar to the existing BT unit, albeit in a slightly different location. DM3 of the Local Plan identifies that development will only be acceptable where 'appropriate attention has been given to the height, scale, massing and form of new development'. DM3 also identifies that

proposed developments should show that appropriate consideration has been given to materials and colour, showing 'regard to the prevailing materials of the area'. Paragraph 134 of the NPPF states that development that 'is not well designed should be refused', especially where it does not reflect local design policies.

Impact

30. Concern has been raised by objectors regarding the impact of the proposal on the wider character of the area. The objectors express concern about the design of the units and the introduction of large, illuminated advertising into the streetscene. The general tone of the objections is that these are out of character within a medieval city largely free of large-scale digital advertising, and the provision of the units would create unnecessary visual clutter without a clear and measurable public benefit.
31. In this instance, the replacement unit is of a similar design and scale as the existing unit, albeit in a slightly different location. Although it is marginally taller than the existing unit, the immediate surroundings are characterised by the largely commercial character of the streetscene. The wide pavements ensure that the unit would not appear out of place when viewed alongside the existing single storey buildings on this side of the street. There is a large degree of existing street furniture, including the large totem signage for Aldi on the other side of the street.
32. Given the lack of specific sensitivity within the immediate surroundings and the modern character of the surrounding buildings, it is not considered that the replacement of the unit and introduction of the advertising screens on either side of the unit would be detrimental to the overall character of the area. The introduction of conditions to ensure the appropriate visual restrictions on the advertising screen will further reduce the visual impact of the unit.
33. The unit is established in this location. It is not considered that the replacement of the unit will lead to visual clutter.
34. In light of the above, it is considered that the proposed replacement of the phone box here would have a neutral impact on the general design quality of the area, and therefore the design proposal is considered acceptable.

Main issue 3: Amenity

35. Key policies and NPPF paragraphs – JCS2, JCS6, DM2, DM3, NPPF12.
36. Concern has been raised within the objections about the impact of this type of digital advertising on the general experience of pedestrians using the city centre. No amenity concerns to residential properties generated by the advertisements have been identified in this instance.
37. Some concern has been raised about the potential impact for the units generating anti-social behaviour. The applicant has submitted an 'Anti-social behaviour management plan' which allows for the tracking and identification of anti-social behaviour and appropriate mechanisms to report anti-social behaviour to the correct authorities. Each Hub is monitored 24 hours a day, so issues are identified early on. In this instance, the mitigation against anti-social behaviour is considered satisfactory.

Main Issue 4: Highways

38. Key Policies and NPPF paragraphs: JCS2, JCS6, DM30, NPPF 12.

Policy

39. Impacts on the highway are covered by DM30. The policy requires that development 'within, over or adjacent to spaces or streets that form part of the public realm will ensure adequate clearance either below or around the structure is available to allow the safe passage of pedestrians, cyclists and, where appropriate, vehicles.'
40. In addition, it should be ensured that advertisements do not cause a distraction to motorists, consequently impeding highway safety.

Impact

41. Objections have expressed concern that the units will restrict movement across the pavement and limit pedestrian experience. There is concern that the Hubs will not allow appropriate space for easy movement for pedestrians with impaired movement using either mobility scooters or wheelchairs.
42. There is sufficient space for pedestrians to move around the unit, in compliance with the recommendations of Manual for Streets. The differences between the existing unit and the proposed unit are minimal and should not impact upon the movement of pedestrians. The conditions applied will ensure that the unit does not operationally cause a distraction to passing motorists.
43. The revised re-sited location of the proposed street hub, in a position a greater distance from the highway than the original submission, ensures that the advertisements will not cause a significant level of distraction to passing motorists and other road users. The 'no right-turn' sign is no longer obstructed by the proposed unit. The highways officer has provided a set of conditions to be applied to the proposed digital advertisement boards to ensure that the adverts are controlled in a way that limits distractions to road users. An informative is recommended to inform the applicant that the works to the highway will need relevant consents from the Highway Authority.
44. In this instance, the proposal is considered to be acceptable in highways terms.

Other Matters

45. Objectors have expressed concern about the saturation of corporate advertising within the city and how this complies with the Council's Ethical Advertising Policy. This is not a material planning concern and has not contributed to this assessment of the acceptability of the applications.
46. Public adverts are acceptable in principle. The content of adverts is not covered by the advertising legislation and should not impact on this decision. It is noted that 5% of advertising space is proposed to allocated to the Local Authority for public messaging.
47. A statement provided by BT as part of the application states that their street hubs will be powered by 100% renewable carbon free energy. The statement also refers

to other energy efficiency credentials including the use of automatic screen dimming, LED backlight screens and high-efficiency power supplies. The anticipated energy use of the street hub is not expected to be significantly different to comparable equipment, such as digital advertisement boards. It is however noted that the energy consumption of the proposed street hub is not a matter that can be used to inform this planning application since there are no planning policies which seek to control energy consumption on minor developments such as this.

48. The issue of data mining has been raised at previous committee meetings when considering similar proposals. The street hubs are proposed to fulfil several tasks, including the provision of a wifi network for members of the public to connect to. Such connections will likely be consented. It is also likely that there will be a degree of connectivity between members of the public's smartphones and the hubs that is unnoticed as devices automatically communicate with one another. It is not the role of the planning authority to determine what level of connectivity between the street hubs and devices is acceptable or appropriate. There are other regulations which seek to protect individuals from the unauthorised sharing of data (i.e. the General Data Protection Regulations 2018). There are planning policies which seek to provide individuals with a reasonable level of privacy (i.e. policy DM2 of the local plan) but such policies are limited to matters of overlooking rather than any technological intrusion. As such, the issue of data mining cannot inform the planning decision.
49. A request was made by elected members at a previous committee meeting relating to proposals for street hubs at other locations in the city to share environmental data collated by the hubs with the council. The street hubs have the ability to collect various data, including environmental monitoring data which could be shared with the council to assist in its delivery of strategic aims and objectives. As such, it is considered reasonable to add a condition requiring that the data is shared with the council should it be requested.

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

- Site Affected: (a) Broads SAC/Broadland Ramsar
- Potential effect: (a) Increased nitrogen and phosphorus loading
- (b) Increased phosphorous loading

The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.

The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

- (a) Broads SAC/Broadland Ramsar
- i. Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND

- ii. Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal neither results in an increase in overnight accommodation in the catchment area of the SAC (and consequently would not result in an increase in nutrients flowing into the SAC) nor in additional pollution to surface water as a result of processes forming part of the proposal.

Conclusion: The proposal will not, either alone or in combination with other proposals have likely significant effects on a protected area. It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

50. There are no significant equality or diversity issues.

Local finance considerations

51. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
52. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
53. In this case local finance considerations are not considered to be material to the case.

Conclusion

54. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.
55. The proposal is of an acceptable design and is considered to have an acceptable impact on the overall character of the local area.
56. The transport impact of the proposal is considered to be acceptable and can be reasonably controlled by conditions.
57. The amenity impact of the proposal is considered to be acceptable.
58. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2021).

Recommendation

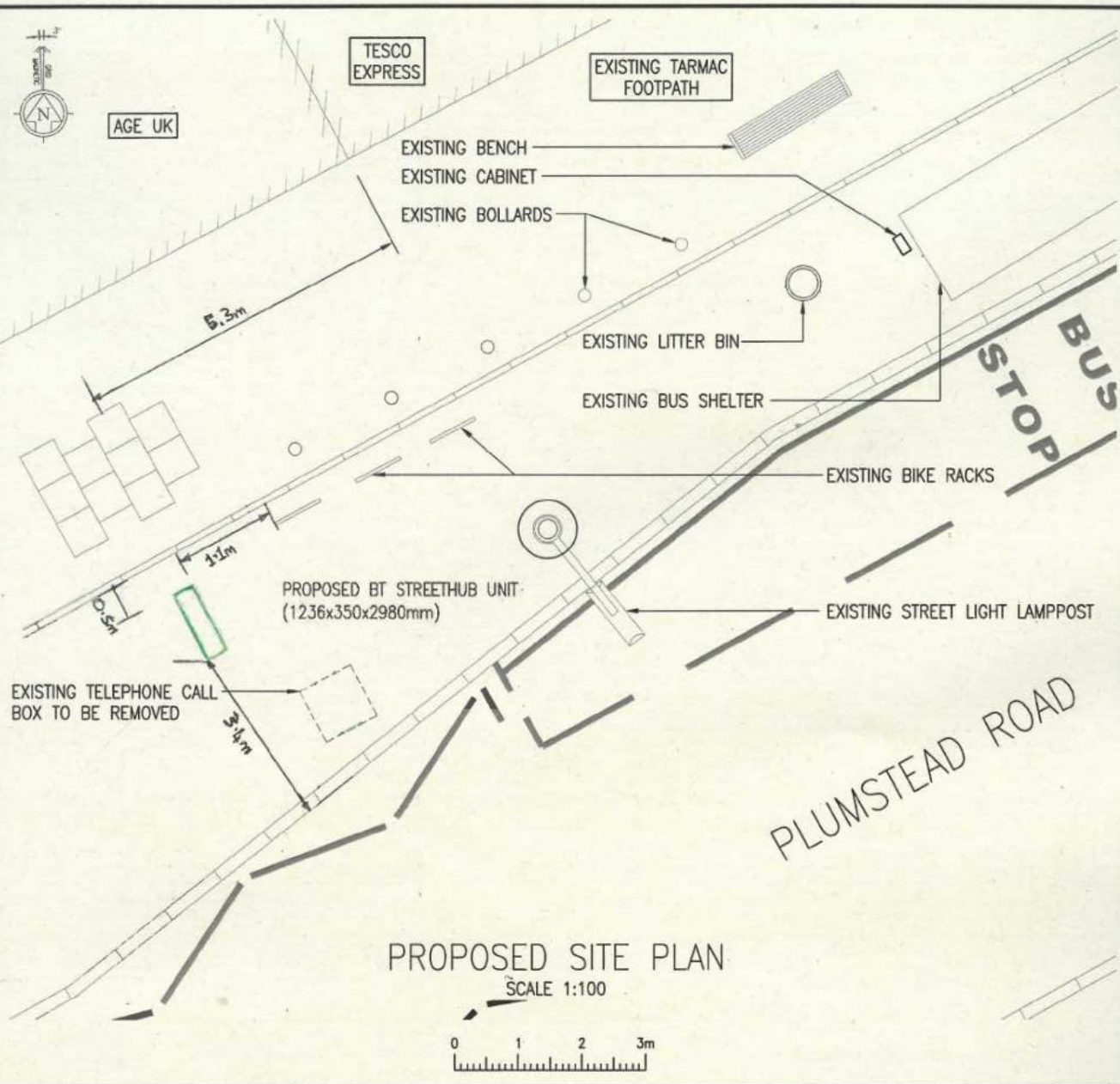
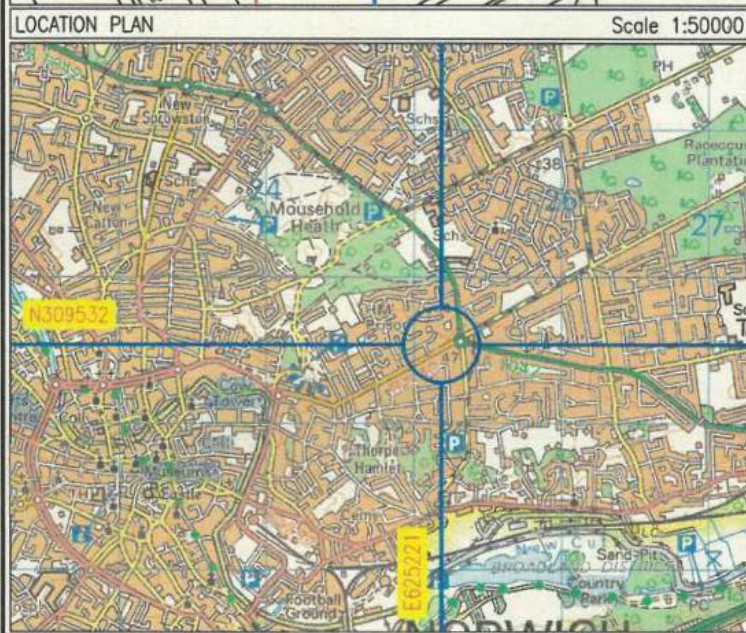
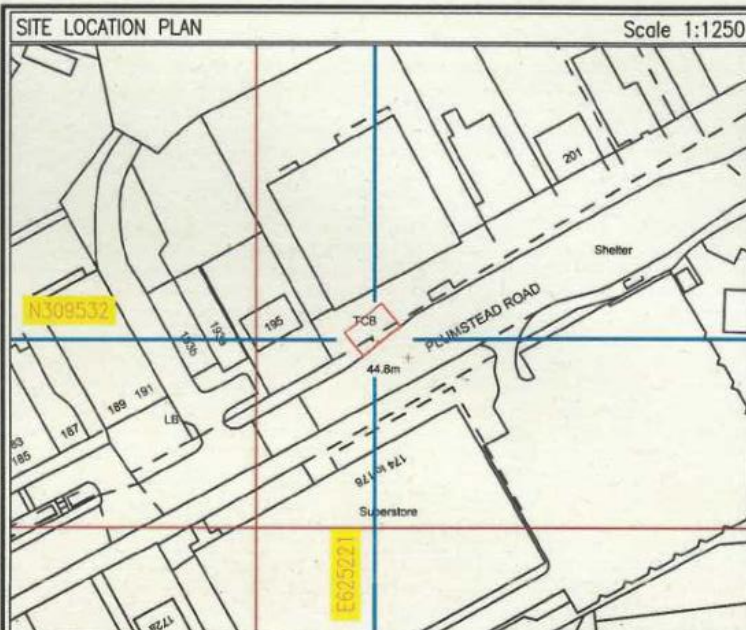
To approve

- (1) application no. 21/01524/F, Telephone Box Adjacent To 195 And 197 Plumstead Road, Norwich and grant planning permission subject to the following conditions:
1. Standard time limit;
 2. In accordance with plans;
 3. Sharing of data with the council.

Article 35(2) Statement.

Informative notes:

1. Highways informative 4: works to the public highway.
- (2) application no. 21/01532/A, Telephone Box Adjacent To 195 And 197 Plumstead Road, Norwich and grant advertisement consent subject to the following conditions:
1. No advert displayed without permission of owner
 2. No advert to obscure highway infrastructure/endanger pedestrians
 3. Advert to be maintained as not to impact visual amenity
 4. Advert should be maintained as not to endanger the public
 5. On removal, the site should not endanger the public or impact visual amenity
 6. Screens synchronised to multiple images do not change at different times
 7. Minimum display time set at 10 seconds
 8. Images should be static with no animation or moving images
 9. Maximum level of night time illumination should be set at 300 cd/2.
 10. No audio output permitted.



A		FIRST ISSUE					RN	26.07.21
REV		DESCRIPTION					BY	DATE
SCALE AS SHOWN WHEN PRINTED AT A4		DRAWN	APS	CHECKED	RN		ALL DIMENSIONS IN METRES U.N.O.	
		DATE	21.07.21	DATE	26.07.21			
LOCATION PLAN - Digital Mapping Solutions from Dotted Eyes. © Crown Copyright 2021. All rights reserved Licence number 100019918								
SITE BLOCK PLAN - Digital Mapping Solutions from Promap © Crown Copyright 2021. All rights reserved Licence number 100022432								

DRAWING TITLE
BT STREETHUB
NOW-202

ADDRESS
OS TESCO EXPRESS
197 PLUMSTEAD ROAD
NORWICH
NR1 4AB



Report to Planning applications committee

Item

12 May 2022

Item 4b

Report of Head of Planning and Regulatory Services

Subject Application nos 21/01600/F, 21/01603/A, BT Kiosk
Outside 2-10 St Stephens Street, Norwich

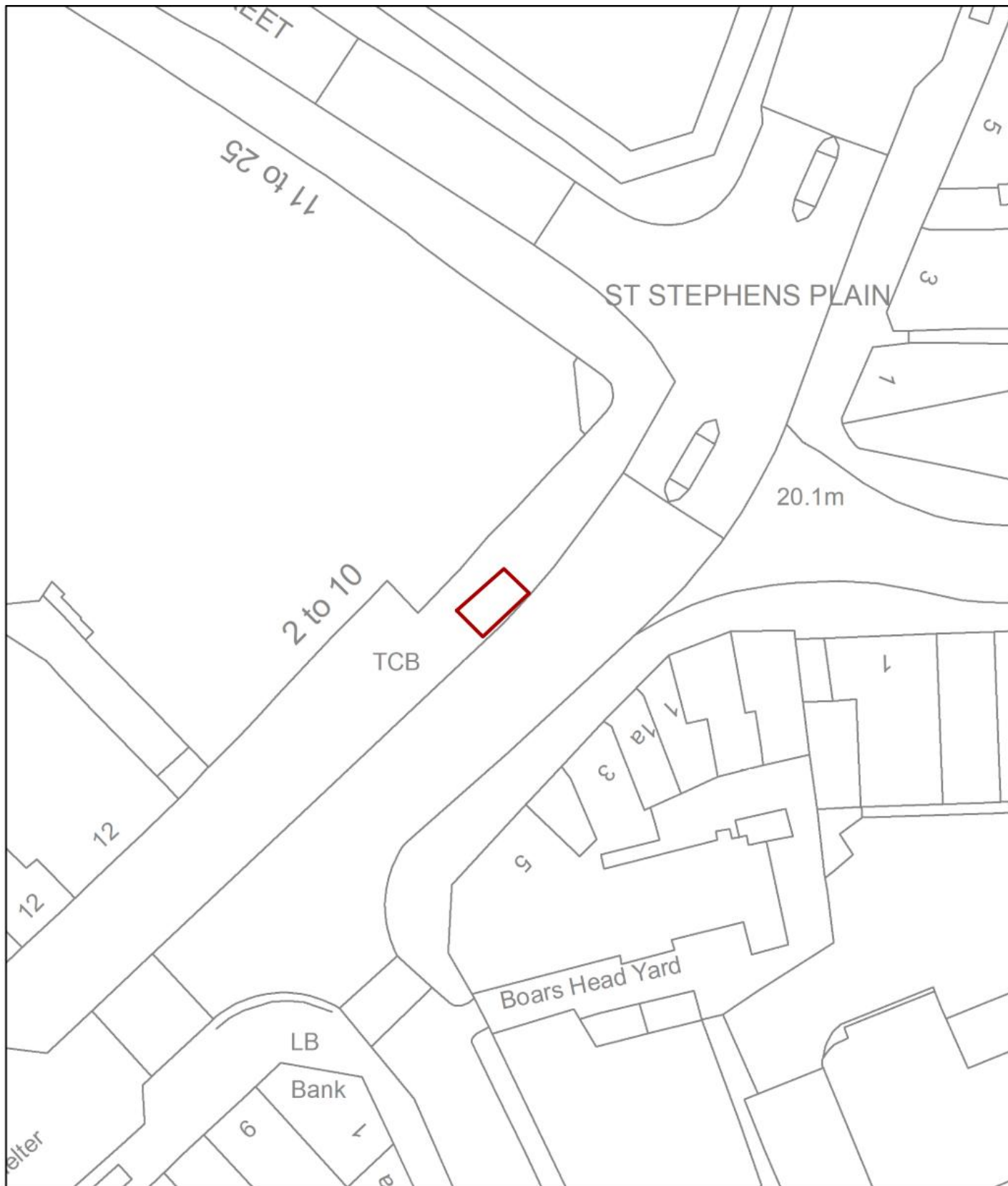
**Reason
for referral** Objection

4b

Ward	Mancroft
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk
Applicant	British Telecom Plc

Development proposal		
Removal of existing BT phone box and installation of a replacement BT street hub. & Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.		
Representations		
Object	Comment	Support
7	0	0

Main issues	Key considerations
1	Principle of Development
2	Design
3	Amenity
4	Transport
Expiry date	27 December 2021
Recommendation	Approve with conditions



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Planning Application No 21/01600/F & 21/01603/A
 Site Address BT Kiosk Outside
 2-10 St Stephens Street
 Scale 1:500

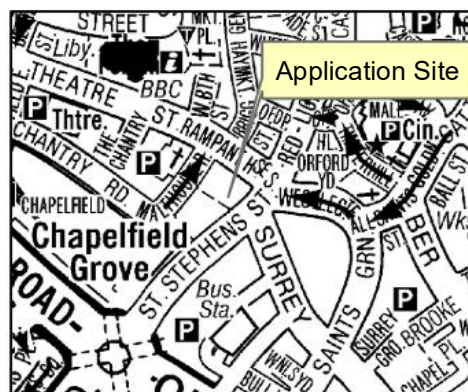


NORWICH
City Council

PLANNING SERVICES



Page 30 of 70



The site and surroundings

1. The site is located on the west side of St Stephens Street, near to the junction with Rampant Horse Street, within the city centre of Norwich. The site is formed of an area of footway located directly in front of the Marks and Spencer department store. An existing BT phone kiosk, a planting frame and cycle parking area are all located within the same stretch of footway. The area of footway is located between two entrances serving the adjacent department store. Beyond the footway is the main St Stephens highway, which serves as one of the main bus routes in and out of the city centre.
2. The site is located within the centre of the main city centre shopping area, surrounded on all sides by retail units of varying sizes. There are also a number of large office and residential blocks within the St Stephens Street area.
3. The site is also located within the city centre conservation area. The area lies within the St Stephens character area. It is noted that the area is currently undergoing a series of significant modifications of the appearance and layout of the street as part of a wider transformation of parts of the city centre to improve access and visual amenity.
4. The application is to replace an existing BT ST6 Kiosk with a new 'BT Streethub'. The existing kiosk is arranged as a two-side free standing totem with a traditional telephone on the south side and an internally illuminated scrolling paper advertisement on the north side, with an illumination level of 180cdm². The existing kiosk is approximately 2.7m tall.

Constraints

5. Conservation Area: City Centre

Relevant planning history

6. None relevant.

The proposal

7. The proposal is to replace the existing phone unit with a new 'BT Street Hub'. This is part of a larger rollout of hubs across the city centre.
8. The 'Street Hubs' are being rolled out to replace the existing phone units and boxes within the city centre. The hubs provide numerous benefits and services including: wi-fi, access to public services, accessibility options, use of carbon-free energy, secure USB ports for charging, free phone calls, direct 999 calls, display of public messages and provision of environmental sensors (air quality, noise, traffic etc).
9. The replacement hub has the following dimensions: 2.98m height, 1.236m width and 0.35m depth.
10. The unit would feature a large 75" LCD digital advertising screen on each side. The supporting information proposes that the screens display content at 10 second intervals. The supporting information states that commercial content funds the service, but there is intent for the screens to display public messaging

also. Free advertising for the Local Authority is offered for 5% of the overall screentime, equivalent to 876 hours per unit per year.

11. Two applications are presented within this report. The first application (21/01600/F) relates to full planning permission for the structure itself. The second application (21/01603/A) relates to advertisement consent for the screens on either side of the unit. There is no scope for public consultation on applications for advertisement consent, and nor is there any requirement within the scheme of delegation for them to be brought before planning committee, but given the association between the two applications it has been considered prudent to present them both within this report.
12. The committee may not have had to consider applications for advertisement consent before and so it should be noted that such applications are covered by a different set of regulations and can only be assessed in relation to impact on amenity and public safety.

Representations

13. The application for full planning permission has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
14. 7 letters of representation have been received in relation to this application. All of the letters of representation have been submitted word-for-word in relation to the multiple 'Street Hubs' applications, so express more general concerns with the project rather than the specifics of each site. The representations received in opposition to the proposal are summarised in the table below.

Issues raised	Response
Proposals would cause harm to the quality of the area - unattractive, monolithic design. The units are too tall and screens too high. Norwich is a medieval city and these are out of character. Creates visual clutter.	See main issue 2.
Wasteful use of energy is incompatible with climate emergency and contributes to light pollution. Renewable energy should be used for more socially useful purposes than driving consumerism. Cynical advertising opportunity with no motive other than greed.	See other matters.
Corporate advertising is saturated and encouraging unsustainable consumption is out of line with Ethical Advertising Policy. This type of advertising has a negative impact on public health.	See main issue 2 and other matters.

Issues raised	Response
Free wifi and charging do not equate to fair compensation for the harm caused.	See conclusion.
May lead to anti-social behaviour in the city centre.	See main issue 3.
Impairment to movement for pedestrians and users of mobility scooters/buggies etc.	See main issue 4.

Consultation responses

15. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Design and conservation

16. No comments received.

Norfolk County Council - Highways

- 17.

21/01603/A

Digital roadside advertising is not necessarily inherently unsafe and accordingly the County Council does not have a blanket policy of refusal. Each site is assessed on its own specific characteristics and in this instance the local context is such that these particular signs would cause a safety hazard.

When assessing public safety, the key considerations are whether the location is appropriate (i.e. undemanding on the driver) and whether the level of illumination and the sequential change between advertisements is controlled to prevent distraction from the driving task. Moving images or advertising with complex information is likely to add to the level of distraction. The balance is therefore in ensuring that the level of distraction is minimised, particularly at locations where a high level of concentration is required from the driver.

This is already a busy road environment with multiple events that the motorist needs to take into consideration. In this respect adding a digital display at this specific location increases the cognitive load the driver must endure, lengthening reaction times to dangerous situations.

However we believe it is possible to provide conditions to manage the level of distraction by control of type, brightness, form of change and interval between advertisements. Accordingly we are saying that as proposed the signs will cause a distraction to motorists and should be refused but subject to the following conditions we would not raise an objection:-

- The minimum display time is set at 10 seconds
- The image is static with no animation or apparent moving images.
- No audio output
- Maximum level of illumination during the day set at 2500 cd/m2 (as per the application form)
- Maximum level of illumination in hours of darkness be set at 300 cd/m2

If the applicant is unable to agree to the above conditions we recommend the application be refused as follows:-

SHCR 26 The proposed signs would add to the distraction of highway users to the detriment of safety on the adjoining highway. Contrary to Development Plan Policies.

21/01600/F

As the proposed BT Street Hub is proposed to be repositioned with consideration of approved changes underway on St Stephens Street, I do not wish to raise an objection subject to the following informative being used if your authority is minded to grant consent.

Inf. 4

This proposal involves excavations adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact developer.services@norfolk.gov.uk.

Assessment of planning considerations

Relevant development plan policies

18. Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)

- JCS2 Promoting good design
- JCS3 Energy and water
- JCS6 Access and transportation
- JCS7 Supporting communities

19. Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)

- DM1 Achieving and delivering sustainable development
- DM2 Ensuring satisfactory living and working conditions
- DM3 Delivering high quality design
- DM9 Safeguarding Norwich's Heritage
- DM10 Supporting the delivery of a communications infrastructure
- DM30 Access and highway safety

Other material considerations

20. **Relevant sections of the National Planning Policy Framework March 2021 (NPPF) (as revised):**
- NPPF10 – Supporting high quality communications
 - NPPF12 – Achieving well designed places

Case Assessment

21. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

22. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM10, NPPF10, NPPF12.
23. The proposal involves the removal of the existing BT phone box and replacement with the new 'Street Hub' in the same location. The replacement unit is of a narrower but taller design to the existing unit.
24. Policy DM10 outlines policy for development relating to 'the provision, upgrading and enhancement of wireless and fixed data transfer and telecommunications networks and their associated infrastructure that requires planning permission'. Given the unusual nature of these applications and their broad categorisation as communications infrastructure, this is considered the best policy to determine the acceptability of the proposals in principle. The policy suggests that proposals will be acceptable where there is 'no unacceptable impact on the character and appearance of the area, on residential amenity or on the safe and satisfactory functioning of highways'.
25. It is acknowledged that there is a level of public benefit associated with the applications, as outlined in paragraph 8 of this report.
26. In this instance, the hub is replacing an existing BT kiosk. This replacement is acceptable in principle. Therefore, the acceptability of the proposal will lie in the aesthetic and physical differences between the two units and the impact on the amenity of the wider area.

Main issue 2: Design and Heritage

27. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF12, NPPF16.
28. As noted above, the proposal is located within the City Centre Conservation Area, within the St Stephens character area. The area is identified as having 'significant' heritage value, the second lowest grading in the appraisal. Careful consideration must be given to the ways in which the development impacts upon the character of the Conservation Area.

Relevant Policy

29. In terms of appearance, the proposal will appear broadly similar to the existing BT unit. DM3 of the Local Plan identifies that development will only be acceptable where 'appropriate attention has been given to the height, scale, massing and form of new development'. DM3 also identifies that proposed developments should show that appropriate consideration has been given to materials and colour, showing 'regard to the prevailing materials of the area'. Paragraph 134 of the NPPF states that development that 'is not well designed should be refused', especially where it does not reflect local design policies.

Impact

30. The proposed street hub is to be installed in place of an existing kiosk of a broadly similar scale and form. The precise location is slightly different, however it is considered that the location is broadly the same. As such, it is not considered that the replacement of an existing kiosk with a street hub of a similar size within this location will result in an increase in the visual clutter of the area.
31. In this instance, the replacement unit is of a similar design and scale as the existing unit. The principle of placing a unit here is already established. Although it is marginally taller than the existing unit, the immediate surroundings are characterised by the largely commercial character of the streetscene.
32. The introduction of digital advertising screens represents a change to the current situation, with the existing unit only displaying a single internally-illuminated poster on one side. It is not however considered that the digital advertisements will cause significant harm to the visual amenity of the area or the character of this part of the city centre conservation area. It is noted that the area already features numerous illuminated advertisements, including digital displays located within shopfronts. It is also noted that the proposed siting is not within close proximity or and long-views of key heritage buildings or sites.
33. The unit is established in this broad location. It is not considered that the replacement of the unit will lead to visual clutter.
34. In light of the above, it is considered that the proposed replacement of the phone kiosk would have a neutral impact on the visual amenity and historic character of the area, and therefore the proposal is acceptable in design and heritage terms.

Main issue 3: Amenity

35. Key policies and NPPF paragraphs – JCS2, JCS6, DM2, DM3, NPPF12.
36. Concern has been raised within the objections about the impact of this type of digital advertising on the general experience of pedestrians using the city centre. No amenity concerns to residential properties generated by the advertisements have been identified in this instance.
37. Some concern has been raised about the potential impact for the units generating anti-social behaviour. The applicant has submitted an 'Anti-social behaviour management plan' which allows for the tracking and identification of anti-social behaviour and appropriate mechanisms to report anti-social behaviour

to the correct authorities. Each Hub is monitored 24 hours a day, so issues are identified early on. In this instance, the mitigation against anti-social behaviour is considered satisfactory.

Main Issue 4: Highways.

38. Key Policies and NPPF paragraphs: JCS2, JCS6, DM30, NPPF 12.

Policy

39. Impacts on the highway are covered by DM30. The policy requires that development 'within, over or adjacent to spaces or streets that form part of the public realm will ensure adequate clearance either below or around the structure is available to allow the safe passage of pedestrians, cyclists and, where appropriate, vehicles.'
40. In addition, it should be ensured that advertisements do not cause a distraction to motorists, consequently impeding highway safety.

Impact

41. Objections have expressed concern that the units will restrict movement across the pavement and limit pedestrian experience. There is concern that the Hubs will not allow appropriate space for easy movement for pedestrians with impaired movement using either mobility scooters or wheelchairs.
42. There is sufficient space for pedestrians to move around the unit, in compliance with the recommendations of Manual for Streets. The differences between the existing unit and the proposed unit are minimal and should not impact upon the movement of pedestrians. The conditions applied will ensure that the unit does not operationally cause a distraction to passing motorists.
43. It is noted that the siting of the proposed street hub has been chosen to fit within the works currently taking place on St Stephens Street. The highways team carrying out the works have viewed the proposal and confirmed its acceptability.
44. In this instance, the proposal is considered to be acceptable in highways terms.

Other Matters

45. Objectors have expressed concern about the saturation of corporate advertising within the city and how this complies with the Council's Ethical Advertising Policy. This is not a material planning concern and has not contributed to this assessment of the acceptability of the applications.
46. Public adverts are acceptable in principle. The content of adverts is not covered by the advertising legislation and should not impact on this decision. It is noted that 5% of advertising space is proposed to be allocated to the Local Authority for public messaging.
47. A statement provided by BT as part of the application states that their street hubs will be powered by 100% renewable carbon free energy. The statement also refers to other energy efficiency credentials including the use of automatic screen

dimming, LED backlight screens and high-efficiency power supplies. The anticipated energy use of the street hub is not expected to be significantly different to comparable equipment, such as digital advertisement boards. It is however noted that the energy consumption of the proposed street hub is not a matter that can be used to inform this planning application since there are no planning policies which seek to control energy consumption on minor developments such as this.

48. The issue of data mining was raised by Planning Applications Committee members at previous committee meetings. The street hubs are proposed to fulfil several tasks, including the provision of a wifi network for members of the public to connect to. Such connections will likely be consented. It is also likely that there will be a degree of connectivity between members of the public's smartphones and the hubs that is unnoticed as devices automatically communicate with one another. It is not the role of the planning authority to determine what level of connectivity between the street hubs and devices is acceptable or appropriate. There are other regulations which seek to protect individuals from the unauthorised sharing of data (i.e. the General Data Protection Regulations 2018). There are planning policies which seek to provide individuals with a reasonable level of privacy (i.e. policy DM2 of the local plan) but such policies are limited to matters of overlooking rather than any technological intrusion. As such, the issue of data mining cannot inform the planning decision.
49. A request was made by elected members at a previous committee meeting relating to proposals for street hubs at other locations in the city to share environmental data collated by the hubs with the council. The street hubs have the ability to collect various data, including environmental monitoring data which could be shared with the council to assist in its delivery of strategic aims and objectives. As such, it is considered reasonable to add a condition requiring that the data is shared with the council should it be requested.

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar

Potential effect: (a) Increased nitrogen and phosphorus loading

(b) Increased phosphorous loading

50. The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.
51. The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

- (i) Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? And

- (ii) Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal neither results in an increase in overnight accommodation in the catchment area of the SAC (and consequently would not result in an increase in nutrients flowing into the SAC) nor in additional pollution to surface water as a result of processes forming part of the proposal.

Conclusion: The proposal will not, either alone or in combination with other proposals have likely significant effects on a protected area. It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

52. There are no significant equality or diversity issues.

Local finance considerations

53. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
54. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
55. In this case local finance considerations are not considered to be material to the case.

Conclusion

56. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.
57. The proposal is of an acceptable design and is considered to have an acceptable impact on the overall character of the local area.
58. The transport impact of the proposal is considered to be acceptable and can be reasonably controlled by conditions.
59. The amenity impact of the proposal is considered to be acceptable.
60. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2021).

Recommendation

To approve:

- (1) application no. 21/01600/F, BT Kiosk Outside 2-10 St Stephens Street, Norwich and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Sharing of data with council.

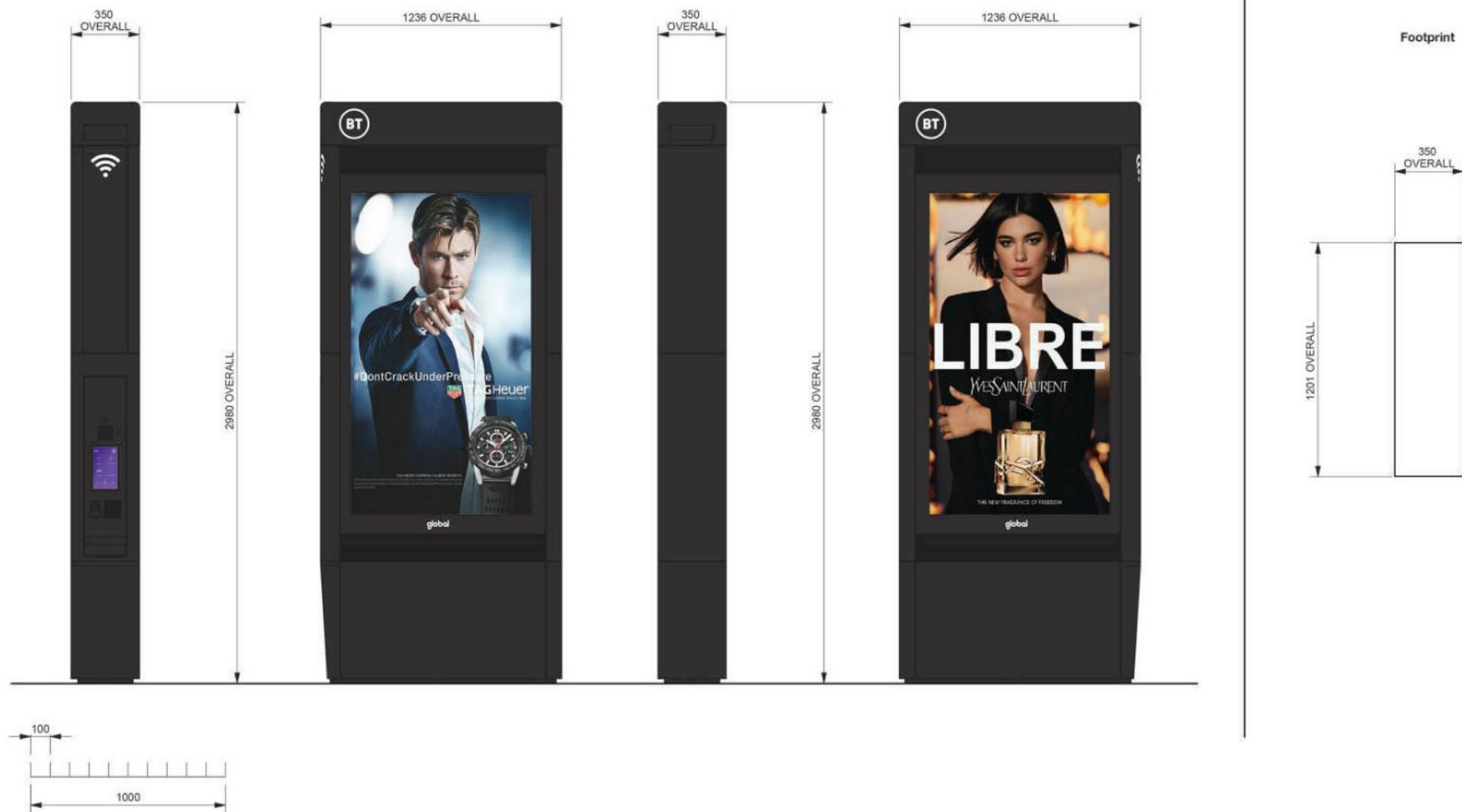
Article 35(2) Statement.

Informative notes:

1. Highways informative 4: works to the public highway.
- (2) application no. 21/01603/A, BT Kiosk Outside 2-10 St Stephens Street, Norwich and grant advertisement consent subject to the following conditions:
 1. No advert displayed without permission of owner
 2. No advert to obscure highway infrastructure/endanger pedestrians
 3. Advert to be maintained as not to impact visual amenity
 4. Advert should be maintained as not to endanger the public
 5. On removal, the site should not endanger the public or impact visual amenity
 6. Screens synchronised to multiple images do not change at different times
 7. Minimum display time set at 10 seconds
 8. Images should be static with no animation or moving images
 9. Maximum level of night time illumination should be set at 300 cd/2.
 10. No audio output permitted.









Carriageway

Footway

Entrance to Chantry Place Shopping Centre

Existing BT Telephone Unit to be removed

Proposed BT Streethub Unit
H2980xW1236xD350mm

ST STEPHENS STREET

LEGEND

GENERAL

- Existing building line
- Existing building entrance
- Proposed planting area
Mix of shrub, herbaceous and bulb planting
- Proposed tree
- Retained Existing tree
- Existing manhole cover
- Recessed manhole cover to areas of P1 and P2 paving

FURNITURE + STRUCTURES

- S3 - Timber bench
Timber bench with back and arm rests
- BS3 - Bus Shelter
- BT1 - BT Digital Unit
Proposed BT Streethub Unit
H2980xW1236xD350mm
- BT2 - Existing BT Telephone
To be removed
- L1 - Pole-Mounted Light
- C1 - Cycle Stand Type 1
Cycle Stand, stainless steel
- PT - Raised Planter
Corten steel raised planter

PAVING

- P1 - Natural Stone Paving
Yorkstone
- P3 - Concrete Paving
Concrete slab
- P4 - Natural Stone Setts
Granite setts
- P5 - Asphalt surfacing
- P8 - Concrete tactile paving
Blister tactile paving
- P10 - Natural Stone Setts
Reclaimed Yorkstone setts
- K1 - Concrete Kerb

Report to Planning applications committee

Item

12 May 2022

Item 4c

Report of Head of Planning and Regulatory Services

Subject Application nos 21/01612/F, 21/01604/A, BT Kiosk Infront
of 36 St Stephens Street, Norwich

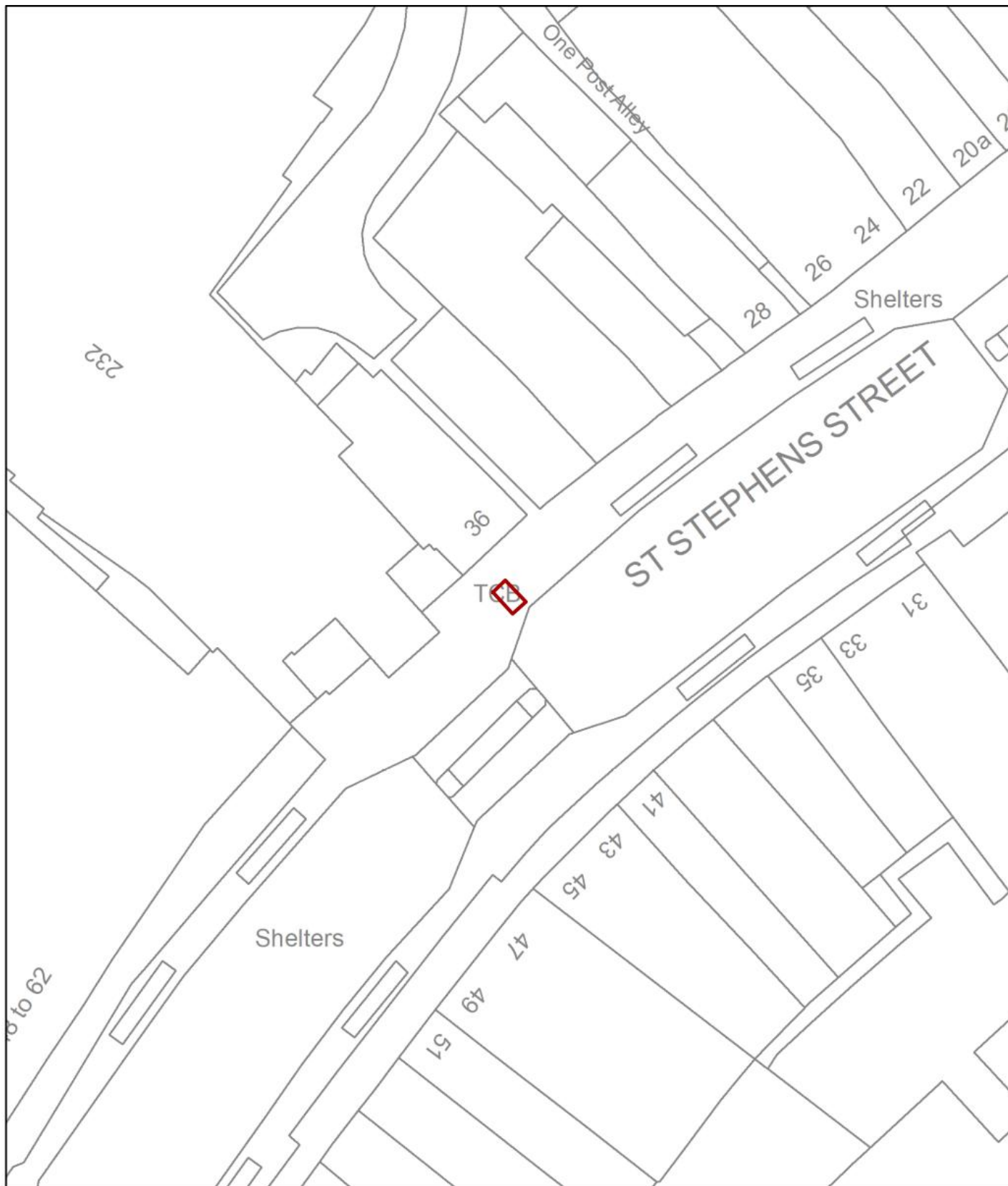
**Reason
for referral** Objection

4c

Ward	Mancroft
Case officer	Stephen Polley - stephenpolley@norwich.gov.uk
Applicant	British Telecom Plc

Development proposal		
Removal of existing BT phone box and installation of a replacement BT street hub. & Display of 2No. digital 75" LCD display screens, one on each side of the amended InLink unit.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Principle of Development
2	Design & Heritage
3	Amenity
4	Transport
5	Other Matters
Expiry date	27 th December 2021
Recommendation	Approve with conditions



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Planning Application No 21/01612/F & 21/01604/A
 Site Address BT Kiosk In front of
 36 St Stephens Street

Scale 1:500



NORWICH
 City Council

PLANNING SERVICES



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The site and surroundings

1. The site is located on the west side of St Stephens Street, close to one of main entrances to Chantry Place shopping centre. The site is formed of an area of footway located directly in front of a Starbucks retail units. An existing BT phone kiosk, cycle parking area and lamp post are all located within the same stretch of footway. Beyond the footway is the main St Stephens highway, which serves as one of the main bus routes in and out of the city centre.
2. The site is located within the centre of the main city centre shopping area, surrounded on all sides by retail units of varying sizes. There are also a number of large office and residential blocks within the St Stephens Street area.
3. The site is also located within the city centre conservation area. The area lies within the St Stephens character area. It is noted that the area is currently undergoing a series of significant modifications to the appearance and layout of the street as part of a wider transformation of parts of the city centre to improve access and visual amenity.
4. The application is to replace an existing BT ST6 Kiosk with a new 'BT Streethub'. The existing kiosk is arranged as a two-side free standing totem with a traditional telephone on the north side and a scrolling internally illuminated paper advertisement on the south side, with an illumination level of 180cdm². The existing kiosk is approximately 2.7m tall.

Constraints

5. Conservation Area: City Centre

Relevant planning history

6. None relevant.

The proposal

7. The proposal is to replace the existing phone unit with a new 'BT Street Hub'. This is part of a larger rollout of hubs across the city centre.
8. The 'Street Hubs' are being rolled out to replace the existing phone units and boxes within the city centre. The hubs provide numerous benefits and services including: wi-fi, access to public services, accessibility options, use of carbon-free energy, secure USB ports for charging, free phone calls, direct 999 calls, display of public messages and provision of environmental sensors (air quality, noise, traffic etc).
9. The replacement hub has the following dimensions: 2.98m height, 1.236m width and 0.35m depth.
10. It is noted that the proposed siting of the street hub has been revised during the determination of the applications to account for the works currently being undertaken on St Stephens Street to improve the layout, access and visual amenity of the area.
11. The unit would feature a large 75" LCD digital advertising screen on each side. The supporting information proposes that the screens display content at 10 second

intervals. The supporting information states that commercial content funds the service, but there is intent for the screens to display public messaging also. Free advertising for the Local Authority is offered for 5% of the overall screentime, equivalent to 876 hours per unit per year.

12. Two applications are presented within this report. The first application (21/01612/F) relates to full planning permission for the structure itself. The second application (21/01604/A) relates to advertisement consent for the screens on either side of the unit. There is no scope for public consultation on applications for advertisement consent, and nor is there any requirement within the scheme of delegation for them to be brought before planning committee, but given the association between the two applications it has been considered prudent to present them both within this report.
13. The committee may not have had to consider applications for advertisement consent before and so it should be noted that such applications are covered by a different set of regulations and can only be assessed in relation to impact on amenity and public safety.

Representations

14. The application for full planning permission has been advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing.
15. 6 letters of representation have been received in relation to this application. All of the letters of representation have been submitted word-for-word in relation to the multiple 'Street Hubs' applications, so express more general concerns with the project rather than the specifics of each site. The representations received in opposition to the proposal are summarised in the table below.

Issues raised	Response
Proposals would cause harm to the quality of the area - unattractive, monolithic design. The units are too tall and screens too high. Norwich is a medieval city and these are out of character. Creates visual clutter.	See main issue 2.
Wasteful use of energy is incompatible with climate emergency and contributes to light pollution. Renewable energy should be used for more socially useful purposes than driving consumerism. Cynical advertising opportunity with no motive other than greed.	See other matters.
Corporate advertising is saturated and encouraging unsustainable consumption is out of line with Ethical Advertising Policy. This type of advertising has a negative impact on public health.	See main issue 2 and other matters.

Issues raised	Response
Free wifi and charging do not equate to fair compensation for the harm caused.	See conclusion.
May lead to anti-social behaviour in the city centre.	See main issue 3.
Impairment to movement for pedestrians and users of mobility scooters/buggies etc.	See main issue 4.

Consultation responses

16. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Design and conservation

17. No comments received.

Norfolk County Council - Highways

- 18.

21/01604/A

Digital roadside advertising is not necessarily inherently unsafe and accordingly the County Council does not have a blanket policy of refusal. Each site is assessed on its own specific characteristics and in this instance the local context is such that these particular signs would cause a safety hazard.

When assessing public safety, the key considerations are whether the location is appropriate (i.e. undemanding on the driver) and whether the level of illumination and the sequential change between advertisements is controlled to prevent distraction from the driving task. Moving images or advertising with complex information is likely to add to the level of distraction. The balance is therefore in ensuring that the level of distraction is minimised, particularly at locations where a high level of concentration is required from the driver.

This is already a busy road environment with multiple events that the motorist needs to take into consideration. In this respect adding a digital display at this specific location increases the cognitive load the driver must endure, lengthening reaction times to dangerous situations.

However we believe it is possible to provide conditions to manage the level of distraction by control of type, brightness, form of change and interval between advertisements. Accordingly we are saying that as proposed the signs will cause a distraction to motorists and should be refused but subject to the following conditions we would not raise an objection:-

- The minimum display time is set at 10 seconds
- The image is static with no animation or apparent moving images.
- No audio output
- Maximum level of illumination during the day set at 2500 cd/m2 (as per the application form)
- Maximum level of illumination in hours of darkness be set at 300 cd/m2

If the applicant is unable to agree to the above conditions we recommend the application be refused as follows:-

SHCR 26 The proposed signs would add to the distraction of highway users to the detriment of safety on the adjoining highway. Contrary to Development Plan Policies.

21/01612/F

As the proposed BT Street Hub will be repositioned with consideration of approved changes underway on St Stephens Street, I do not wish to raise an objection subject to the following informative being used if your authority is minded to grant consent.

Inf. 4

This proposal involves excavations adjacent to the public highway. It is an OFFENCE to carry out any works that may affect the Public Highway, which includes a Public Right of Way, without the permission of the Highway Authority. Please note that it is the Applicants' responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council. Please contact developer.services@norfolk.gov.uk.

Assessment of planning considerations

Relevant development plan policies

19. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
 - JCS2 Promoting good design
 - JCS3 Energy and water
 - JCS6 Access and transportation
 - JCS7 Supporting communities
20. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
 - DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM9 Safeguarding Norwich's Heritage
 - DM10 Supporting the delivery of a communications infrastructure
 - DM30 Access and highway safety

Other material considerations

21. **Relevant sections of the National Planning Policy Framework March 2021 (NPPF) (as revised):**
- NPPF10 – Supporting high quality communications
 - NPPF12 – Achieving well designed places

Case Assessment

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Policy Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Principle of development

23. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM10, NPPF10, NPPF12.
24. The proposal involves the removal of the existing BT phone box and replacement with the new 'Street Hub' in the same location. The replacement unit is of a narrower but taller design to the existing unit.
25. Policy DM10 outlines policy for development relating to 'the provision, upgrading and enhancement of wireless and fixed data transfer and telecommunications networks and their associated infrastructure that requires planning permission'. Given the unusual nature of these applications and their broad categorisation as communications infrastructure, this is considered the best policy to determine the acceptability of the proposals in principle. The policy suggests that proposals will be acceptable where there is 'no unacceptable impact on the character and appearance of the area, on residential amenity or on the safe and satisfactory functioning of highways'.
26. It is acknowledged that there is a level of public benefit associated with the applications, as outlined in paragraph 8 of this report.
27. In this instance, the hub is replacing an existing BT kiosk. This replacement is acceptable in principle. Therefore, the acceptability of the proposal will lie in the aesthetic and physical differences between the two units and the impact on the amenity of the wider area.

Main issue 2: Design and Heritage

28. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF12, NPPF16.
29. As noted above, the proposal is located within the City Centre Conservation Area, within the St Stephens character area. The area is identified as having 'significant' heritage value, the second lowest grading in the appraisal. Careful consideration must be given to the ways in which the development impacts upon the character of the Conservation Area.

Relevant Policy

30. In terms of appearance, the proposal will appear broadly similar to the existing BT unit. DM3 of the Local Plan identifies that development will only be acceptable where 'appropriate attention has been given to the height, scale, massing and form of new development'. DM3 also identifies that proposed developments should show that appropriate consideration has been given to materials and colour, showing 'regard to the prevailing materials of the area'. Paragraph 134 of the NPPF states that development that 'is not well designed should be refused', especially where it does not reflect local design policies.

Impact

31. The proposed street hub is to be installed in place of an existing kiosk of a broadly similar scale and form. The precise location is slightly different, however it is considered that the location is broadly the same. As such, it is not considered that the replacement of an existing kiosk with a street hub of a similar size within this location will result in an increase in the visual clutter of the area.
32. In this instance, the replacement unit is of a similar design and scale as the existing unit. The principle of placing a unit here is already established. Although it is marginally taller than the existing unit, the immediate surroundings are characterised by the largely commercial character of the streetscene.
33. The introduction of digital advertising screens represents a change to the current situation, with the existing unit only displaying a single internally-illuminated poster on one side. It is not however considered that the digital advertisements will cause significant harm to the visual amenity of the area or the character of this part of the city centre conservation area. It is noted that the area already features numerous illuminated advertisements, including digital displays located within shopfronts. It is also noted that the proposed siting is not within close proximity or and long-views of key heritage buildings or sites.
34. The unit is established in this broad location. It is not considered that the replacement of the unit will lead to visual clutter.
35. In light of the above, it is considered that the proposed replacement of the phone kiosk would have a neutral impact on the visual amenity and historic character of the area, and therefore the proposal is acceptable in design and heritage terms.

Main issue 3: Amenity

36. Key policies and NPPF paragraphs – JCS2, JCS6, DM2, DM3, NPPF12.
37. Concern has been raised within the objections about the impact of this type of digital advertising on the general experience of pedestrians using the city centre. No amenity concerns to residential properties generated by the advertisements have been identified in this instance.
38. Some concern has been raised about the potential impact for the units generating anti-social behaviour. The applicant has submitted an 'Anti-social behaviour management plan' which allows for the tracking and identification of anti-social behaviour and appropriate mechanisms to report anti-social behaviour to the correct authorities. Each Hub is monitored 24 hours a day, so issues are identified

early on. In this instance, the mitigation against anti-social behaviour is considered satisfactory.

Main Issue 4: Highways.

39. Key Policies and NPPF paragraphs: JCS2, JCS6, DM30, NPPF 12.

Policy

40. Impacts on the highway are covered by DM30. The policy requires that development 'within, over or adjacent to spaces or streets that form part of the public realm will ensure adequate clearance either below or around the structure is available to allow the safe passage of pedestrians, cyclists and, where appropriate, vehicles.'
41. In addition, it should be ensured that advertisements do not cause a distraction to motorists, consequently impeding highway safety.

Impact

42. Objections have expressed concern that the units will restrict movement across the pavement and limit pedestrian experience. There is concern that the Hubs will not allow appropriate space for easy movement for pedestrians with impaired movement using either mobility scooters or wheelchairs.
43. There is sufficient space for pedestrians to move around the unit, in compliance with the recommendations of Manual for Streets. The differences between the existing unit and the proposed unit are minimal and should not impact upon the movement of pedestrians. The conditions applied will ensure that the unit does not operationally cause a distraction to passing motorists.
44. It is noted that the siting of the proposed street hub has been re-sited to a location within the same stretch of footway that better fits with the works currently taking place on St Stephens Street. The highways team carrying out the works have viewed the proposal and confirmed its acceptability.
45. In this instance, the proposal is considered to be acceptable in highways terms.

Other Matters

46. Objectors have expressed concern about the saturation of corporate advertising within the city and how this complies with the Council's Ethical Advertising Policy. This is not a material planning concern and has not contributed to this assessment of the acceptability of the applications.
47. Public adverts are acceptable in principle. The content of adverts is not covered by the advertising legislation and should not impact on this decision. It is noted that 5% of advertising space is proposed to be allocated to the Local Authority for public messaging.
48. A statement provided by BT as part of the application states that their street hubs will be powered by 100% renewable carbon free energy. The statement also refers to other energy efficiency credentials including the use of automatic screen

dimming, LED backlight screens and high-efficiency power supplies. The anticipated energy use of the street hub is not expected to be significantly different to comparable equipment, such as digital advertisement boards. It is however noted that the energy consumption of the proposed street hub is not a matter that can be used to inform this planning application since there are no planning policies which seek to control energy consumption on minor developments such as this.

49. The issue of data mining was raised at previous committee meetings. The street hubs are proposed to fulfil several tasks, including the provision of a wifi network for members of the public to connect to. Such connections will likely be consented. It is also likely that there will be a degree of connectivity between members of the public's smartphones and the hubs that is unnoticed as devices automatically communicate with one another. It is not the role of the planning authority to determine what level of connectivity between the street hubs and devices is acceptable or appropriate. There are other regulations which seek to protect individuals from the unauthorised sharing of data (i.e. the General Data Protection Regulations 2018). There are planning policies which seek to provide individuals with a reasonable level of privacy (i.e. policy DM2 of the local plan) but such policies are limited to matters of overlooking rather than any technological intrusion. As such, the issue of data mining cannot inform the planning decision.
50. A request was made by elected members at a previous committee meeting relating to proposals for street hubs at other locations in the city to share environmental data collated by the hubs with the council. The street hubs have the ability to collect various data, including environmental monitoring data which could be shared with the council to assist in its delivery of strategic aims and objectives. As such, it is considered reasonable to add a condition requiring that the data is shared with the council should it be requested.

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar

Potential effect: (a) Increased nitrogen and phosphorus loading
(b) Increased phosphorous loading

51. The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.
52. The council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

- (i) Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? And

- (ii) Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal neither results in an increase in overnight accommodation in the catchment area of the SAC (and consequently would not result in an increase in nutrients flowing into the SAC) nor in additional pollution to surface water as a result of processes forming part of the proposal.

Conclusion: The proposal will not, either alone or in combination with other proposals have likely significant effects on a protected area. It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

53. There are no significant equality or diversity issues.

Local finance considerations

54. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy.
55. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority.
56. In this case local finance considerations are not considered to be material to the case.

Conclusion

57. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.
58. The proposal is of an acceptable design and is considered to have an acceptable impact on the overall character of the local area.
59. The transport impact of the proposal is considered to be acceptable and can be reasonably controlled by conditions.
60. The amenity impact of the proposal is considered to be acceptable.
61. The proposal subsequently meets the criteria outlined within the relevant policies of the Norwich Development Management Policies Local Plan (2014) and of the National Planning Policy Framework (2021).

Recommendation

To approve:

- (1) application no. 21/01612/F, BT Kiosk Infront of 36 St Stephens Street, Norwich and grant planning permission subject to the following conditions:
 1. Standard time limit;
 2. In accordance with plans;
 3. Sharing of data with council.

Article 35(2) Statement.

Informative notes:

1. Highways informative 4: works to the public highway.
- (2) approve application no. 21/01612/F, BT Kiosk Infront of 36 St Stephens Street, Norwich and grant advertisement consent subject to the following conditions:
 1. No advert displayed without permission of owner
 2. No advert to obscure highway infrastructure/endanger pedestrians
 3. Advert to be maintained as not to impact visual amenity
 4. Advert should be maintained as not to endanger the public
 5. On removal, the site should not endanger the public or impact visual amenity
 6. Screens synchronised to multiple images do not change at different times
 7. Minimum display time set at 10 seconds
 8. Images should be static with no animation or moving images
 9. Maximum level of night time illumination should be set at 300 cd/2.
 10. No audio output permitted.





Carriageway

Footway

P3

BT2

K1

Proposed BT Streethub Unit
H2980xW1236xD350mm

P4

P9

Existing BT Telephone Unit
to be removed

BT2

Footway

ST STEPHENS STREET

Door

LEGEND

GENERAL

- Existing building line
- Existing building entrance
- Existing manhole cover

FURNITURE + STRUCTURES

- BT1 - BT Digital Unit
Proposed BT Streethub Unit
H2980xW1236xD350mm
- BT2 - Existing BT Telephone
To be removed
- L1 - Pole-Mounted Light
- C1 - Cycle Stand Type 1
Cycle Stand, stainless steel

PAVING

- P3 - Concrete Paving
Concrete slab
- P4 - Natural Stone Setts
Granite setts
- P9 - Concrete Block Paving
- K1 - Concrete Kerb

Report to Planning Applications Committee

Item

12 May 2022

Item 4d

Report of Head of Planning and Regulatory Services

Subject Application no 21/01753/F 7-9 Queen Street, Norwich
NR2 4SG

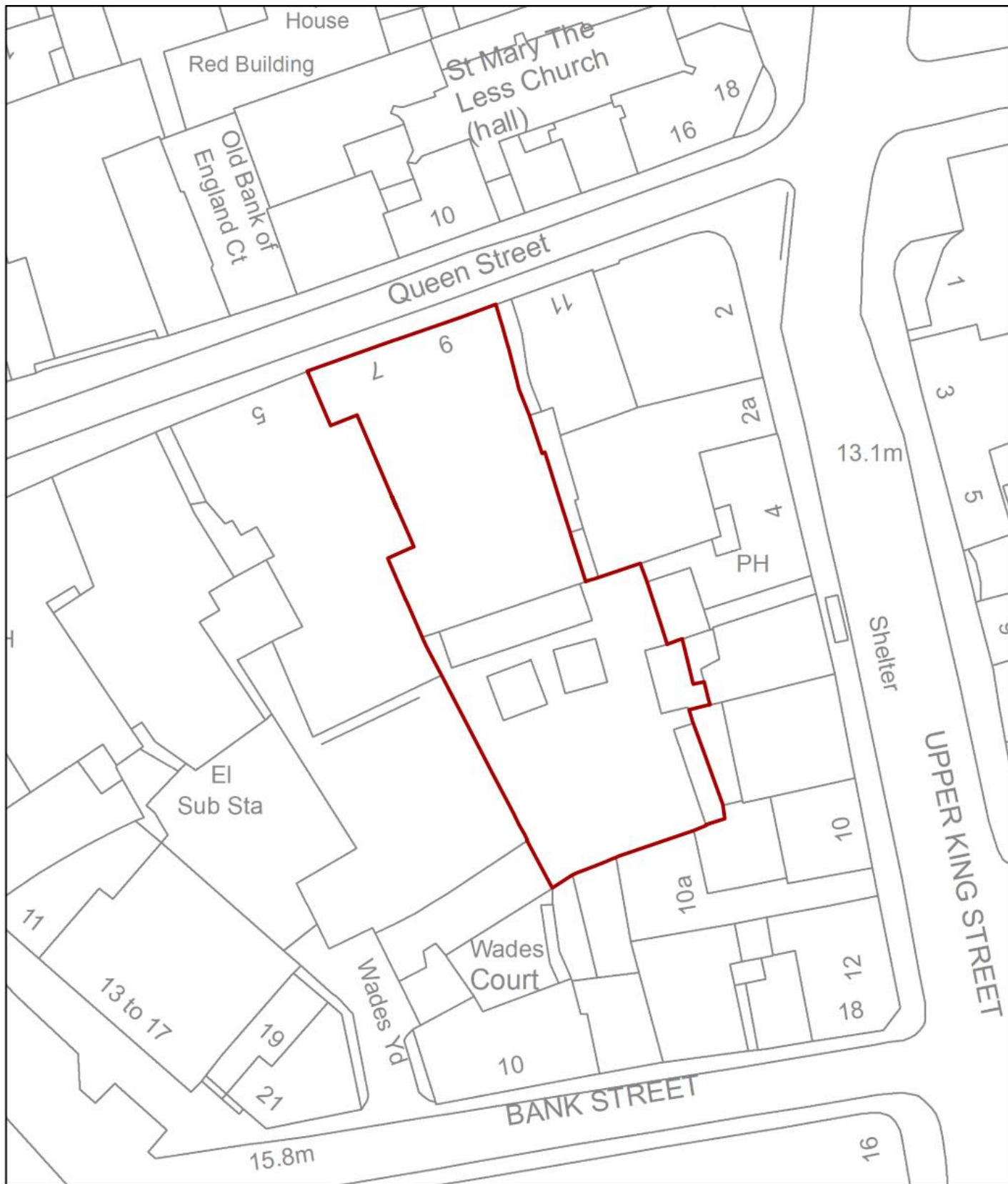
**Reason
for referral** Objections

4d

Ward	Thorpe Hamlet
Case officer	Danni Howard - 01603 989423 - dannihoward@norwich.gov.uk
Applicant	Revolution Bars Group

Development proposal		
Installation of pergola, replacement of decking and conversion of existing outbuilding to bar. Erection of awnings to front elevation.		
Representations		
Object	Comment	Support
6	0	0

Main issues	Key considerations
1	Design & Heritage
2	Amenity
Expiry date	13 April 2022 (extended from 28 January 2022)
Recommendation	Approve



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Planning Application No 21/01753/F
Site Address 7-9 Queen Street

Scale 1:500

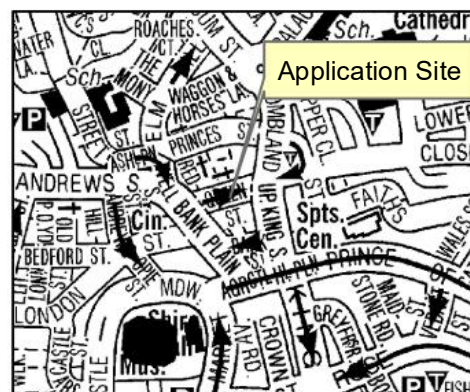


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PLANNING SERVICES



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The site and surroundings

1. The site is located on the south side of Queen Street and is currently occupied by Revolucion de Cuba, a bar and restaurant which has been in an established use for many years. The pedestrianised street hosts a variety of uses, including bars and estate agents with a mix of decorative historic frontages. Queen Street is not open to through traffic but is used regularly by delivery and service vehicles.
2. The subject property is described in the local list description as follows: *Early C20. 3 storeys, stone. Parapet. String course. 12 pilasters. Ashlared ground floor. 7 sashes. 2 pedimented entrances.* The site frontage is of a different era to its locally listed neighbours, which feature taller, ornate red brick frontages. Overall the street has a historic character with each property offering its own architectural character and merits.
3. There is an enclosed garden to the rear of the site, which is established as a beer garden and smoking area, featuring tables and chairs under existing parasols and cabins sited in the rear area of the garden. Amplified music is played in the garden through external speakers. An external mobile bar adjacent the existing outbuilding has been in ancillary use for many years.
4. Several mature trees are located within the garden however they are obscured from view of the public realm by the buildings surrounding the site.

Constraints

5. City Centre Conservation Area, Locally Listed Building, City Centre Leisure Area, Area of Main Archaeological Interest.

Relevant planning history

6. The records held by the city council show the following planning history for the site.

Ref	Proposal	Decision	Date
4/1998/0013	Conversion of property from offices to restaurant/wine bar and bedsit including erection of conservatory extension at rear (revised on 20/9/01 to vary condition 4 and include conditions 17, 18 and 19).	APCON	20/08/1998
07/00672/VC	Variation of condition 4 planning permission 4/1998/0013/F from 'the rear garden shall only be used as a sitting out area associated with the restaurant/winebar between 17:30 and 20:30 on Monday to Friday and between 12:00 and 20:30 on Saturday and Sunday' to 'the rear garden shall only be used as a sitting out area associated with the restaurant/wine bar between 10:00 and 00:00 on any day'.	APPR	11/07/2007

Ref	Proposal	Decision	Date
11/01541/A	Retrospective Display of: 1) 1 No. externally illuminated hanging sign 2) 1 No. internally illuminated entrance sign And Display of; 3) 1 No. internally illuminated lightbox sign.	APPR	21/10/2011
19/00900/TCA	T1 - Acacia: Cut back from buildings to give 1.5m clearance.	NTPOS	06/08/2019
22/00175/TCA	Bay (T1): dismantle the south stem, leaving the front stem; Acacia (T2): remove the lower branch on the southeast side and; Mulberry (T3): reduce the lower extended branch on the east side by approx. 2m in length.	NTPOS	23/02/2022

The proposal

7. Installation of 6no. fixed arm awnings to the glazing on the front elevation. They will each be 1.1m wide and 0.7m in length, extending 0.5m from the glazing and 2.5m above ground level.
8. Removal of existing timber decking in rear garden and installation of new composite decking and new ramped access with low level lights to illuminate ramp.
9. Installation of new pergola on decked area covering 7sqm.
10. Alterations to existing ground floor of outbuilding and installation of awning on western elevation to facilitate internal conversion of ground floor from W/C to bar.
11. The proposal was originally submitted as: *Demolition of existing conservatory, erection of replacement conservatory with pergola and conversion of existing outbuilding to bar with customer toilets on first floor, accessed by new external staircase. Erection of awnings to front elevation.* The scheme was revised to remove the replacement conservatory and the addition of first-floor toilets and an external staircase to the existing outbuilding from the proposal. The scheme involved the removal and pruning of some of the mature trees within the rear beer garden. Permanent planters had also been proposed to the front of the site, however these were removed from the scheme following highways comments.

Representations

12. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Six letters of representation have been received citing the issues as summarised in the table below.
13. All representations submitted were received during the consultation of the original proposal as described in paragraph 11. A re-consultation was undertaken for the revised scheme and no further representations were received.

Issues raised	Response
Increased noise disturbance as a result of the external staircase and new toilets to first floor of outbuilding.	The staircase and first floor toilets have been removed from the proposal.
Conversion the outbuild to an external bar will exacerbate existing noise issues.	See main issue 2 – amenity.
Loss of privacy to offices adjacent the garden by patrons using the external staircase.	The external staircase servicing the outbuilding has been removed from the proposal.

Consultation responses

14. Consultation responses are summarised below the full responses are available to view at <http://planning.norwich.gov.uk/online-applications/> by entering the application number.

Environmental protection

15. No significant change to the local noise environment will occur due to these changes.
16. Further comments were added following submission of additional information regarding the existing external speakers and proposer limiters:
17. I have looked at this documentation and it does indicate a level of control in this area which allows local residents (who are mainly involved in the night-time economy) lower noise after 1am and nearby office uses reduced noise impacts from daytime noise as the outside speakers are set to not play any music between 01:00 and 17:00.

Highways (local)

18. Comments had no objection in principle to the proposed works to the rear, nor to the proposed awnings. However an objection was raised to the 'faux palm trees' proposed on Queen Street and a request that they were removed from the plans. The applicant has since removed the obstruction as per the consultee's request.
19. It was noted in the comments that this business has a number of objects placed on the highway without authorisation from planning or highways, and these in principle are wilful obstructions that are a nuisance to highway users requested that the applicant removes that extant seats and planters from Queen Street as these are obstructive and are showing signs of deterioration.

20. An informative note regarding the height of the awnings was suggested to be attached to any consent.

Tree protection officer

21. No objections from an arboricultural perspective. Condition TR7 (works on site in accordance with arboricultural reports) would be useful.

Assessment of planning considerations

Relevant development plan policies

22. **Joint Core Strategy for Broadland, Norwich and South Norfolk adopted March 2011 amendments adopted Jan. 2014 (JCS)**
- JCS2 Promoting good design
 - JCS5 The economy
23. **Norwich Development Management Policies Local Plan adopted Dec. 2014 (DM Plan)**
- DM1 Achieving and delivering sustainable development
 - DM2 Ensuring satisfactory living and working conditions
 - DM3 Delivering high quality design
 - DM7 Trees and development
 - DM9 Safeguarding Norwich's heritage

Other material considerations

24. **Relevant sections of the National Planning Policy Framework July 2021 (NPPF):**
- NPPF2 Achieving sustainable development
 - NPPF4 Decision-making
 - NPPF12 Achieving well-designed places
 - NPPF15 Conserving and enhancing the natural environment
 - NPPF16 Conserving and enhancing the historic environment

Case Assessment

25. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Relevant development plan policies are detailed above. Material considerations include policies in the National Planning Framework (NPPF), the Councils standing duties, other policy documents and guidance detailed above and any other matters referred to specifically in the assessment below. The following paragraphs provide an assessment of the main planning issues in this case against relevant policies and material considerations.

Main issue 1: Design & Heritage

26. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF paragraphs 126-136 & 189-208.
27. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a statutory duty on the local authority to have special regard to the

desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Case law (specifically *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014]) has held that this means that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings and conservation areas when carrying out the balancing exercise.

28. The awnings to the front of the property are scaled so as not to dominate the frontage and will not harm the locally listed significance of the frontage. The symmetry of the frontage is maintained by the even width and spacing of the awnings on either side of the main entrance way and their length mimics the layout of the existing window panes. The top decorative panels of the ground floor windows and delivery door will be obscured by the awnings when viewed from the front however these are not original features of the building and the proposal is not considered to cause a level of harm to the conservation area that would warrant refusal of the application.
29. The decking, pergola and bar conversion to the rear of the property are of an appropriate scale and design for the context of the site and will not be visible from the public realm. The development taking place to the rear of the site will not disrupt or distract from the areas of significance defined in the local listing of the subject and neighbouring properties. As the development rear of the site is not visible from the public realm it does not significantly contribute to the conservation area and will not cause any notable impact.

Main issue 2: Amenity

30. Key policies and NPPF paragraphs – DM2, DM11, NPPF paragraphs 8 and 129.
31. The proposals will cause no harm to neighbouring amenity by virtue of overshadowing, loss of privacy or loss of outlook.
32. Concerns were raised in all representations received regarding the potential for existing noise disturbances experienced in offices adjacent the rear garden, at nos. 6 and 8-10 Upper King Street, being exacerbated by the conversion of the outbuilding to an external bar.
33. The rear garden has historically been in use ancillary to the internal areas of the building and the proposed conversion is an ancillary use that is not considered to intensify the established use of the site and does not require planning permission, however the external works to facilitate the conversion do. The nature of the use of the site as a drinking establishment indicates that the garden space is unlikely to be busy or generate significantly higher noise levels during regular business hours as a result of the proposed conversion. However, the applicant has submitted details of noise limiters which would mute the external speakers until 5pm, and then restrict the level of noise thereafter. This is intended to protect office workers from high levels of noise during working hours. Further, application 07/00672/VC restricts the use of the beer garden to 10am-midnight on all days which further protects any nearby residents from noise during the night.

Compliance with other relevant development plan policies

34. A number of development plan policies include key targets for matters such as parking provision and energy efficiency. The table below indicates the outcome of the officer assessment in relation to these matters.

Requirement	Relevant policy	Compliance
Cycle storage	DM31	The bar is established and there is no reason to request additional storage as part of these works.
Refuse storage/servicing	DM31	The bar is established and there is no reason to request additional refuse storage/servicing as part of these works.

Other matters

35. The proposal in its original form resulted in a loss of 2no. Category B and 2no. Category C trees that were to be replaced with smaller root balled trees. The revised scheme no longer includes the removal of any existing trees. Protective measures for the existing trees have been demonstrated in an arboricultural method statement and the tree officer has confirmed that no harm will be caused as a result of the proposals or the development process subject to a compliance condition.
36. Highways comments included concerns that existing furniture placed on the highway in front of the building would gain tacit consent with this application. The existing furniture is not shown on plans and is not included in the assessment. As the furniture is on the highway its removal would be under the authority of highways legislation rather than planning. An informative is recommended to ensure the awning is kept at a minimum of 1.98m above the pavement.

Assessment of Impacts under the Conservation of Habitats & Species Regulations 2017 (as amended)

Site Affected: (a) Broads SAC/Broadland Ramsar

Potential effect: (a) Increased nitrogen and phosphorus loading
(b) Increased phosphorous loading

37. The application represents a 'proposal or project' under the above regulations. Before deciding whether approval can be granted, the Council as a competent authority must determine whether or not the proposal is likely, either on its own or in combination with other projects, to have any likely significant effects upon the Broads SAC, and if so, whether or not those effects can be mitigated against.
38. The Council's assessment is set out below and is based on advice contained in the letter from Natural England to LPA Chief Executives and Heads of Planning dated 16th March 2022.

(a) Broads SAC/Broadland Ramsar

- (i) Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? and

- (ii) Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?

Answer: NO

The proposal neither results in an increase in overnight accommodation in the catchment area of the SAC (and consequently would not result in an increase in nutrients flowing into the SAC) nor in additional pollution to surface water as a result of processes forming part of the proposal.

Conclusion: The proposal will not, either alone or in combination with other proposals have likely significant effects on a protected area. It is not necessary to carry out an assessment under the Habitats regs.

Equalities and diversity issues

39. There are no notable equality or diversity issues. The new decking to the rear will provide a ramp access which will make the garden area more accessible for patrons with mobility issues and wheelchair users.

S106 Obligations

40. Not applicable.

Local finance considerations

41. Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are defined as a government grant or the Community Infrastructure Levy. Whether or not a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision on the potential for the development to raise money for a local authority. In this case local finance considerations are not considered to be material to the case.

Conclusion

42. The works to the existing bar are minimal and have been designed to limit impact on design, neighbouring amenity and existing trees. The proposed works are considered to be acceptable. The development is in accordance with the requirements of the National Planning Policy Framework and the Development Plan, and it has been concluded that there are no material considerations that indicate it should be determined otherwise.

Recommendation

To approve application 21/01753/F at 7-9 Queen Street, Norwich NR2 4SG and grant planning permission subject to the following conditions:

1. Standard time limit;
2. In accordance with plans;

3. External speakers installed in the rear garden area shall be equipped with noise limiters as submitted;
4. TR7 – works on site in accordance with Arboricultural Impact Assessment/ Arboricultural Method Statement/Tree Protection Plan.

Informative:

1. Awning to remain a minimum of 1.98m above the ground.



New burgundy fixed arm awnings.

Decoration to shopfront, refer to visualisation.

