

**Report to** Planning applications committee

Item

13 January 2022

**Report of** Head of Planning and Regulatory Services

**Subject**

Application no 21/01606/F, 21/01610/A, BT Kiosk South East of Barn Road Car Park, St Swithins Road, Norwich

4d

**Reason**

**for referral**

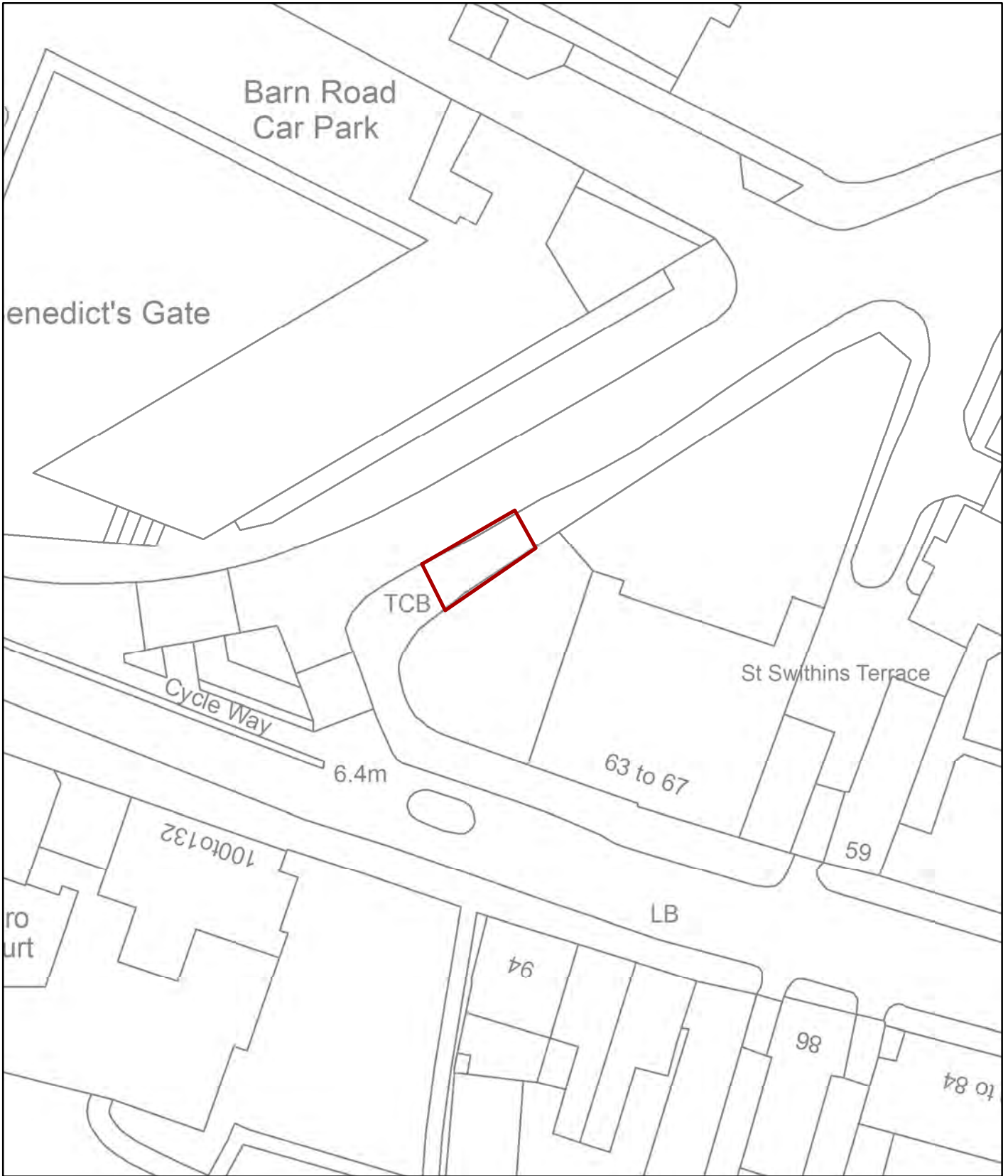
Objection

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<b>Ward</b>	Mancroft
<b>Case officer</b>	Jacob Revell - 07741 103222 - <a href="mailto:jacobrevell@norwich.gov.uk">jacobrevell@norwich.gov.uk</a>
<b>Applicant</b>	British Telecom Plc

<b>Development proposal</b>		
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.		
<b>Representations</b>		
Object	Comment	Support
4	0	0

<b>Main issues</b>	<b>Key considerations</b>
1	Principle of Development
2	Design and Heritage
3	Amenity
4	Transport
5	Other Matters
<b>Expiry date</b>	5 January 2022 (extension of time pending agreement)
<b>Recommendation</b>	Approve with conditions



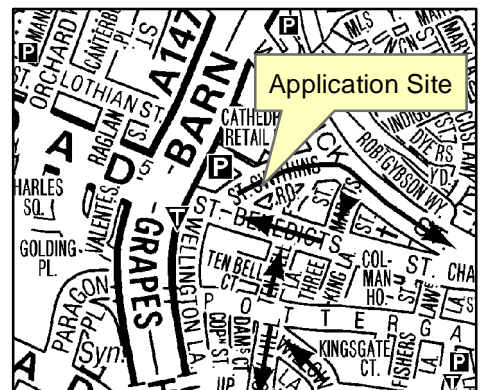
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Planning Application No 21/01606/F & 21/01610/A  
 Site Address BT Kiosk south east of Barn Road  
 Car Park St Swithins Road  
 Scale 1:500



**NORWICH**  
 City Council

PLANNING SERVICES



## **The site and surroundings**

1. The site is located on St Swithins Road, a busy one-way street connecting the Dereham Road/Grapes Hill/Barn Road junction with Westwick Street.
2. The site is immediately bordered by the St Benedict's Gate student accommodation block to the north-west, and a small private car park border by a dwarf brick wall to the south-east.
3. The area is generally of a mixed commercial and residential character.
4. The application is to replace an existing BT phone/advertising unit with a new 'BT Streethub'. The existing unit is approximately 2.5m tall and features rolling advertisements on one side and a manual payphone on the other, facing towards Westwick Street. The unit was installed in the early 2010s.

## **Constraints**

5. City Centre Conservation Area

## **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. Owing to the slight curve on the shape of the unit, the footprint is 1.2m x 0.35m.
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 (21/01606/F) relates to full planning permission for the structure itself. The second application (21/01610/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. 4 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.
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. (full summarised) I have no objection to the principle of installing the BT Hub as proposed in this location as there is sufficient space for pedestrians to walk around it.
18. (advert summarised) The proposed advertising is acceptable in terms of highway safety if the following conditions are applied:
- (a) The screens must be synchronised to ensure that multiple images do not change at different times, which can add to driver distraction.
  - (b) The minimum display time is set at 10 seconds.
  - (c) The image is static with no animation or apparent moving images.
  - (d) Maximum level of night-time illumination be set at 300 cd/m<sup>2</sup>
  - (e) No audio output is permitted.

## 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
  - NPPF16 – Conserving and enhancing the historic environment

## **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 unit 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 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, on the edge of the Elm Hill & Maddermarket and Northern Riverside character areas. 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.
31. DM9 identifies that development should 'maximise opportunities to preserve, enhance or better reveal the significance of designated heritage assets'. Paragraph 202 of the NPPF outlines that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.

### *Impact*

32. Concern has been raised by objectors regarding the impact of the proposal on the wider character of the Conservation Area. The objectors express concern about the monolithic 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.
33. 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 dominated by the tall block of student flats at St Benedict's Gate. Although located within the Conservation Area, the proposal does not immediately impact on the setting of any particular heritage assets.
34. 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 the conditions recommended by the highways authority in relation to the adverts will further mitigate against the visual impact of the proposal.
35. The unit is established in this location. It is not considered that the replacement of the unit will lead to visual clutter.
36. In light of the above, it is considered that the proposed replacement of the unit here would have a neutral impact on the overall character of the Conservation Area. Any harm to the Conservation Area is considered to be outweighed by the public benefits of the proposal.

### **Main issue 3: Amenity**

37. Key policies and NPPF paragraphs – JCS2, JCS6, DM2, DM3, NPPF12.

38. 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.
39. 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.**

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

##### *Policy*

41. 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.'
42. In addition, it should be ensured that advertisements do not cause a distraction to motorists, consequently impeding highway safety.

##### *Impact*

43. 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.
44. The highways officer has confirmed that there is sufficient space for pedestrians to move around the unit. The differences between the existing unit and the proposed unit are minimal and should not impact upon the movement of pedestrians. The highways officer has also suggested that the advertising will not cause a safety hazard for passing motorists if the appropriate conditions are applied.
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. Objectors have also highlighted concern about the use of power in operating these units, and whether or not this is socially responsible. Again, this is not a planning concern and has not impacted upon this recommendation. It is understood that the unit will be powered by renewable energy only.

### **Equalities and diversity issues**

49. There are no significant equality or diversity issues.

### **Local finance considerations**

50. 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.
51. 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.
52. In this case local finance considerations are not considered to be material to the case.

### **Conclusion**

53. 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.
54. The proposal is of an acceptable design and is considered to have an acceptable impact on the overall character of the City Centre Conservation Area. Any limited harm caused by the increase in digital advertising is considered to be offset by the public benefit of the proposal.
55. The transport impact of the proposal is considered to be acceptable and can be reasonably controlled by conditions.
56. The amenity impact of the proposal is considered to be acceptable.
57. 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. 21/01606/F – BT Kiosk South East of Barn Road Car Park, St Swithins Road, Norwich and grant planning permission subject to the following conditions:

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

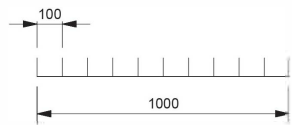
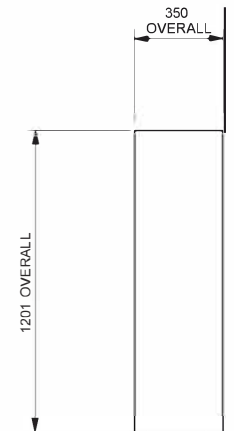
Article 35(2) Statement.

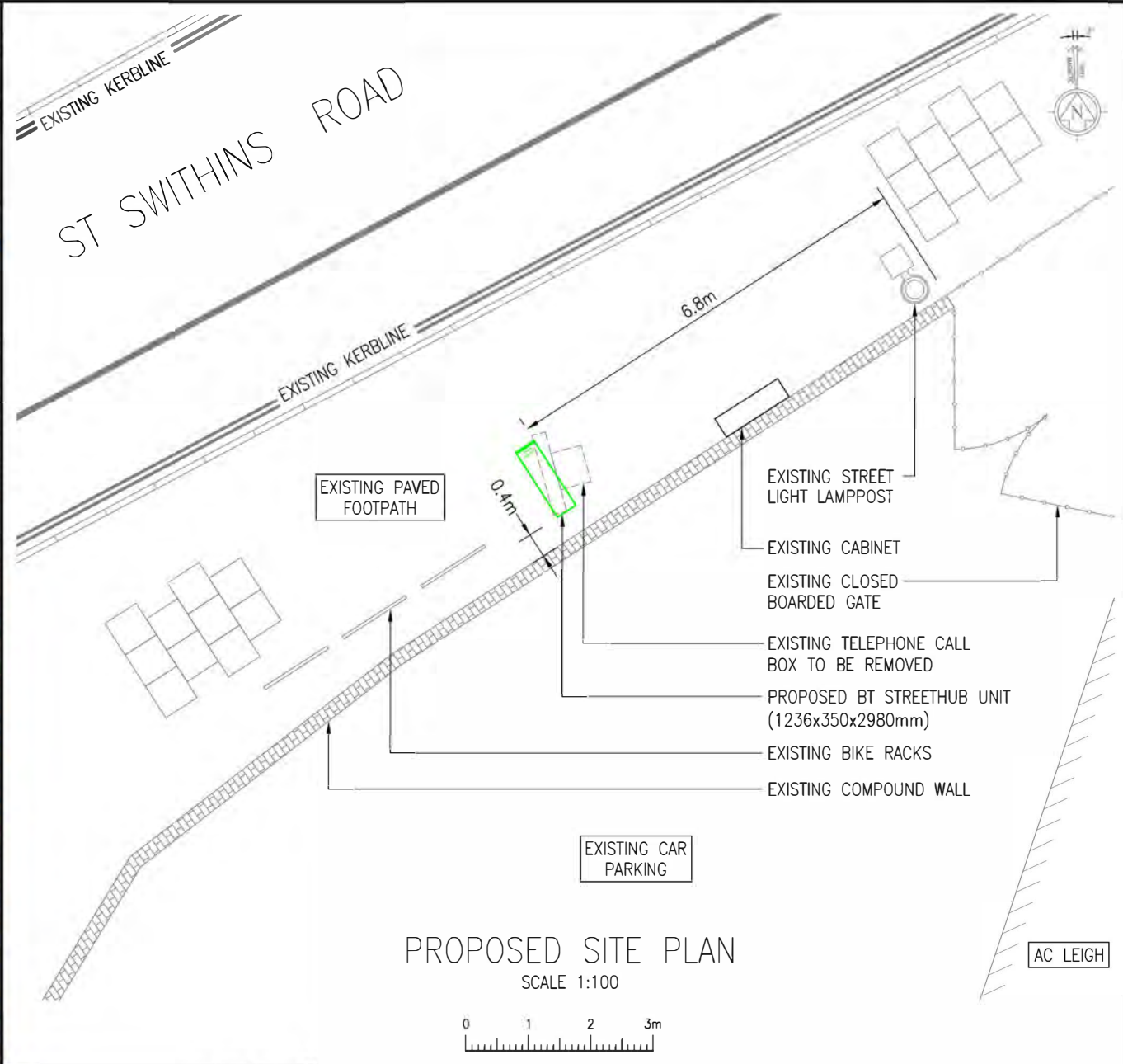
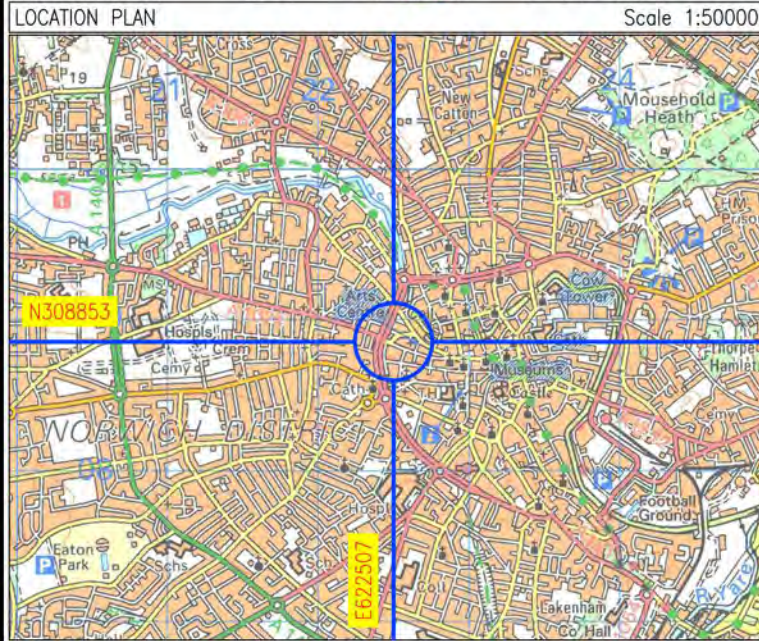
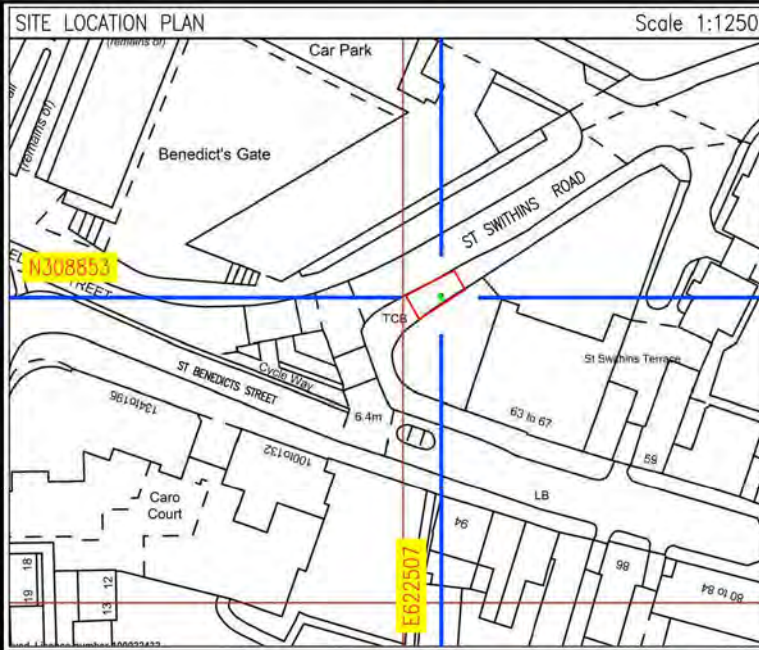
Informative notes:

1. Highways informative 4: works to the public highway.
- (2) application no. 21/01610/A – BT Kiosk South East of Barn Road Car Park, St Swithins 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 nighttime illumination should be set at 300 cd/2.
  10. No audio output permitted.



Footprint





A	FIRST ISSUE				RN	21.10.21
REV	DESCRIPTION				BY	DATE
	SCALE AS SHOWN WHEN PRINTED AT A4	DRAWN DATE	APS	CHECKED DATE	RN	ALL DIMENSIONS IN METRES U.N.O.
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DRAWING TITLE  
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 NOW-207**

ADDRESS  
**ST SWITHINS STREET  
 SAINT SWITHINS ROAD  
 HEIGHAM DROVE  
 NORWICH  
 NR2 4TX**

REV	A
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