

Report to Planning applications committee

Item

10 February 2022

Report of Head of Planning and Regulatory Services

Subject Application nos 21/01606/F, 21/0601/A, BT Kiosk South
East Of Barn Road Car Park, St Swithins Road, Norwich

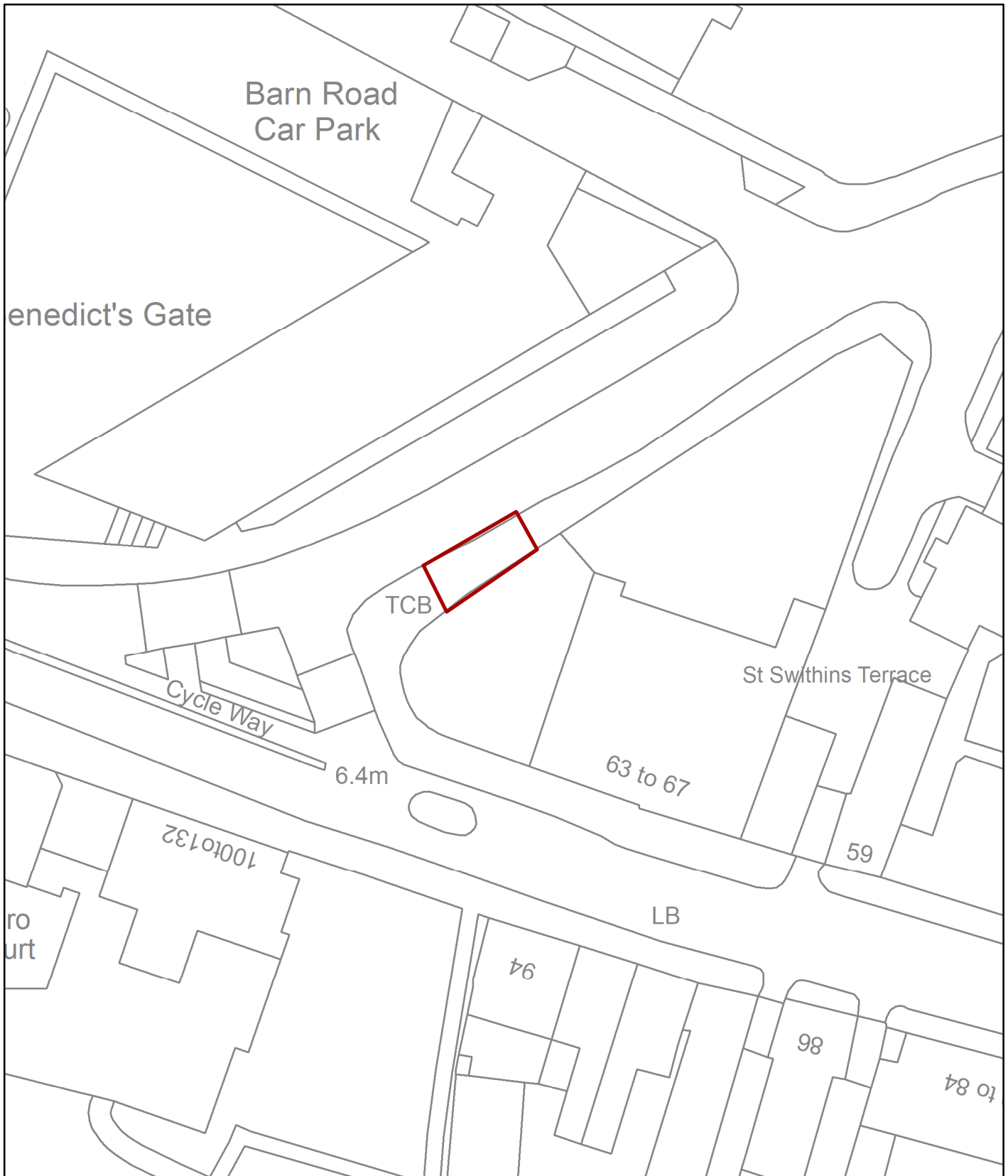
**Reason
for referral** Objection

4d

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.		
Representations		
Object	Comment	Support
5	0	0

Main issues	Key considerations
1	Principle of Development
2	Design and Heritage
3	Amenity
4	Transport
5	Other Matters
Expiry date	24 December 2021 (extension of time pending agreement) 18 February 2022
Recommendation	Approve with conditions

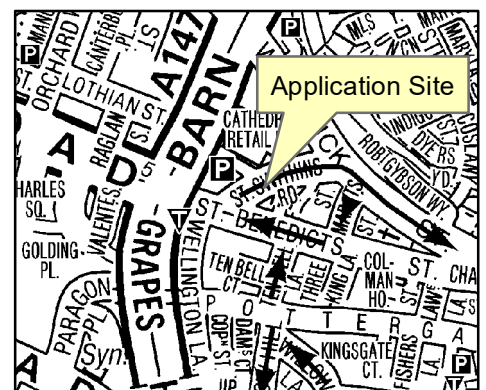


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Planning Application No 21/01606/F & 21/01610/A
 Site Address BT Kiosk south east of Barn Road
 Car Park St Swithins Road
 Scale 1:500



NORWICH
 City Council
 PLANNING SERVICES



The site and surroundings

1. The site is located to the south side of St Swithins Road, close to the junction with St Benedicts Street, to the west of the city centre. The site is formed of an area of footway running parallel to the highway. Linking St Benedicts Street with Westwick Street. The site is currently occupied by a phone box / advertising totem that has been in situ for approximately eight years. The existing totem design is currently arranged with a traditional phone box facing towards Westwick Street and an advertising panel facing St Benedicts Street and vehicular traffic travelling along St Swithins Road.
2. The site is bordered by a Beryl Bike cycle sharing cycle parking facility to the southwest and an equipment cabinet to the northeast on the same stretch of footway. A low brick marks the boundary of a car parking area serving 61-67 St Benedicts to the east. A recently complete student accommodation block is located on the opposite side of the road to the north.
3. The area has a varied character with there being a mixture of retail, residential and commercial uses present. The area is also characterised by numerous historic buildings, however it is noted that the site is not located within close proximity of any particular heritage assets.
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 appears to have been installed in the early 2010's.

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 (21/1530/F) relates to full planning permission for the structure itself. The second application (21/01535/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.

Issues raised	Response
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. The Highway Authority have confirmed they have no objection to this particular proposal and have subsequently provided the following general advice relating to all applications for BT Street Hubs.
18. Digital roadside advertising is not necessarily inherently unsafe and accordingly the County Council does not have a blanket policy of refusal.
19. 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.
20. 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.
21. This is already a busy road environment with multiple events that the motorist needs to take into consideration.
22. 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.
23. 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.

24. 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:-
- Adjacent screens must be synchronised to ensure that multiple images do not change at different times, which can add to driver distraction.
 - The minimum display time is set at 10 seconds, but the transition is by a 2 second fade.
 - The image is static with no animation or apparent moving images.
 - Maximum level of illumination during the day set at 3600 cd/m2 (as per the application form)
 - Maximum level of night-time illumination be set at 300 cd/m2
25. 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.

Assessment of planning considerations

Relevant development plan policies

26. **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
27. **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

28. **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

29. 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

30. Key policies and NPPF paragraphs – JCS2, DM1, DM3, DM10, NPPF10, NPPF12.
31. 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.
32. 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'.
33. It is acknowledged that there is a level of public benefit associated with the applications, as outlined in paragraph 8 of this report.
34. 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

35. Key policies and NPPF paragraphs – JCS2, DM3, DM9, NPPF12, NPPF16.
36. As noted above, the proposal is located within the City Centre Conservation Area. This part of the conservation area is not covered by a particular conservation area appraisal. It is however noted that the site is located within close proximity of St Benedicts which is collectively with neighbouring shopping streets referred to as 'The Lanes'. Careful consideration must be given to the ways in which the development impacts upon the character of the Conservation Area.

Relevant Policy

37. 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.

38. 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

39. Objectors have commented that they consider that the design and siting of the proposed unit would cause harm to the visual amenity of the area. It would look out of place within its location and add to the cumulative build up of clutter on the footway. It is noted that the proposed unit is marginally taller than the existing unit. It is not however considered that the proposed unit is substantially different to the existing unit in terms of scale, form and appearance. The siting of the proposed unit would also ensure that the illuminated advertisements would not detract from the significance of any of the identified heritage assets within the surrounding conservation 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.
40. The unit is established in this location. It is not considered that the replacement of the unit will lead to visual clutter.
41. 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

42. Key policies and NPPF paragraphs – JCS2, JCS6, DM2, DM3, NPPF12.
43. 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.
44. 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.

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

Policy

46. 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.'
47. In addition, it should be ensured that advertisements do not cause a distraction to motorists, consequently impeding highway safety.

Impact

48. 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.
49. The proposal is for the like-for-like replacement of the existing unit. Within this pedestrianised part of the city, it is evident that the inclusion of street furniture such as this would not impede movement due to the space around the unit. There is clear and established precedent for a unit to be located here.
50. In this instance, the proposal is considered to be acceptable in highways terms.

Other Matters

51. Objectors have expressed concern about the saturation of corporate advertising within the city and how this complies with the Council's Ethical Advertising Policy. Whilst the Ethical Advertising Policy does have the potential to be a material planning consideration, decision makers need to look at the Local Development Plan first. In this case there is no policy reason to refuse the applications.
52. 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.
53. 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.
54. The issue of data mining was raised at the previous committee meeting. 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.

Equalities and diversity issues

55. There are no significant equality or diversity issues.

Local finance considerations

56. 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.
57. 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.
58. In this case local finance considerations are not considered to be material to the case.

Conclusion

59. 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.
60. 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.
61. The transport impact of the proposal is considered to be acceptable and can be reasonably controlled by conditions.
62. The amenity impact of the proposal is considered to be acceptable.
63. 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:

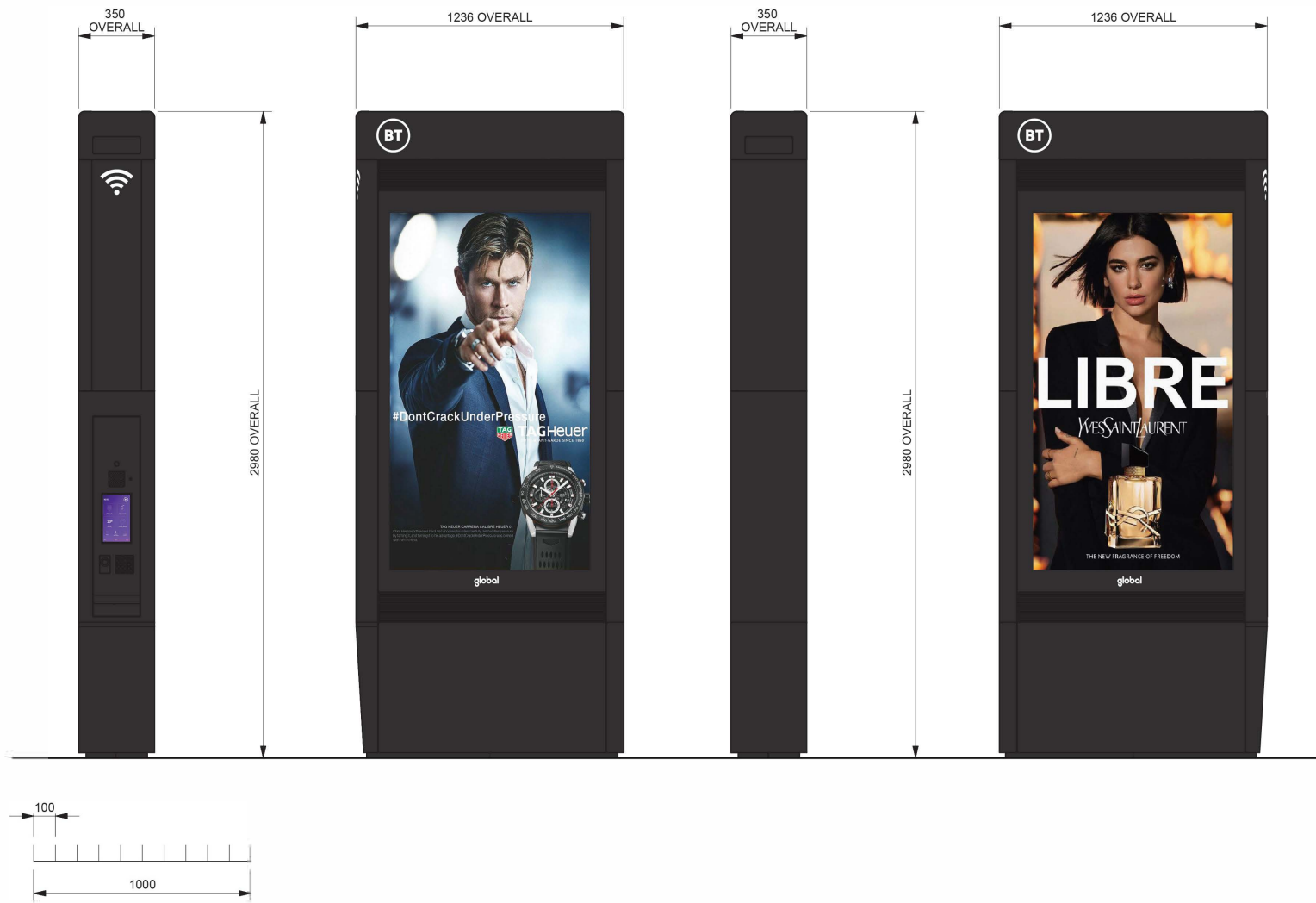
- (1) application no. 21/01606/F, Telephone Box St Swithins Road, Norwich and grant planning permission subject to the following conditions:

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

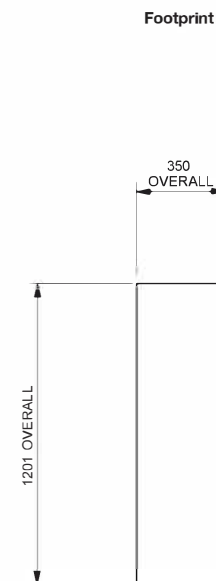
Article 35(2) Statement.

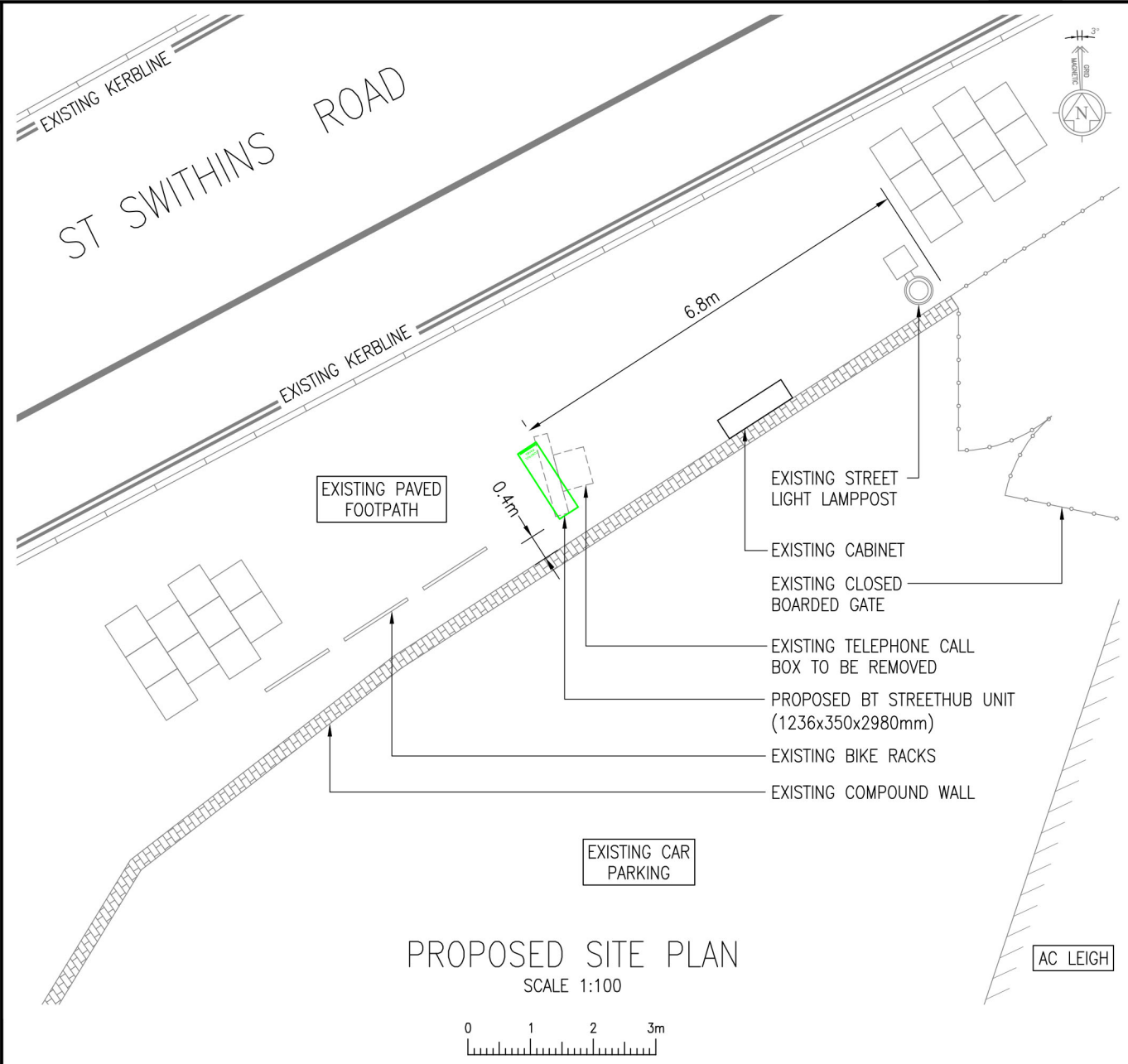
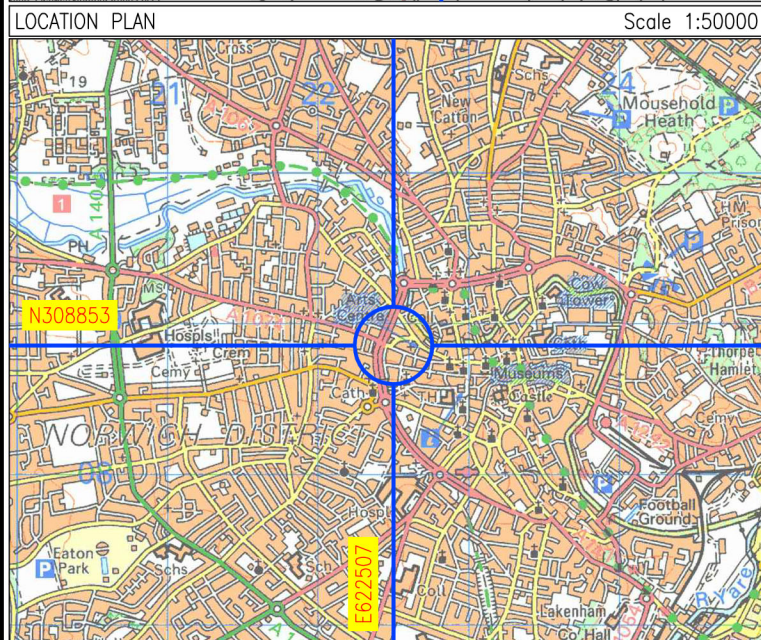
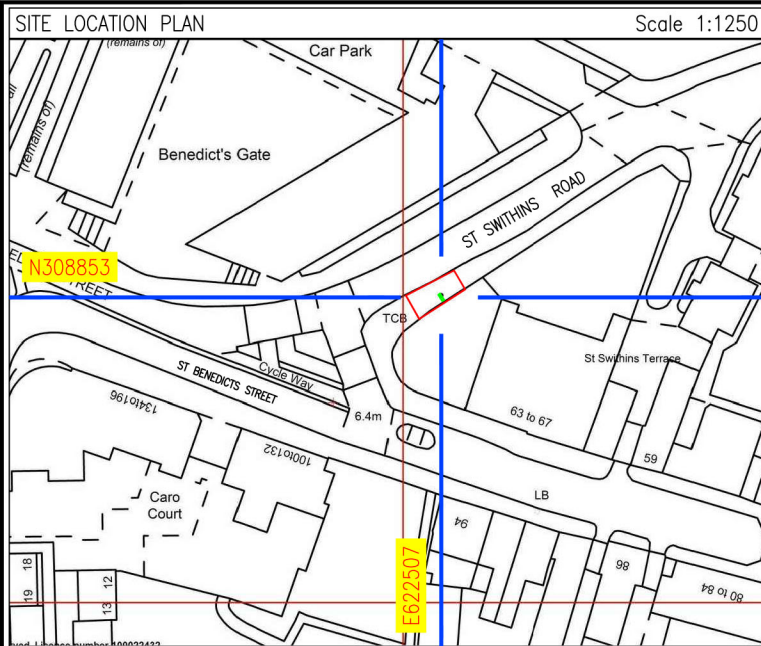
Informative notes:

1. Highways informative 4: works to the public highway.
- (2) application no. 21/0601/A, Telephone Box St Swithins Road and grant planning permission 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.



SCALE 1:20 @ A3





A		FIRST ISSUE				RN	21.10.21
REV	DESCRIPTION					BY	DATE
SCALE AS SHOWN WHEN PRINTED AT A4		DRAWN	APS	CHECKED	RN	ALL DIMENSIONS IN METRES U.N.O.	
		DATE	20.10.21	DATE	21.10.21		
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DRAWING TITLE
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NOW-207**

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**ST SWITHINS STREET
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REV	A
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