

**Report to** Planning applications committee

**Item**

12 May 2022

**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**

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<b>Ward</b>	Mancroft
<b>Case officer</b>	Stephen Polley - <a href="mailto:stephenpolley@norwich.gov.uk">stephenpolley@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
6	0	0

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

## **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 180cdm<sup>2</sup>. 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/m<sup>2</sup> (as per the application form)
- Maximum level of illumination in hours of darkness be set at 300 cd/m<sup>2</sup>

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](mailto: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.