

Appeal Statement

Submitted by

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Reference: WYS-106

**Manchester City Council
Planning Authority Reference: 142719/FO/2025 & 142720/AOH/2025**

**Site: Footpath Outside Civic Centre, Simonsway, Wythenshawe,
Manchester, M22 5HZ**

(NGR: E: 382595, N: 386823).

**Proposal: Installation of New BT Street Hub and Associated Display
of Advertisement Panels to Both Sides of the Unit.**

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1.0 Introduction

The Appeal

- 1.1 This submission is a view of the planning matters relating to the proposal based on the information provided by third parties. All technical and background information, which forms part of this submission, is assumed to be factually correct and accurate.
- 1.2 Telent has been instructed by BT Plc to appeal against the Council's decision to refuse planning permission (Planning Ref: 142719/FO/2025) and express advertisement consent (Planning Ref: 142720/AOH/2025) for the *Installation of 1No. BT Street Hub Unit and associated advertisement panels on either side of the unit*. The applications for full planning and express advertisement consent were refused by the council on the 09th of June 2025, for the following reasons:

Full Planning

1. *The proposed installation, by virtue of its siting and appearance, would form a visually intrusive and incongruous feature within the street scene and add to the street clutter in the locality to the detriment of visual amenity. As such, the proposal is contrary to policies DM1, EN1 and SP1 of the Manchester Core Strategy, saved policies DC17.1 and E3.3 of the Unitary Development Plan for the City of Manchester, policy JP-P1 of Places for Everyone Joint Development Plan, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework*
2. *The proposal, by reason of its size, height, and relationship to the existing pedestrian crossing and highway would reduce the pedestrian, cycle, and vehicle visibility of the area to the detriment of highway and pedestrian safety and, as such, is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework. The proposed kiosk would by virtue of its siting immediately adjacent to a signalised junction with pedestrian crossing facilities on Oldham Road would impact upon highway safety and therefore be contrary to the Core Strategy for the City of Manchester, in particular policies DM1, SP1 and T1, as well as Places for Everyone policy JP-P1 and the NPPF.*

Express Advertisement Consent

1. *The proposed advertisements, by reason of their position, size, appearance, means of illumination and method of display, would create visually intrusive features in the street-scene along a key arterial route, which would be harmful to the visual amenity of the area, whilst contributing towards advertisement clutter in the locality, contrary to saved policies DC15 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1 and SP1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone Joint Development Plan, the National Planning Policy Framework (NPPF) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.*

Appellant's case comprising a number of interrelated sections which will:

- describe the appeal site and surroundings in respect of visual character of the area (Section 2),
 - provide a background to the street Hub project for the appeal proposal and general statement in respect of health and safety issues (Section 3),
 - describe the regulatory framework and planning policy framework, in relation to the proposal, in terms of both the national and local policy (Section 4),
 - focus on the grounds of appeal and the Council's reason for refusal (Section 5), and
 - submit our conclusion (Section 6).
- 1.4 Reference will be made to the background papers that comprise the application and further information attached as appendices to this statement (if applicable), and it may expand on the documentation to support an opinion.
 - 1.5 A separate appeal will be made to the accompanying application refused by the Council at this appeal site.

2.0 Application Proposals and Appeal Site Description

Application Proposals

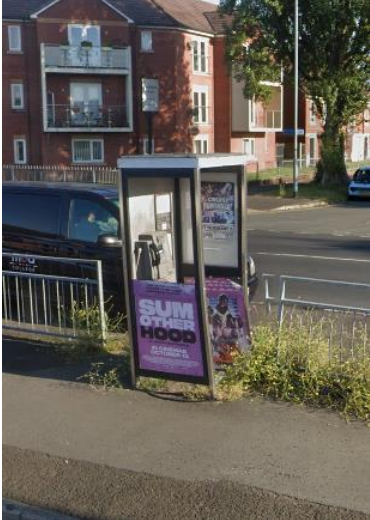
- 2.1 The relevant application proposals was for the installation of a new Street Hub with associated display of advertisement on either side of the unit at the location outlined below. In 2017, BT started working as part of an exclusive partnership with InLinkUK to ensure communities in urban areas throughout the United Kingdom are well-served in the digital age through the roll out of 'InLink' units. These were developed and deployed to replace and rationalize the existing network of payphones.
- 2.2 Through collaboration with councils, BT helped in creating a service that revolutionized streetscapes and helped in providing a connected city solution that delivers the fastest and most robust free public Wi-Fi service in the UK. Councils across the UK have used the InLink units to meet key challenges head-on, upgrading local infrastructure, tackling the digital divide, and freeing the street(s) from unnecessary furniture.
- 2.3 Unfortunately, InLinkUK (who were supplying the units to BT within the partnership) went into administration in 2019, and, as such, the InLink product is no longer available. Since then, BT have been working on a new and improved unit - the 'Street Hub'. The Street Hub has all the existing benefits of the previous InLink unit, but has improved Wi-Fi range, environmental sensors, insight counting and small cell mobile connectivity. This addition of the 5G small cells to Street Hubs is very much in line with current UK Government's guidance on communications infrastructure and the National Infrastructure Strategy. Consequently, when installed, residents, local businesses and visitors will get a faster, more reliable connection for calls and internet access
- 2.4 Additionally, these new units will be monitored 24/7, with weekly inspections and a minimum of bi-weekly cleaning services to keep the unit to a high standard of finish within the existing streetscape. All units will be fitted with a direct 999 call button to aid in the efficiency of operations of the emergency services, with emergency (i.e., Police) awareness messaging shown via their advertising screens on either side of the unit. Furthermore, Street Hubs are powered by 100% renewable carbon-free energy, making them sustainable and durable for years to come.

- 2.5 Whilst the main function of the Street Hub is to provide free electronic communications services, the funding of such services, whilst not being at the expense of the public purse, requires commercial viability and this is provided by the advertising revenue from the integrated LED digital screens, one located either side of the Street Hub unit. Separate applications for full planning for the proposed Street Hub unit as well as for express advertisement consent were submitted to the Council and duly refused. The accompanying application refused forms the subject of a separate appeal under the relevant consenting regime, as outlined in the foregoing section.
- 2.6 The location of the appeal site is shown in the drawings forming part of this appeal and as submitted to the Council.

Appeal Site Description

- 2.7 The application site comprises a portion of landscaping adjacent the footpath outside Civic Centre, Wythenshawe, Manchester and Simonsway. To the north, the pedestrian footpath is positioned between two grass verges. Further north is the pedestrian entrance to the Civic Centre shopping centre, which also provides access to shopfronts and an at-grade car parking area. An elevated car park is located further north of the ground-level parking. To the east, the footpath continues. A pillar advertisement associated with the ASDA store, along with canopy tree coverage, is located to the north-east of the site. To the south of the site is Simonsway, a dual carriageway. Further south is a tramway. To the west, the footpath extends toward a bus shelter and bus stop. Further west is a signalled junction that provides vehicular access to the Civic Centre shopping precinct.
- 2.8 The associate advertisements would also be commensurate with the locale, which includes illuminated and non-illuminated fascia signage and pillar advertisements associated with the Civic Centre. Bus shelters nearby the site also include advertising display a similar scale to that proposed. The proposed unit, with its modern design and high build quality, will fit within the local character at this point and not be seen as visually incongruous within the immediate or surrounding context to any significant detrimental or demonstrable degree.
- 2.9 The proposal would see the installation of a single Street Hub unit located on the section of footpath at the above address. Additionally, the proposal also includes the removal of a total of 5No. existing BT phone boxes (4No. located within the pedestrian walkway opposite 13 Hale Top Wythenshawe,

Manchester and 1No. located on the footpath opposite 2/304 Portway, Wythenshawe, Manchester). The removal of these phone box will assist in the decluttering of footpaths in the wider area and enhance the broader area's visual amenity. Details of the kiosks proposed to be removed are provided in the table below.

Proposed Kiosk Removal	
Footpath opposite, 13 Hale Top Wythenshawe, Manchester	Footpath opposite 2/304 Portway, Wythenshawe, Manchester
	

2.10 Initial pre-application consultation was sought with Manchester City Council and a formal response was received from Council in February 2025. In terms of the proposed site to which this application relates, the following advice was provided;

MCC would not be supportive of introducing new street clutter to an area that is clear, additionally the Streethub would be an incongruous design feature in the garden village Wythenshawe area.

2.11 While the level of feedback provided by the LPA to both the appeal site as well as a number of other sites in the Council area was extremely limited and inconsistent in respect of consideration, and despite having previously considered the same type of development as being acceptable when considered against the same policies against which the appeal proposal was considered against, the feedback to both the appeal site as well as all other sites in the Council area now looked to provide reason to suggest that

the proposal(s) would now be contrary to the same policies previously considered for similar proposals whereby the determination was that the previously proposals were largely acceptable, and in very similar locations to that of the appeal site. It is clear that this complete change in consideration and interpretation of policy has been driven by factors that have influenced the Council's decision making on such proposals, whereby other similar forms of development within the Council area, by different appellant and all for new installation (i.e. no removal of existing infrastructure either on site or elsewhere in the locale), have been considered as still being acceptable, and in many instances in locations close to those whereby other applications for the installation of Street Hubs have now been refused.

- 2.12 While the level of response and lack of any real consideration is extremely disappointing, and while matters that have significantly altered the LPAs consideration on such proposals by the appellant are clear given the feedback on a total of 20 different sites whereby the same brief and negative response was provided (even sites whereby there is an extant permission and the LPA overlooked this and provided a negative response), all sites have been progress to planning submissions in this instance, and in order that an independent assessment and consideration can therefore be made by the Inspectorate.

3.0 Background to the Street Hub Project in the Council Area: Need for the Site

Need for the site

- 3.1 This application is part of a wider scheme of BT Street Hub implementation throughout the U.K. In terms of roll-out, where possible and practicable, it is proposed to install Street Hubs either as a direct replacement for existing BT payphones, or in very close proximity to such payphones. As these existing payphones will be removed it should minimise impact on existing streetscenes by reducing street clutter, or at least not adding to it at particular locations. In this instance, the proposal would see the introduction of a new Street Hub at the appeal site and removal of a total of 5No.existing phone kiosks within the locale. This site forms part of a strategic package of applications submitted to the Council, containing a number of Street Hubs located within existing streetscapes in the Council area.
- 3.2 A Planning, Design and Access Supporting Statement was submitted as part of the full planning and express advertisement consent applications which provides technical details of the Street Hubs, a justification for the proposal's in terms of its siting and appearance and the added benefits it will bring to the public realm areas of this part of the Council area in terms of the modern services it provides to the public, visitors and business alike.
- 3.3 It is contended by the Appellant that in their determination of the applications, the Council overestimated the visual harm of the development in relation to its impact on the streetscene and appearance of the locality, as well as impacting highway safety in respect of reducing pedestrian, cycle and vehicle visibility at the nearby pedestrian crossing point. The need for modern and reliable telecommunications networks not something that the council should query as the NPPF is clear in its view that Local planning authorities should not 'question the need' for such infrastructure.
- 3.4 The Appellant considers that in terms of the Council's assessment against its development plan policies they did not give sufficient consideration to the benefits of the electronic communications infrastructure in the planning balance against any perceived visual harm to the locale. Furthermore, it is considered that in their decision making the LPA offered no consideration to the existing and surrounding street scene setting, which is very commercial in its setting whereby the proposal would not be seen as a

visually incongruous form of development that would be significantly detrimental to the visual amenity of the immediate or surrounding locale.

3.5 It is considered that the modern city and its inhabitants and visitors expect high level mobile communications network technology, whether this be Wi-Fi, or mobile services networks. The fact that free W-Fi network is to be provided in the Council area via the Street Hub has not been given due weight by the Council in their determination of the Street Hub's visual impacts is contended. This Wi-Fi communications network would be free to the user and would not cost the Council to install or maintain. The main benefits as a result of the street hubs could be summarised as follows;

- Ultrafast public and encrypted Wi-Fi
- Access to public services
- Multiple accessibility options
- Powered by 100% renewable carbon-free energy
- Inspected weekly and cleaned at least every two weeks, monitored 24/7
- Secure power-only USB ports for rapid device charging
- Free phone calls Direct 999 call button
- Display community and emergency (i.e. police) awareness messaging
- Environmental sensors to measure air quality, noise, traffic and more.
- Improved 4G and 5G coverage to local communities (through the installation of small cells if/when required by operators)
- 876 hours of free council advertising per unit per year
- Ability to house IoT sensors such as air quality, traffic etc.

3.6 These benefits in addition to those provided by a traditional BT payphone (5No. to be removed as part of the proposed development) should be given significant weight in the planning balance as required by the development plan and policy guidance in NPPF (2024) against the consideration of any visual harm that may be predicted due to the alleged prominence of the Street Hub. For clarity, the existing kiosks to be removed form part of the appellants estate and is still in use.

3.7 In terms of roll-out, where possible and practicable, it is proposed to install Street Hubs either as a direct replacement for existing BT payphones, or in very close proximity to such payphones. As these existing payphones will be removed it should minimise impact on existing streetscenes by reducing street clutter, or at least not adding to it at particular locations. However, in some instances the proposal will not see the replacement or 'relocation' of

nearby infrastructure, and will see the installation of a new unit, and in such instances additional kiosks will be removed from elsewhere within the council area (as identified by the appellant), and when considering their Ofcom requirements to provide public infrastructure. The proposed Street Hub's will help to deliver a comprehensive network of connectivity within the borough whilst enhancing the functionality of the Council's streetscene and use.

4. Planning Policy Framework

- 4.1 In accordance with the planning act the consideration in terms of the appeal proposal's determination regard should be had of the development plan and it determined accordingly unless material considerations indicated otherwise.

National Planning Policy and Guidance

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) set out the Government's advertisement control planning policies for England and how these are expected to be applied and is considered to be a material consideration for the Express Advertisement Consent application. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) state the following specifically in relation to advertisement control:

PART I – Section 3

Powers to be exercised in the interests of amenity and public safety

- 3.—(1) A local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

- (a) the provisions of the development plan, so far as they are material; and
- (b) any other relevant factors.

- (2) Without prejudice to the generality of paragraph (1)(b)—

- (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
- (b) factors relevant to public safety include—

- (i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
 - (iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.
- (4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

National Planning Policy Framework (December 2024)

Planning policy is provided at the national level by the National Planning Policy Framework (NPPF). It is a material consideration in planning decisions. The NPPF is pro – development with a ‘presumption in favour of sustainable development’ seen as a golden thread, running through both plan making and decision taking’. The thrust of this guidance is positive and a reminder to LPAs that we need to build the requisite infrastructure to enable economic growth.

In this regard the Framework can be summarised as follows:

- Government policy is to support high quality communications infrastructure and systems as essential for sustainable economic growth;
- Government policy is to keep the inevitable environmental impact associated with electronic communications development to a minimum;
- The best way to minimise environmental impact is to avoid the unnecessary proliferation of new radio masts and sites;

- The starting point for planning new networks or the expansion of existing networks is therefore to use existing electronic communications sites as and when applicable;
- The emphasis on minimising environmental impact is greater per the sensitivity of the site. The emphasis on exploring and utilising site sharing opportunities is consequently higher in these circumstances;
- Best practice encourages a consultative approach and one that seeks to minimise potential visual impact and
- Great weight should be given to conserving landscape and scenic beauty in certain specified designated landscapes, e.g. National Parks, Areas of Outstanding Natural Beauty, Conservation Areas, etc.;

The NPPF as a whole is aimed at encouraging a more positive approach to town planning. While the NPPF builds environmental protection into the definition of sustainable development, there is also a very clear emphasis that local planning authorities should be looking for ways to help development come forward and not reject applications simply on environmental grounds. This is emphasised in paragraph 10 of the NPPF, which states that in order that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. The NPPF recognises that this is especially relevant where a development might have other significantly important benefits such as being essential to meet, for example, enhancement and improvement to existing communications infrastructure.

Paragraph 11 of the NPPF state that for ‘decision-making’, the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As such, development proposals that accord with the provisions of the Development Plan should be approved without delay. In respect of this guidance, the following sections of this statement demonstrate that the proposed development accords fully with all relevant Development Plan and NPPF policies and, therefore, permission should be granted for the development.

The importance of the proposed development in providing the upgrading and enhancement of the existing public phone kiosk network is clearly an important material planning consideration as it directly supports sustainability and is also precisely the type of new digital infrastructure that the NPPF is seeking to support. The development proposed is comparatively small scale, sited where the principle of telecommunications development has been long established and therefore accepted, designed in a way that is predominately consistent with the existing infrastructure setup and so should be acceptable in every respect.

However, for completeness we still highlight some of the key points within the NPPF as they help demonstrate why the application should be permitted:

Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It then states that: *“At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.” [our emphasis];*

Paragraph 20 advises that strategic policies should *“make sufficient provision for.....telecommunications” and that it should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances”*

Paragraph 38, on “decision-making” states that authorities should *“work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-*

makers at every level should seek to approve applications for sustainable development where possible”.

The NPPF builds on the aspiration to build a strong, competitive economy. Paragraph 85 states: *‘Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking in to account both local business needs and wider opportunities for development. The approach taken, should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation....’*

As highlighted previously, the NPPF directly addresses the need for enhanced wireless communication services, first mentioned in paragraph 20, which states that an LPA’s strategic policies must make sufficient provision for:

“b) infrastructure for transport, telecommunications (our emphasis), security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)”

Leading on from this, paragraph 119 states that *“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time.....”*. This wording echoes guidance set out in previous version of NPPF and emphasises the importance of reliable communications infrastructure for both economic growth and social well-being.

While supported, paragraph 120 of the NPPF retains the requirement to minimise the number of installations consistent with the efficient operation of the network but also includes being consistent with the needs of consumers and providing reasonable capacity for future expansion.

Paragraph 123 retains the guidance set out in previous versions of the NPPF version and states that *“Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure”*.

As can be seen from the above, the NPPF clearly acknowledges the benefits of modern electronic communications and seeks to encourage such development as being essential due to their role in supporting a modern economy, contributing to sustainable objectives, and enhancing local community access to a range of goods and services. Local planning authorities are advised to respond positively to proposals for electronic communications development and this must include an understanding of the associated special problems and technical needs of developing and upgrading communications networks.

In addition to the above, paragraph 141 highlights that *“the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.

In the case of this proposal site, the installation of the Street Hub unit would provide a modern, multifunctional alternative to the traditional ‘mast’ that would act as a communication hub within a dense urban area, while ensuring that the character of the area is not significantly adversely impacted upon in respect of matters relating to amenity and public safety.

Public benefits are defined within the NPPF and could be anything that delivers economic, social or environmental progress. Benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the **Communities and Local Government Planning Practice Guidance** (“PPG”), which contains the current guidance on this subject. Section 8 of the PPG explains in greater detail the criteria for considering amenity issues in advertising

proposals. More specifically, on the matter of scale the guidance suggests that advertisements should respect the scale of the surroundings.

“...for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.”

It further advises that; *“This might mean that a large poster-hoarding would be refused where it would dominate a group of listed buildings, but would be permitted in an industrial or commercial area of a major city (where there are large buildings and main highways) where the advertisement would not adversely affect the visual amenity of the neighbourhood of the site.”*

On matters of Public Safety, the PPG states that:

“All advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety. For example, at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards. There are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality, if it is a shop fascia sign, name-board, trade or business sign, or a normal poster panel, and if the advertisement is not on the skyline.”

Code of Best Practice on Mobile Network Development in England (March 2022)

The Code of Best Practice has been fully revised in March 2022 and is now even more supportive of mobile network provision in line with Government aspirations that everyone should have access to the information super highway no matter where they are located whether that be in rural or urban areas. This Code provides guidance to mobile network operators, their agents and contractors and equally to all local planning authorities in England. It supersedes the Code of Best Practice on Mobile Phone Network Development (2016).

The principal aim of this Code is to support the government's objective of delivering high quality wireless infrastructure whilst balancing these needs

with environmental considerations. It also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties.

The development of such infrastructure must be achieved in a timely and efficient manner, and in a way, which balances connectivity imperatives and the economic, community and social benefits that this brings with the environmental considerations that can be associated with such development. The Code also has an important role in making sure that appropriate engagement takes place with local communities and other interested parties. The Code also highlights that wireless technology continues to evolve rapidly, and mobile devices are now capable of much more. Second generation (2G) technology gave us voice calls and text messages, 3G led to the launch of smartphones, and 4G, which enabled faster browsing, allowed us to do things like watching videos on the move. 5G, the latest generation of wireless technology, is much faster than previous generations of wireless technology and can offer greater capacity and lower latency, allowing thousands of devices in a small area to be connected at the same time. 5G networks, and future mobile generations, will be vital for a range of Internet of Things uses (IoT) and Smart City applications.

The Code highlights that local planning authorities should support the deployment of digital infrastructure by:

- Incentivising connectivity: support the expansion of telecommunications networks, and take a 'joined-up' approach to the wireless infrastructure planning process, including ensuring that Local Plans effectively support the deployment of digital infrastructure.
- Facilitating sites: engage with operators when new sites have been proposed and discuss site requirements.
- Engagement with operators: respond positively to requests for engagement and make decisions in line with national policy and Local Plans. For planning applications, find solutions to issues and ensure timely decisions are made.
- Information and communication: ensure that members of the public can access information about any development proposals within their local area. Send communications promptly to an appropriate operator contact (or their representatives).

It also goes on to state that *'The planning system plays a key role in delivering the digital infrastructure that we need, in a sustainable and well-designed way, especially as households and businesses become increasingly reliant on mobile connectivity'*. This is followed by highlighting that *'There should be a presumption in favour of facilitating sustainable network development and, as such, operators and local planning authorities, as well as all other bodies involved in the deployment process, should work together to ensure connectivity needs are met and find viable solutions to deployment issues'*.

The Code highlights the Government's Communications Policy and Planning Policy. It acknowledges that digital connectivity is vital to enable people to stay connected and businesses to grow. Fast, reliable digital connectivity can deliver economic, social and well-being benefits for the whole of the UK. The Code indicates that recent changes in planning policy [and regulation] are intended to align with Government communications policy, where the ultimate goal is to achieve mobile coverage wherever it is needed. Furthermore, the Code also reiterates NPPF guidance in strongly supporting high quality communications infrastructure, which is seen as essential for sustainable economic growth.

Development Plan Policy

- 4.2 Section 70 of the Town and Country Planning Act 1990, as amended, requires planning applications and appeals to be determined having regard to the provisions of the Development Plan and other material considerations, and section 38 of the Planning and Compulsory Purchase Act 2004 requires applications and appeals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Material considerations include relevant policies in the National Planning Policy framework (NPPF) - among them the 'presumption in favour of sustainable development'.

For the purposes of Section 70, the current adopted Development Plan for Watford Borough is currently made up of a suite of documents comprising the:

- *Places for Everyone Joint Development Plan Document (2022 to 2039)*

- *Manchester's Local Development Framework Core Strategy (2012) (Amended 2024)*

Places for Everyone Joint Development Plan Document (2022 to 2039)

Places for Everyone Joint Development Plan Document (2022 to 2039) (PfE) is a strategic document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, and Wigan Councils to improve employment opportunities for our communities, build the right homes in the right places, rejuvenate green spaces and reshape town centres. The vision of the PfE includes:

- *Our vision is to make Greater Manchester one of the best places in the world to grow up, get on and grow old:*
 - *A place where all children are given the best start in life and young people grow up inspired to exceed expectations.*
 - *A place where people are proud to live, with a decent home, a fulfilling job, and stress-free journeys the norm. But if you need a helping hand, you'll get it.*
 - *A place of ideas and invention, with a modern and productive economy that draws in investment, visitors and talent.*
 - *A place where people live healthy lives and older people are valued.*
 - *A place at the forefront of action on climate change with clean air and a flourishing natural environment.*
 - *A place where all voices are heard and where, working together, we can shape our future*

Relevant objectives of the PfE include the following:

Objective 5: Reduce inequalities and improve prosperity

- *Prioritise development in well-connected locations;*
- *Strengthen the competitiveness of north Greater Manchester.*

Objective 7: Playing our part in ensuring that Greater Manchester is a more resilient and carbon neutral city-region

- *Promote carbon neutrality of new development by 2028;*

- *Improve energy efficiency and the generation of renewable and low carbon energy*

Objective 9: Ensure access to physical and social infrastructure

- *Ensure that our communities and businesses are supported by infrastructure;*
- *Improve the capacity and network coverage of digital, energy, telecoms, transport and water in key growth locations;*
- *Ensure new development is properly served by physical and social infrastructure including schools, health, social care, sports and recreation facilities.*

In addition to the above, the following policies are of relevance to the proposal;

Policy JP-P1 - Sustainable Places

We aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be consistent with:

- 1. Distinctive, with a clear identity that:*
 - A. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;*
 - B. Enables a clear understanding of how the place has developed; and*
 - C. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used*
- 2. Visually stimulating, creating interesting and imaginative environments which raise the human spirit through the use of green space, public art and quality design*
- 3. Socially inclusive:*
 - A. Responding to the needs of all parts of society;*
 - B. Enabling everyone to participate equally and independently;*
 - C. Providing opportunities for social contact and support; and*

D. Promoting a sense of community

- 4. Resilient, capable of dealing with major environmental events*
- 5. Adaptable, able to respond easily to varied and changing needs and technologies*
- 6. Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained*

Policy JP-C2: Digital Connectivity

The aim/objective of this policy is that it encourages the provision of free, secure high speed public wi-fi connections, particularly in the most frequented areas.

Manchester's Core Strategy (2012) (Amended 2024)

Manchester's Local Development Framework Core Strategy (2012)(Amended 2024) (Core Strategy) outlines the Council's vision for Manchester along with the planning policies which will be used to deliver that vision. The vision for Manchester includes:

- *a successful sustainable and accessible City in the front rank of cities in Europe and the world;*
- *a City with a growing economy driven by the strength of the Regional Centre and Manchester Airport which supports a successful City Region. The knowledge based economy flourishes within an entrepreneurial community, characterised by a fully skilled, inclusive working population;*
- *meeting the challenge of climate change at the forefront of environmental initiatives and improvements and continuing to deliver sustainable development and a more effective Green Infrastructure;*
- *a City with an increased and sustainable healthy population and a community which both benefits from and drives the City's productivity upwards;*
- *a City with neighbourhoods where people choose to live all their lives because they offer a wide range of quality housing and an attractive environment where locally distinctive character is conserved and enhanced. Neighbourhoods in the North and East of the City will have benefited from a significant increase in the quantity and quality of housing;*

- *a City with thriving district centres, which have a distinct local character and provide a good range of accessible public services, retail and local facilities; and*
- *a City defined by excellence in urban design and environmental quality, where its distinctive historic environment is understood, valued, cared for and its potential fully realised.*

Within the Core Strategy the site is located within the South Manchester Regeneration Area.

The following policies within the Core Strategy are of particular relevance to the proposal:

Policy DM 1 Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- *Appropriate siting, layout, scale, form, massing, materials and detail.*
- *Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.*
- *Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.*
- *Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.*
- *Community safety and crime prevention.*
- *Design for health.*

Policy SP 1 - Spatial Principle

- *The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.*
- *Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse*

housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.

- *The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.*

Policy CC 4 - Visitors - Tourism, Culture and Leisure

- *The City Centre will be the focus for culture and leisure in the City Region. Proposals to improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported. The improvement of facilities for business visitors will also be supported.*
- *Development in the City Centre which improves facilities for visitors, including Manchester residents, will be promoted.*

Policy EN 1 Design Principles and Strategic Character Areas

- *Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes.*
- *Southern Character Area*
 - *New development needs to retain the identity and focus of activity associated with the historic District Centres.*
 - *Where appropriate development along the radial routes such as Princess Parkway should be commensurate in scale with the prominence of its location*

Policy DEL1 Infrastructure and Service Delivery

- *For individual development proposals, developers will be required to:*
 - *Demonstrate, at the planning application stage, that adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development within the site,*

the locality and the wider area, as appropriate. Where proposals cannot demonstrate the deliverability of supporting infrastructure, they will be refused;

- *Ensure that development is phased to coincide with the delivery of additional infrastructure or service capacity as set out in the IDP;*
- *Ensure that infrastructure assets and services are delivered to adoptable standards. Suitable long-term management arrangements must be put in place with a view to secure adoption by the appropriate authority in the longer term.*

In addition to the above, there are saved policies from the Unitary Development Plan of relevance to the proposal, albeit that as these are more than 5 years old and not been reviewed then they would offer very little weight in the decision making process.

Saved policy DC17.1 – *This states that such development will only normally be approved if the Council can be satisfied that the development has been sited and designed to minimise its impact upon residential amenity and in environmentally sensitive areas.*

Saved Policy E3.3 – *This looks to upgrade the appearance of the city's main radial and orbital routes which is similarly reflected within policy EN1 of the Core Strategy which states that opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes.*

- 4.3 Details of the Street Hub design, its inclusiveness and accessibility are included within the **Planning, Design and Access Supporting Statement**. The award-winning design was created by urban design firm Antenna, led by Masamichi Udagawa whose work is displayed in the Museum of Modern Art in New York. It is appropriate for the Street Hub's function in terms of scale, form, quality of materials and sustainability.
- 4.4 The siting criteria, whilst taking into account the impact of the Street Hub in terms of the character and appearance of its proposed setting, also contain considerations of public safety, including pedestrian movement, sightlines and highway safety.
- 4.5 The impacts of the appeal proposal in terms of relevant material planning

considerations were outlined in the Appellant's **Planning, Design, and Access Supporting Statement** and are further discussed in the following section containing their grounds of appeal against the Council's refusal to grant planning permission and advertisement consent for the Installation of the proposed Street Hub and associated advertising at this location.

5. **Grounds of Appeal**

- 5.1 The Council's reason for refusing the applications for both full planning and advertisement consent are as follows;

Full Planning

- 1. The proposed installation, by virtue of its siting and appearance, would form a visually intrusive and incongruous feature within the street scene and add to the street clutter in the locality to the detriment of visual amenity. As such, the proposal is contrary to policies DM1, EN1 and SP1 of the Manchester Core Strategy, saved policies DC17.1 and E3.3 of the Unitary Development Plan for the City of Manchester, policy JP-P1 of Places for Everyone Joint Development Plan, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework*
- 2. The proposal, by reason of its size, height, and relationship to the existing pedestrian crossing and highway would reduce the pedestrian, cycle, and vehicle visibility of the area to the detriment of highway and pedestrian safety and, as such, is contrary to policies T1, SP1 and DM1 of the Manchester Core Strategy, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework. The proposed kiosk would by virtue of its siting immediately adjacent to a signalised junction with pedestrian crossing facilities on Oldham Road would impact upon highway safety and therefore be contrary to the Core Strategy for the City of Manchester, in particular policies DM1, SP1 and T1, as well as Places for Everyone policy JP-P1 and the NPPF.*

Express Advertisement Consent

- 1. The proposed advertisements, by reason of their position, size, appearance, means of illumination and method of display, would create visually intrusive features in the street-scene along a key arterial route, which would be harmful to the visual amenity of the area, whilst contributing towards advertisement clutter in the locality, contrary to saved policies DC15 and E3.3 of the Unitary Development Plan for the City of Manchester, policies DM1, EN1 and SP1 of the Manchester Core Strategy, policy JP-P1 of Places for Everyone Joint Development Plan, the National Planning Policy Framework (NPPF) and the Town and*

Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5.2 The Council has suggested two main reasons for refusal, this being the impact on the visual amenity of the appeal site and surrounding street scene, as well as perceived impact on highway safety matters relating to the nearby pedestrian crossing point. The appellant has noted the concerns and disagrees with the findings. The case of the Appellant is document below.
- 5.3 The Appellant considers that the policy tests used to determine the planning application have relied too heavily on its consideration that the proposal would be significantly harmful to the visual amenity of the area, which the Appellant considers to be excessively exaggerated by the Council and takes no consideration as to the existing street scene setting at this point, as well as that of highway safety matters particularly when considering the location of the proposed development being set back from the crossing point. Within the National and Local Planning Policy, key themes emerge in relation to the strategic directions and policy objectives. The proposal to upgrade existing BT payphones to Street Hub units appropriately responds to these policies by:
- Providing communication infrastructure in a strategic location that will be a high-quality design and provide enhanced digital connectivity;
 - Improving public safety through providing access to emergency services, increased street illumination and reducing anti-social behaviour currently present in existing BT payphone booths;
 - Achieving advertising displays that are appropriately illuminated and designed to ensure no hindrance to surrounding transport networks;
 - Promoting accessibility and inclusivity with fully accessible community features;
 - Enhancing and improving the quality of the public environment and ensuring valued characteristics are protected, to create safe, functional places with strong sense of connection; and
 - Promoting sustainability with units being powered by 100% renewable carbon-free energy.

Overall, the proposal is considered to be a highly appropriate response to strategic vision and objectives.

- 5.4 The Appellant considers that the design of the Street Hub's in terms of its sleek modern and innovative appearance is more consistent with that found within many streetscene settings throughout the country, including within the Council's area. The design, as discussed above, is of high quality and reflects a historical design which is a common and expected feature across many streetscapes around the United Kingdom, including that of heritage significance.

Visual Amenity Considerations

- 5.5 It is accepted that there will always be challenges faced in finding a balance between limiting any visual harm created by the siting of development upon street scenes, albeit that assessment must take into consideration all relevant matters including that of the immediate street scene as well as the surrounding context in which it would be viewed within the context of. It should also be considered that streets and subsequent street scenes will always be subject to change through time, changing demand, and users expectation. This is of particular relevance when considering advertisement and telecommunication within street scenes throughout the country with a focus on sustainable and connected cities.
- 5.6 Likewise, as Street Hubs can provide the Council with valuable data as each unit has environmental sensors that can monitor air, sound and light, in most instances it is beneficial to plan a sequence of Street Hub sites along key routes, so that the information gathered can be better analysed. This free environmental data has its own dashboard and can assist the planning system actively manage patterns of growth in support of national air quality objectives and will be a useful source of real-time data in the delivery of the Council's own green agenda. In a similar vein, Street Hubs have the capability to monitor pedestrian, cyclist, and vehicle movements and so can help the Council to monitor and, where practicable, develop travel plans for the area.
- 5.7 The proposed Street Hub has a much more slender and slimline profile than that of existing phone boxes and would therefore be comparable in form and appearance to existing freestanding units of a similar form than that can be found elsewhere within the Council area and common place in many streets throughout the country, including that of sensitive and non-sensitive land designations. The Street Hub, as set out previously, is an evolved unit

- that will enhance and, in some instances replace, their existing estate throughout the country.
- 5.8 Moving onto matters relating to the appeal site and its immediate and surrounding street scene setting, the LPA contends that the proposed BT Street Hub, while the design and appearance of which would be considered to be acceptable in isolation, *‘the overall impact of the proposal upon the visual amenity of the area is unacceptable. This is on the basis that, at present, the area remains relatively clear and unobstructed by street furniture. Therefore, to add unnecessary visual clutter to an otherwise open and unobstructed view would be detrimental to the overall appearance of the street scene, thus incurring unduly harmful impacts upon the visual amenity of the area’*.
- 5.9 However, this assessment overlooks the evolving nature of urban infrastructure and the increasing necessity to integrate modern connectivity solutions into our streetscapes. While the proposal introduces a new form of street furniture, its sleek, minimal design—measuring only 1236mm in width and 350mm in depth—is far less obtrusive than traditional phone boxes which form part of the appellants existing estate, and which the proposal in essence seeks to replace. The 3-metre height is comparable to or lower than existing bus shelters and street signage, including that of nearby signage adjacent to the appeal site. Additionally, while the council has considered that the area remains relatively clear and unobstructed by street furniture, it is not considered that the proposal would not act as any form of obstruction given its location adjacent to the pedestrian footpath. Furthermore, the council has considered the proposal to add unnecessary visual clutter, whereby the need for development incorporating telecommunications infrastructure, as is the case here, should not be question as set out in the NPPF. Consequently, it is fundamentally wrong of the council to consider that the proposal would be ‘unnecessary’ in this regard.
- 5.10 In contrast to claims that the kiosk would appear ‘obtrusive’, its scale is modest and consistent with similar street installations both locally and nationally. It has been positioned with due consideration to pedestrian flows and visibility lines, ensuring it does not impede movement or reduce the legibility of the space to the detriment of matters relating to highway safety. Furthermore, the proposal contributes positively to the surrounding street scape’s within towns and cities through the rationalisation and modernisation of existing infrastructure. In many cases, these Street Hubs

are replacing multiple outdated units thereby reducing overall street clutter in the medium term and promoting a more cohesive and connected urban realm.

- 5.11 In addition to the above, while the council has suggested its consideration in respect of the perceived visual impact of the proposal on the street scene at this point, it has failed to acknowledge and therefore make any reference to existing street furniture, or that of nearby free standing forms of development prominent within the street scene, and in doing so has assessed and considered any perceived visual impact of the proposal in isolation as opposed to within the existing street scene it would be viewed within. As the proposal would be viewed within this existing street scene, then it is considered that this lack of reference or acknowledgement made by the council as to how the existing street scene is viewed, and how the proposal would be viewed within this existing street scene, is somewhat of a one dimensional assessment in this instance and fails to make a proper assessment of any matters relating to visual appearance as a result. While the concerns of the council in regards visual amenity have been suggested, these do not appear to reflect the broader public benefit or operational efficiencies offered by the kiosk. The proposal offers community and wayfinding functions, enhanced digital connectivity, and emergency services access, which contribute to the vitality and resilience of the public realm.
- 5.12 In this regard, the proposal aligns with the overarching aims of Core Strategy policies EN1, DM1, SP1, and T1 — particularly in promoting high-quality, accessible, and inclusive public infrastructure. The design is contemporary, legible, and utilitarian in a way that supports a dynamic city centre environment. It also addresses the objectives of Policy JP-P1 and saved policy E3.3 by replacing outdated infrastructure and contributing to the modernisation of key arterial routes. Rather than detracting from the pedestrian experience, the kiosk introduces functionality and form in a deliberate, considered manner — contributing to the efficiency, safety, and vibrancy of the public realm.
- 5.13 As can be seen in the images below, while not only located in the same street scene to that of the proposal, there are other similar forms of development that reflect the commercial street scene context, and as stated previously have been excluded from any assessment as to the existing street scene and how the proposal would relate to this, as opposed to being

viewed in isolation as was the case with the council's consideration on matters relating to visual amenity.



Existing free-standing advertisement a short distance to the west of the appeal site (junction with Fleming Road) within the existing street scene visual context



Existing advertisement at the bus stop a short distance to the west of the appeal site within the existing street scene visual context



Existing free-standing advertisement adjacent (east) of the appeal site within the existing street scene visual context

- 5.14 As can clearly be seen by the above, which only shows some examples in the immediate and surrounding locale of the appeal site, it is very much contended that the proposal would result in having detrimental impact on visual amenity being obtrusive and visually discordant in the immediate or surrounding area. Additionally, it is also contended that the appeal proposal would result in an overly prominent feature in the street scene at the appeal site, particularly when viewing it within the extent of the existing similar forms of development as well as the civic centre shopping area and associated multi-storey car park, which is and would remain the prominent feature at this point, dominating the setting and a backdrop against with the appeal proposal would be viewed against within the existing street scene setting and context. The below images shows an indicative visualisation of the proposed street hub within this existing context, and clearly demonstrates that it would not result in any overly prominent form of development to the detriment of the visual amenity of the area, when viewed within the context of the existing street scene setting. For context, the images are taken from the west and east respectively, looking towards the appeal site. While not to scale, they are considered to be an accurate reflection of an in-situ Hub at this location.



Indicative visualisation of proposed street hub in relation to the existing street scene and commercial context – looking east towards the site



Indicative visualisation of proposed street hub in relation to the existing street scene and commercial context – looking west towards the site

- 5.15 When considering the above, it contended the councils opinion and reason for refusal of the proposal that it would *'by virtue of its siting and appearance, would form a visually intrusive and incongruous feature within the street scene and add to the street clutter in the locality to the detriment of visual amenity.'* It is considered that the siting and appearance of the proposed street hub would be commensurate with the surrounding, commercial context, and not be viewed in isolation within the existing street scene setting, or pedestrian experience. Consequently, in this instance it is therefore considered that the proposal would be consistent with the overall objectives of policies SP1 and DM1 of the Manchester Core Strategy, DC17 and E3.3 of the Unitary Development Plan, JP-P1 OF Place for Everyone and the National Planning Policy Framework.
- 5.16 While it is not contended that all form of development will have a degree of visual impact by their sheer nature, in this instance it is contended the Councils consideration that the proposal would be visually intrusive and appear as an obtrusive feature in the Streetscene that would be detrimentally harmful to its setting and appearance, or to that of the overall character of the area. It is not considered that, on balance, this proposal would be considered as highly inappropriate as the Council suggest in this instance, and would not have any resultant impact on any regeneration plans that may take place in the surrounding area.
- 5.17 Given the dual function of the proposal, the proposed Street hub has a much more slender and slimline profile than that of existing phone boxes and would therefore be comparable in form and appearance to existing freestanding units of a similar form than that can be found elsewhere within the Council area and common place in many streets throughout the country.
- 5.18 This was a consideration in recent appeal decisions for similar structures to that being proposed whereby, and even when considering the different locations to which these appeals relate the Inspectors determined the following in respect of similar proposals and being viewed within the context of the surrounding street scene as opposed to being viewed in isolation, which principles should still apply in this instance;

(Appeal ref: APP/Z5630/H/3209488, 2-6 Fife Road, Kingston upon Thames).

"Therefore, due to the smaller footprint and slender profile of the proposed kiosk, the proposal would not be visually intrusive or create visual street

clutter. The proposal would also not represent an incongruous addition due to its similarities with the existing digital signs within the town centre.”

(Appeal Ref: APP/N5090/Z/22/3296138, High Street, Barnet)

“given the limited amount of street furniture nearby, and existing advertising, which is primarily on the buildings themselves, these proposed advertisements would not introduce a significant sense of visual clutter. Although I did not observe any other nearby digital displays on my visit, modern, statically illuminated digital displays are not an uncommon feature in commercial High Street locations such as this.”

(Appeal Ref: APP/N5090/D/22/3296141, 66 East Barnet Road, Barnet)

“The Council says that the site lies outside a town centre and has a less intensive street activity and limited external lighting, advertisement and street furniture. However, at my visit I noted that the site lies within a long stretch of the road between its junctions with Margaret Road and Victoria Road which has continuous commercial activity along both sides. It has a high level of street activity with a high level of traffic in both directions and many pedestrians. There are illuminated signs at a petrol station, a bus stop and at various fast food outlets within the street. I disagree with the Council that the street is open and uncluttered as there is street lighting, lighting on the car park at a higher level above Sainsburys, highway signs, projecting illuminated adverts, bollards, cycle parking, a bench, a litter bin, a bus stop and street trees all within the immediate vicinity on this side of the street. The proposed advertisements would be seen within this context and against the backdrop of the large signage which occupies a significant length of the frontage of Sainsburys.”

- 5.19 The above only represent a small number of appeal decision in allowing appeals on the basis that the LPA refused these applications on.
- 5.20 In considering the above, it is contended that the proposal would create a form of development that would be significantly detrimental or demonstrable in terms of the general street scene setting at this point. To add to this, the reason that the street hub would be located at the site is with a view to creating connected streets with the proposed location of other Street Hubs within the locale, whereby users of the Wi-Fi features of the Hubs will be able to roam the area with uninterrupted connectivity. By siting the street hub at this location it will help to consolidate the Street Hubs in this part of

Council area, albeit that each Street Hub provides associated benefits on its own.

- 5.21 In respect of digital infrastructure and economic development, these new Street Hubs are the perfect form of infrastructure for positive change, enabling councils to collaborate and configure infrastructure to support smarter, safer and more sustainable places for residents, visitors and businesses alike. BT is moving public connectivity forward, evolving their existing and long-established payphone estate further with a move from the 1st Generation 'InLink' units that have seen deployment throughout the country, to the proposed Street Hubs, a sleek modern answer to the demands of a digitally connected, converged-media society and at no cost to the Council.
- 5.22 On this point, recent press releases highlight that BT gifted up to £7.5m of free advertising space to local businesses via its Street Hub units in 2023-24 as the new units are rolled out to new locations across the UK, whereby BT (in conjunction with the LPAs) contacted local businesses and the public in these areas in order to encourage them to nominate local firms who could benefit from the offer.
- 5.23 The came as a new BT study found that more than 60 per cent of small businesses agree that local advertising would help to increase awareness of their business, with 40 per cent saying it would encourage more people to shop at their local high street. However, almost half (49 per cent) said that cost was a major obstacle to them investing in local Out Of Home (OOH) advertising. BT is now taking action to remove one of the biggest barriers to adoption, with the Street Hub's digital advertising screens designed to help small firms attract more customers following the local and national lockdowns.
- 5.24 Additionally, BT's new Street Hub units can also help local councils achieve their social and economic improvement and sustainability goals. Each local authority is provided with 5 per cent of total screen time on each Street Hub unit to promote local community and municipal services such as food banks, health and social care or leisure activities. They can also inform the local community about developments or issues affecting their area. For example, during the peak of the Covid-19 pandemic, the 400 existing Street Hub units across the country played a vital role in displaying key public health advice from Public Health England and local councils.

- 5.25 With nearly two thirds of all local authorities aiming to become carbon neutral by 2030, each Street Hub unit can also be fitted with air quality and CO2 sensors. This will provide local councils with the insight needed to help them take action to improve air quality, contributing to the health and wellbeing of local people, and has been used by council's already.
- 5.26 The above shows how the proposed units would assist in council's agendas to have more people return to our high streets not prejudice this. The overall aim of the Street Hubs is to enhance digital connectivity and services for communities through features such as free mobile device charging, access to an emergency call button, charity helplines, and local wayfinding via an integrated tablet, as well as the additional benefits set out previously. Additionally, it is considered that the public benefits were in fact set out in detail and adequately included as part of the application submissions, to which the council have offered little or no weight to as stated. Instead, as stated the consideration of the council that the units are unnecessary is contrary to the NPPF whereby it is clear that councils should not question the need. The applicant is upgrading their public estate with a new modern digital unit reflective of the times, while also giving due consideration in respect of their Ofcom requirements for such provision.
- 5.27 Given the above, it is not therefore considered that the proposal would be contrary to the relevant Local development Plan Policies, in particular Core Strategy policies C1, C2, C4, EC7, EN1, DM1 and T1, policy JP-P1 Of the PfE and policy E3.3 of the UDP

Highway Safety Considerations

- 5.28 Firstly, it is noted in the officers report comments from highways '*noted that there is high footfall along Simonsway given the district centre location. Further to this, Highways Services highlighted their concerns that the proposed location of the totem **may obscure** [emphasis added] pedestrian visibility at the existing pedestrian crossing point on Simonsway. Moreover, information on maintenance of the proposed communication totem including frequency of servicing/maintenance and vehicle parking arrangements is unclear*'. However, no consultee comments were available to view online and therefore this summary of response is taken as the extent of Highway Departments comments.

- 5.29 However, when looking at the officers assessment under 'Highway Assessment', it states that the Highways Service and TfGM were 'significantly' concerned the proposal may impede pedestrian visibility when using the crossing point. The summary of the consultation response made no reference of either of the aforementioned consultees being 'significantly' concerned, but instead highlighted what would appear to be comments that the proposal '*could*' or '*may*' obscure pedestrian visibility. While it is unclear as to the exact comments from both consultees, it is taken that neither raised any 'objection' to the proposal, but instead raised concerns that will be addressed below.
- 5.30 In terms of the officers report, the first point of contention over and above the lack of transparency and somewhat differing comments provided in relation to those provided by the relevant consultees, is suggestion that the proposal '*may act as a physical and visual obstruction for members of the public, reducing visibility **in and around the area** [emphasis added], which could give rise to an increase in traffic collisions, near-misses, and accidents*'. In respect of the aforementioned consideration/assessment, it is unclear what exactly is meant in suggesting the proposal may reduce visibility '*in and around the area*', which is vague at best and with no justification nor substance to clarify exactly what this means. It must therefore be considered that such a comment is afforded limited weight at best, but for clarity and the avoidance of doubt, albeit that this should not be required as the proposed site layout shows there would be no such issue with pedestrians using the crossing point with the distances highlighted (particularly that of the edge of the proposed Street Hub relative to the kerb and pedestrians visibility), the below images again show a visualisation of the proposed street Hub in-situ relative to the crossing point. Again, while not to scale these provide a very clear visualisation representation as to the matter in question

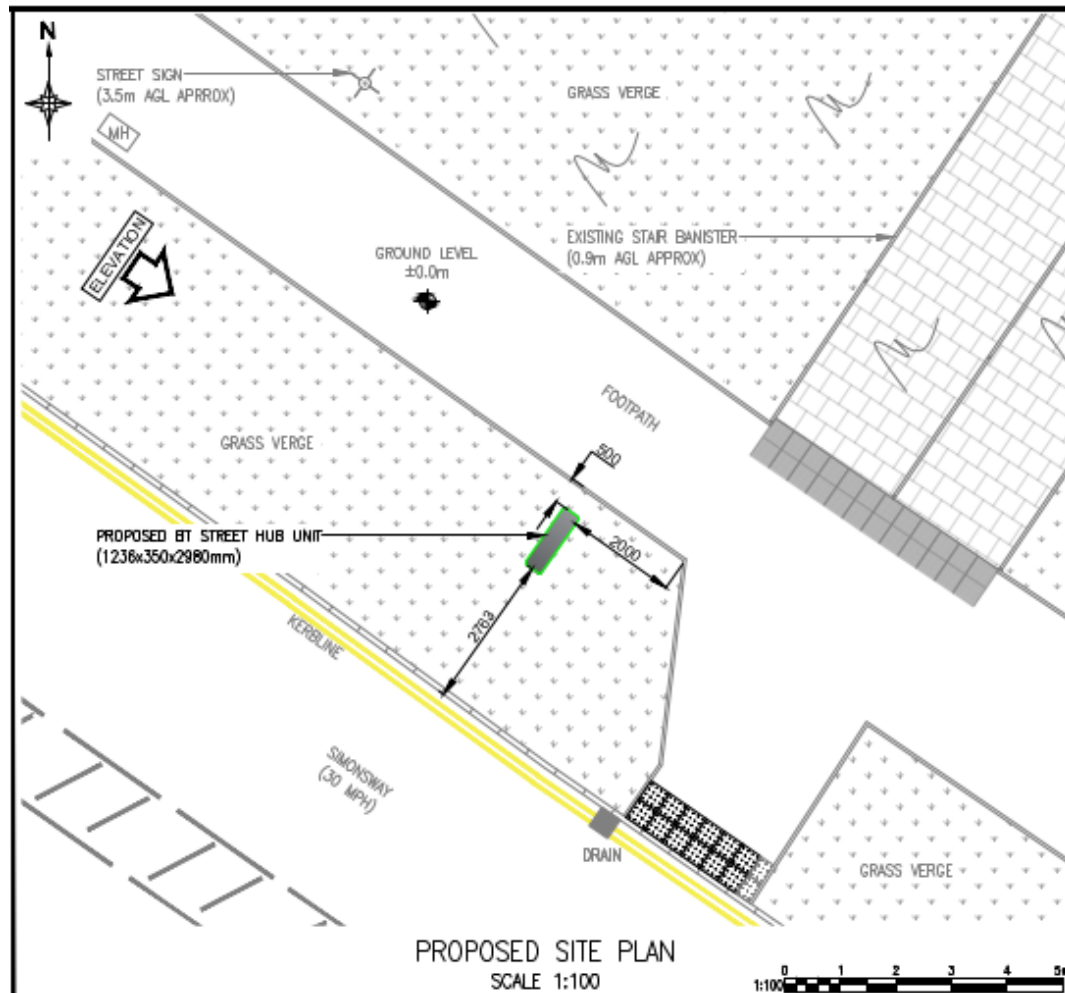


Visualisation of the proposed Street Hub in-situ and its position relative to the crossing point



Visualisation of the proposed Street Hub in-situ and its position relative to the crossing point

- 5.31 As can be seen with the above images showing an indicative visualisation of the Street Hub in-situ relative to the crossing point, the proposed location is set well back from the kerb (circa 2.7m) and where pedestrians would be looking west towards any vehicles travelling along the road. This is also shown in the image below, an extract from Drawing No.002 – Proposed Site Plan, that was submitted as part of the drawings for consideration in the original application submissions.



Extract from Drawing No.002 – Proposed Site Plan

- 5.32 In considering the above, and even taking a distance of 1m from the kerb as a position that pedestrians may stand when looking towards any oncoming traffic (albeit that this distance in reality would likely be less as shown by the textured paving adjacent to the kerb), it is clearly the case that when even taking a distance of 1m as a worst case scenario that there would be no impact in terms of pedestrian visibility of any approaching

vehicles, or visa-versa for vehicles travelling towards the crossing point and visibility of any pedestrians potentially waiting to cross. While policies such as T1, SP1, DM1 and JP-P1 rightly emphasise the need for a safe and legible public realm, and with regards to highway safety matters, in this instance it is clear that, despite the suggestion and comments that the proposal may potentially impeded the visibility of pedestrians using the crossing point, the proposal due to its positioning and set back from the kerb and crossing point would not have any subsequent impact on the visibility of pedestrians using this crossing point, and raise no highways safety concerns in this respect.

- 5.33 It is considered that the above would address any highway safety concerns either set out in the officers report or indeed any reason for refusal on this basis, and clearly show that the proposal would not obscure pedestrians at the crossing facility and impact sightlines for both pedestrians and vehicles. Consequently, the proposal would not give rise to any significant detrimental or demonstrable highway safety concerns as suggested it may by the Council. Overall, the proposed kiosk does not undermine highway safety or pedestrian convenience and is fully capable of being integrated into this dynamic city centre location in a safe, accessible and policy-compliant manner.
- 5.34 While the above sets out matters in respect of the reasons for refusal provided by the LPA on both the full planning and advertisement consent applications, it is noted that there was no negative impact considered in respect of any other matters. It is therefore considered the above sets out the position in respect of the LPAs reason for refusal of these applications.

6.0 Conclusion

- 6.1 Balancing the visual amenity of an area and the impact that additional street furniture may or may not have is an issue for central government, local government and statutory undertakers alike. The necessity to address all the pertinent factors in the consideration of such proposals is imperative to ensure that the most appropriate decision is reached. However, this must be undertaken correctly and against what would be relevant and material planning considerations at the time of assessment.
- 6.2 Relevant legislation, government advice and development plan policy must be taken into full account when arriving at a decision. The relevance of the key issues relating to the benefits of the Street Hub in terms of social inclusion and economic support, by providing free Wi-Fi connectivity and the other services, must be weighed against the visual harm in the wider public interest and be based upon the particular merits of the Street Hub design and scale in relation to its contextual siting in each case.
- 6.3 The appeal proposal for a Street Hub at this location forms part of a wider Street Hub project across the council area which will provide free ultra-fast Wi-Fi to the local community, as well as a number of other added benefits which these Street Hub units will provide, all of which seek to encourage people back to our high streets in a sustainable way and support local people, businesses and visitors alike. It has been demonstrated within this appeal that the current context of the area is unlikely to be significantly impacted by the introduction of the proposed street Hub, nor would public safety be detrimentally impacted upon. The Appellant considers that the Council's reasons for refusing this application is erroneous, unreasonable and not based upon any evidence to support them in terms of degree of impact if any at all.
- 6.4 The Inspector is respectfully requested to consider the merits of the appeal proposal based on the evidence provided in support of this appeal and to approve both planning permission and advertisement consent for the appeal proposal.