

Delegated Report

Planning Ref: 25/00847/FUL
Applicant: Verity Cheyne
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Castle Street Hinckley Leicestershire

Proposal: Installation of 1No. BT Street Hub Unit

1. Recommendations

- 1.1. **Refuse planning permission** subject to the reasons at the end of this report.

2. Planning application description

- 2.1. This planning application seeks full planning permission for the installation of a BT Street Hub. An accompanying application for advertisement consent has also been submitted (Reference; 25/00836/ADV) alongside two full planning applications and two advertisement consent applications at Regent Street and Market Place.
- 2.2. The BT Street Hub would be a free-standing structure with a height of 2.98m, a width of 1.23m and a depth of 0.35m. It would host a galvanised steel structure with a powder coated stainless steel/aluminium exterior and a painted powder coated cladding. The Hub features a BT logo, global logo and Wi-Fi symbol in white.
- 2.3. Two anti-glare glass display screens are proposed to sit either side of the hub, alongside a tablet interface/control panel at the side of the hub. The main anti-glare glass display screens both measure 0.95m in width and 1.67m in height (75-inch display) and have a maximum daytime brightness of 5000 cd/m2 and dims to a maximum night-time brightness of 600cd/m2. The screens would display content at 10-second intervals, in the form of commercial content that funds the service as well as a range of local community and council content (although it is unclear as to whether the community or council intend to utilise the boards). The hub would provide 876 hours of free council advertising per year with the opportunity for discounted advertising for local business groups.
- 2.4. The Hub is multi-functional and provides;
- Ultrafast public and encrypted Wi-Fi
 - Free phone calls
 - Display of community and emergency (i.e. police) awareness messages
 - Ability to house IoT sensors such as air quality, traffic etc.
 - Local council services
 - Connection to four national charities for support
 - Local weather information
- 2.5. The Hub would be funded through the display of advertising in conjunction with other council and community content, via sponsorship from companies who could utilise the digital HD display screens on both sides of the unit. All displayed advertisements are claimed to comply with advertising regulations and guidelines.
- 2.6. The advertisement is proposed to be sited on a block paved area within a pedestrian zone of Castle Street. It would replace an existing phone kiosk and cash machine directly adjacent to Loros, 54 Castle Street.

3. Description of the site and surrounding area

- 3.1. The application site is located within the Hinckley Town Centre Conservation Area. Despite being located within the historic core of the town centre, the development that surrounds the application site are from varying periods of history and this is reflected in the scale, form and appearance of the buildings. Within the vicinity of the site is no.64 Castle Street (this being a grade II listed building dating from the 17th century (National Heritage List England (NHLE) ref 1361295)), former houses dated from the 18th century at no.53-55 Castle Street (NHLE ref 1180092) and no.35-37 Castle Street (NHLE ref 1074228), some late-medieval period narrow fronted buildings (no's 60 and 62 Castle Street) and inter-war period buildings of local heritage interest (no.49-51 Castle Street and no.39 Castle Street), all of which are interspersed between post-war period buildings which do not reflect the traditional characteristics of the conservation area (with these being identified as weak areas within the Hinckley Town Centre Conservation Area Appraisal (HTCCAA) (2013)).
- 3.2. Overall, the section of the conservation area surrounding the application site contains a mix of narrow shop frontages on former burgage plots, wider buildings with historic features, and some modern infills. It is considered that the significance of this area stems in part from the presence of numerous of historic commercial buildings which despite the presence of modern infill their positive contribution to a historic street scene can still be appreciated, and with the street scene generally having a historic character and appearance.

4. Relevant planning history

- 4.1. There is significant history at the site, however, none are pertinent to the outcome of this application.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Following the publications no comments have been received.

6. Consultation

- 6.1. Assistant Director – Culture, Health, Town and Rural Services;

- No comments have been received.

- 6.2. HBBC Conservation Officer;

'The proposal and its impact upon affect heritage assets

Although the style of the Street Hub would be relatively simple in design, it would stand at nearly three metres in height and have a striking appearance by way of its stark, modern design. Whilst the street scene is predominantly commercial, the character of numerous surrounding buildings and majority of nearby street furniture is traditional in construction and design. Therefore, its height, scale and appearance, when combined with its prominent siting perpendicular to the pedestrian flow, would result in an intrusive and incongruous feature. As such, in my opinion the proposed Street Hub would cause harm to the character and appearance of the area.

Additional adverse visual impacts would likely occur as a result of the large digital advertising screens on either side of the Street Hub. As a result of their digital nature

and illumination, they would introduce a modern and visually intrusive addition to the street scene. This would be especially so at night when, even if dimmed, the illumination would cast a multicoloured hue across the otherwise largely traditional street scene.

Given the harm to character and appearance, it follows that the contribution the application site makes to the conservation area would be diminished as a result of the proposed Street Hub. In this case the diminishment would be to such an extent that harm to the significance of this heritage asset would occur. In my opinion the level of harm would be less than substantial (in terms of the NPPF), and most likely towards the lower end of this spectrum of harm when considering the level of adverse impact upon the conservation area as a whole.

Whilst being located within the wider setting of the grade II listed buildings no.35-37 Castle Street, no.53-55 Castle Street and no.64 Castle Street, due to the siting of the Street Hub, its scale and intervening distance it is considered that the proposed Hub would result in no material impact upon the listed buildings and would not affect or reduce the ability of the observer to appreciate the heritage significance of these heritage assets. Consequently, the proposal would preserve their significance.

Harm vs benefits assessment and summary

As the proposal would cause harm to the Hinckley Town Centre Conservation Area the harm caused must be carefully weighed against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP DPD and paragraphs 212, 213 and 215 of the National Planning Policy Framework.

Paragraph 212 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset.

Paragraph 213 of the NPPF states that any harm to the significance of any designated heritage asset should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP DPD. In my opinion, whilst there are some elements within the surrounding area, including buildings and structures that may not positively contribute to the historic environment, this does not justify the provision of additional harmful development. It is also considered that the appearance of the Street Hub is solely generic, being a standard design with no consideration given to the historic context and the character of the area within it is proposed to be sited, and no alternatives have been considered such as a bespoke design that could reduce or avoid adverse visual effects and ensure the hub sits comfortably within the public realm.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

In my opinion the proposal can demonstrate no heritage benefits. The decision-taker should identify non-heritage benefits arising from the proposal and determine the weight to be given to them in the required balancing exercise of paragraph 215 of the

NPPF and Policy DM11 of the SADMP. If the level of public benefits is insufficient to outweigh the harm caused to the conservation area then the proposal would not be in compliance with those policies. In completing this balancing exercise great and demonstrable weight must be given to the conservation of the heritage asset as required by paragraph 212 of the NPPF and the statutory duties of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. The ultimate conclusion of the balancing exercise, however, lies within the decision-taker.'

6.3. HBBC Environmental Services (Pollution):

'I recommend the following conditions;

Notwithstanding the details provided, the intensity of the illumination of the screens permitted shall not exceed 300cd/m² in the hours of darkness and the maximum daytime luminance values set out in table 10.5 of the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05/23) 'The Brightness of Illuminated Advertisements including Digital Displays' (2023) in cd/m².

The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).

The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.'

6.4. LCC Highways:

'Background

The Local Highway Authority (LHA) has been consulted by the Local Planning Authority (LPA), on a planning application for the 'Installation of 1no. BT Street Hub Unit' within the footway outside of 54 Castle Street, Hinckley, Leicestershire.

The LHA note application 25/00836/ADV at this location for advertisement consent. This will be responded to in separate observations.

The proposals are located within the footway at Castle Street, Hinckley. Castle Street is an adopted road subject to a 20mph speed limit, this section of Castle Street is designated as a pedestrian zone.

The LHA note the BT Hub Unit is proposed to be sited 1.59m from the edge of the carriageway and allows for 3.96m clearance to the shops fronts to the north, thus complying with standards set out in the Leicestershire Highway Design Guide (LHDG) (<https://www.leicestershirehighwaydesignguide.uk/>).

The LHA notes these proposals require the removal of the phone kiosk currently in situ to facilitate these proposals. The Applicant will need to ensure that the public highway is made good as part of any works undertaken within the public highway. The LHA are therefore satisfied that the proposals will not have a severe impact on the public highway contrary to Paragraph 116 of the National Planning Policy Framework (NPPF) 2024. As such the LHA would not seek to resist this application.

Informative

The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network

to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk.'

6.5. Town Centre Manager:

- No comments have been received.

7. Policy

7.1. Hinckley Town Centre Area Action Plan (HTCAAP)

- Policy 4: Britannia Centre/Castle Street Strategic Development Area

7.2. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.3. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Renewable Energy
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM16: Telecommunications
- Policy DM17: Highways and Transportation
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM23: High Quality Shop Fronts and Advertisements

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Planning (Listed Building and Conservation Areas) Act 1990
- Leicestershire Highway Design Guide (LHDG) (2024)
- Hinckley Town Centre Public Realm Strategy Masterplan (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area and upon affect heritage assets
- Impact upon neighbouring residential amenity
- Impact upon public safety
- Impact upon highway safety

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching

objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development. Policy DM1 of the Site Allocations and Development Management Policies (SADMP) also provides a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development.

- 8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and the Hinckley Town Centre Area Action Plan (HTCAAP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 The Core Strategy, the SADMP and the HTCAAP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 The site is situated within the settlement boundary of Hinckley and is identified as a sustainable location for development. Core Strategy policy 1 supports development within the Hinckley settlement boundary.
- 8.9 Paragraph 119 of the NPPF states that planning policies and decisions should support the expansion of electronic communication networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Paragraph 120 of the NPPF states that the number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for the future. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate. Paragraph 123 of the NPPF states that LPA's must determine applications on planning grounds only.
- 8.10 Policy DM2 of the SADMP states that the Borough Council is committed to reducing its environmental impact through carbon reduction measures and through the support of appropriately designed and sited renewable energy and low carbon developments. Planning applications for the development of renewable energy and low carbon development installations at the domestic, community and commercial scales will be supported where:

- a) All reasonable steps have been taken to avoid or mitigate any adverse impacts including, but not limited to, landscape, noise, visual and cumulative impacts; and plan, with specific regard to DM11 and DM12. scheme will also be assessed.
- b) The proposed development accords with other policies of this plan, with specific regard to DM11 and DM12.

The impact of ancillary structures included as part of the proposed scheme will also be assessed.

Community-led renewable energy schemes for low carbon developments which can demonstrate direct community benefit will be encouraged.

- 8.11 Policy DM16 of the SADMP states that the provision of essential infrastructure for telecommunications will be supported where it has been demonstrated that:

- a) There are no opportunities for sharing a site, mast or facility with existing telecommunications infrastructure already in the area; and
- b) They are appropriately situated in the least visually obtrusive location available and appropriately designed to take account of their surroundings; and explored; and radiation protection.
- c) Technologies to miniaturise and camouflage have been sufficiently
- d) The proposal is in conformity with the latest national guidelines on The operator will also be required to remove any telecommunications equipment when it is redundant.

- 8.12 Although the proposed BT Street Hub is situated within the defined primary shopping area of Hinckley Town Centre, Policy 22 of the SADMP and Policy 13 of the HTCAAP would not be applicable to the proposal as the policy looks at the uses of buildings within the town centre and the subsequent impact on the vitality and viability of the town centre which the proposal will not harm.

- 8.13 The submitted Planning Supporting Statement states that the Hubs are powered by 100% renewable carbon-free energy, whilst having Wi-Fi and 5G capabilities which there is a clear presumption in favour. Nonetheless, the Council do not consider that the chosen location is the least visually obtrusive available or that the Hub has been appropriately designed to take account of its surroundings, therefore the principle of the development is not considered to be acceptable. It has also not been generated that the Hubs would generate energy in addition to what is required to serve the Hub itself, in that sense the proposals would be energy neutral and would not generate additional renewable energy. Compliance with the other relevant policies will be assessed further in the following section.

Design and impact upon the character of the area and upon heritage assets

- 8.14 Paragraph 135 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of the area and are sympathetic to local character and history. Paragraph 139 of the NPPF states that development that is not well designed should be refused. Paragraph 135 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

- 8.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act places a

general duty in the exercise of planning functions stating that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.16 Section 16 of the National Planning Policy Framework (NPPF) (2024) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.17 Paragraph 210 of the NPPF is also relevant as it requires LPAs to take account of the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness. The appearance of the Market Place and its traditional characteristics are considered to enhance the quality of the Town Centre and this links to the economic vitality of the area. An attractive environment is likely to link to enjoyment of the area in that regard.
- 8.18 Policies DM11 and DM12 of SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced, and that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.19 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.20 Policy DM23 of the SADMP states that outdoor advertisements which require consent will be approved by the Borough Council where:
- They do not represent an over proliferation of unnecessary advertisements singularly or cumulatively; and
 - They have no adverse impact on amenity; and
 - They maintain or enhance the character of the conservation area.
- 8.21 The BT Street Hub is proposed to be sited on a block paved area within a pedestrian zone of Castle Street. The Hub would stand at nearly 3.00m in height, significantly larger to that of the existing phone kiosk and cash machine whilst also having a striking appearance by way of its stark, modern design. This would be further exacerbated by the two large display screens which would sit either side of the hub which as a result of their digital nature and illumination, would introduce a modern and visually intrusive addition to the street scene, especially so at night when, even if dimmed, the illumination would cast a multicoloured hue across the otherwise largely traditional street scene.
- 8.22 Whilst being located within the wider setting of the grade II listed buildings no.35-37 Castle Street, no.53-55 Castle Street and no.64 Castle Street, due to the siting of the Street Hub, its scale and intervening distance it is considered that the proposed Hub would result in no material impact upon the listed buildings themselves and would not affect or reduce the ability of the observer to appreciate the heritage significance of these heritage assets. Consequently, the proposal would preserve their significance.
- 8.23 Turning to the assessment of the proposal on the general character of the area and the Conservation Area, whilst the street scene is predominantly commercial, the

character of numerous surrounding buildings and majority of nearby street furniture is traditional in construction and design. Therefore, by virtue of its height, scale and appearance, when combined with its prominent siting perpendicular to the pedestrian flow the proposed Hub would result in an intrusive and incongruous feature. As such, the proposed Street Hub would cause harm to the character and appearance of the area.

- 8.24 Furthermore, even though the Hub would replace an existing phone kiosk and cash machine and as so would not contribute to the increase in street furniture in isolation, the scale of the Hub is larger than the existing phone kiosk and cash machine and visually more prominent. Furthermore, the application is accompanied by two further applications for Hubs in the Borough, which would be situated a minimum distance of 90.00m from each other which as a whole are considered to result in an over proliferation of this type of development within Hinckley Town Centre.
- 8.25 It is also important to note that there is information kiosks present to the junction of Castle Street and Church Walk and to the Crescent, which host a similar appearance to the proposed Hub, nevertheless the kiosks were not subject to consideration by the LPA and it is not clear if these are lawful.
- 8.26 The Hinckley Town Centre Public Realm Strategy Masterplan (2020) is also relevant and included a public realm audit which found that there is a wide and un-coordinated mix of street furniture including seating, litter bins, bollards, guardrails and utility cabinets. In many places provision of elements such as bollards and guardrails feel excessive and poorly located, conflicting with pedestrian desire lines and creating a sense of visual clutter. By virtue of the above the proposal does little to reduce this detrimental impact and the scale and nature of the proposal would add to this harm.
- 8.27 Given the harm to character and appearance of the area, it follows that the contribution the application site makes to the conservation area would be diminished as a result of the proposed Street Hub. In this case the diminishment would be to such an extent that harm to the significance of this heritage asset would occur, albeit the level of harm would less than substantial (in terms of the NPPF), and most likely towards the lower end of this spectrum of harm when considering the level of adverse impact upon the conservation area as a whole.
- 8.28 As the proposal would cause harm to the Hinckley Town Centre Conservation Area the harm caused must be carefully weighed against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP DPD and paragraphs 212, 213 and 215 of the National Planning Policy Framework.

Heritage Balance

- 8.29 Paragraph 212 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset
- 8.30 Paragraph 213 of the NPPF states that any harm to the significance of any designated heritage asset should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP DPD.
- 8.31 Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting

- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long term conservation

8.32 The proposal offers no heritage benefits.

8.33 Whilst there are some elements within the surrounding area, including buildings and structures that may not positively contribute to the historic environment, this does not justify the provision of additional harmful development. It is also considered that the appearance of the Street Hub is solely generic, being a standard design with no consideration given to the historic context and the character of the area within it is proposed to be sited, and no alternatives have been considered such as a bespoke design that could reduce or avoid adverse visual effects and ensure the hub sits comfortably within the public realm.

8.2 The BT Street Hub would have some notable public benefits, such as free WIFI and 4G and 5G capabilities. However, when considering the great weight to be attributed to the conservation of designated heritage assets the identified harm, far outweighs the associated public benefits.

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8.3 By virtue of the above, the proposal would be contrary to Policies DM10, DM11, DM12, DM16 and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the overarching principles of the NPPF.

Impact upon neighbouring residential amenity

8.4 Policy DM7 of the SADMP states that all reasonable steps should be taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare, light intrusion and noise intrusion.

8.5 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

8.6 Castle Street comprises a mixture of uses with commercial units being typical to the ground floor and office spaces or residential uses being typical to the first floor.

8.7 The submitted noise management plan states that the Street Hub has been designed to create a 'sound cloud' for the person making the call with noise levels sufficient to make calls with background noise for the surroundings. Whilst this generates a reasonable conversational volume in proximity to the Street Hub, it is intended to result in minimal to no noise being noticeable further away. The average volume settings are 65dB average at 3m distance from each Street Hub. Users may also choose to use headphones when making calls or using the tablet, which deactivates the speaker for the duration of their use.

8.8 The noise management plan further sets out the volume levels;

- During the hours of (07:00-21:00) the Street Hub will have controllable volume levels, with a default of 50% at the start of any user activity.
- During the hours of (21:00-07:00) the Street Hub will be governed to not be increased greater than 60%.
- 999 calls will have a default volume of 100% noise management plans, however, can be lowered if requested by the user.

8.9 Average background noise figures have been provided for conversational speech, average traffic on a street corner and heavy lorries at 6.00 metres. By virtue of the

above submitted supporting evidence, the noise generated from the Hub and its users.

8.10 The main anti-glare glass display screens both measure 0.95m in width and 1.67m in height (75-inch display) and have a maximum daytime brightness of 5000 cd/m² and dims to a maximum night-time brightness of 600cd/m².

8.11 HBBC Environmental Health (Pollution) have stated that the maximum daytime luminance values shall accord with those set out in table 10.5 of the Institution of Lighting Professionals – Professional Lighting Guide (PG 05/23) 'The Brightness of Illuminated Advertisements including Digital Displays' (2023) in cd/m².

Table 10.5 – Recommended maximum daytime permitted values of sign luminance.

Daylight ambient Illuminance (Eh) [lux]	Sign Luminance [cd/m ²]
Up to 3,500	≤ 400
3,501 to 8,500 (overcast day)	≤ 1,000
8,501 to 15,000 (bright day with cloud cover)	≤ 2,500
15,001 to 25,000 (bright sunny day)	≤ 3,500
25,001 to 42,000 (direct sunlight)	≤ 5,000
42,001 and above	> 5,000

8.12 Whilst the proposal accords with Table 10.5, HBBC Environmental Health (Pollution) further state that the maximum nighttime luminance values shall not exceed 300cd/m² which the proposal does, so in order to be considered acceptable from a pollution perspective this would need to be secured by condition, along with the below conditions stated within the submitted Planning Supporting Statement;

- The digital display screens shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- The minimum display for each piece of content on the digital display screens shall be 10 seconds.
- The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image in the event of a malfunction.

8.13 By virtue of the above, should the scheme comply with the other relevant policies subject to conditions the proposed BT Street Hub is unlikely to cause a detrimental impact on neighbouring occupiers over and above the existing noise generated in a busy town centre environment and would not result in the creation of an obtrusive level of light satisfying Policies DM7 and DM10 of the SADMP.

Impact upon public safety

8.14 Paragraph 96(b) of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community

cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas.

- 8.15 An Anti-Social Behaviour Management Plan has been submitted which details the automatic anti-call restriction technology, the reporting and monitoring of anti-social behaviour; measures such as; using the displays to include warnings and relevant information; preventing calls to types of phone numbers, such as mobile, landline or freephone blocking calls to specific numbers.
- 8.16 The application site is located within the town centre which is generally occupied with people using shops and services and is also lit by streetlights. Given this and the availability of personal mobile phones, the application could not be reasonably refused on public safety grounds. The anti-social behaviour management plan details potential measures which could restrict use if required and the area is overlooked and lit during the night.
- 8.17 There is existing street furniture present along Castle Street, with the proposed BT Street Hub to replace a dis-used telephone box, not contributing to the increase in street furniture for pedestrians to navigate.
- 8.18 By virtue of the above, it is therefore considered that the application is in accordance with Paragraph 96(b) of the NPPF.

Impact upon highway safety

- 8.19 Paragraph 115 (b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 8.20 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.21 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.22 The proposals are located within the footway at Castle Street, Hinckley, an adopted road subject to a 20mph speed limit and designated as a pedestrian zone. The Local Highways Authority have no objections to the proposal, however, asks that the applicant ensures that the public highway is made good as part of any works undertaken within the public highway.
- 8.23 By virtue of the above, the proposal will not have a severe impact on the public highway in compliance with Policy DM17 of the SADMP and Paragraph 115 of the NPPF.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

10. Conclusion

10.1. The development would not adversely affect neighbouring properties amenity; have a detrimental impact upon highway safety or operation; or affect public safety.

10.2. However, harm has been identified to the character of the area, the town centre and Hinckley Town Centre Conservation Area. The public benefits of the proposal have been taken into account and were not considered to outweigh the heritage harms. Overall, it is considered that the adverse harm of the development outweighs the benefits and therefore for the reason outlined below, the planning application is recommended for refusal.

11. Recommendation

11.1 **Refuse planning permission** subject to the reasons at the end of this report.

11.2 Reasons

1. The proposed BT Street Hub by virtue of its design, scale and siting within the town centre location is considered to result in significant visual harm upon the character and appearance of the townscape. Furthermore, the bulk and two large display screens would result in an unduly prominent and visually intrusive structure in the street scene and in culmination with other signage would result in the over proliferation of unnecessary advertisements. Whilst the BT Street Hub would have some public benefits, the proposal would lead to less than substantial harm to the Hinckley Town Centre Conservation Area such harm far outweighs the associated public benefits. The development is therefore considered to be contrary to Policies DM10, DM11, DM12, DM16 and DM23 of the SADMP, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 135, 212 and 215 of the National Planning Policy Framework (2024).