

<b>Application Reference Number:</b>	2025/0293		
<b>Application Type:</b>	Advertisement Consent.		
<b>Proposal Description:</b>	Installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display.		
<b>Location:</b>	Land outside 23 Queen Street, Barnsley, S70 1RJ.		
<b>Applicant:</b>	Mr Thomas Johnston (NWP Street Ltd).		
<b>Third-party representations:</b>	None.	<b>Parish:</b>	
		<b>Ward:</b>	Central.

**Summary:**

The applicant is seeking planning permission and advertisement consent for the installation of a new communications kiosk with an integrated defibrillator and advertising display.

The proposed kiosk would measure approximately 2.5 metres (H) x 1.1 metres (W) x 0.9 metres (D) and would be constructed of a steel frame with black powder coated steel cladding a steel and safety glass side panel and a LDC digital display panel recessed behind toughened laminated safety glass. The digital display panel would be internally illuminated with a proposed maximum illuminance level of 300cd/m<sup>2</sup>.

The proposed kiosk would comprise an integrated defibrillator, a telephony unit and equipment which would accept card payments with free calls to emergency numbers and designated charities, and a touchscreen unit which would display information, including wayfinding maps with relevant points of interest, emergency numbers and a user's guide for operating the unit.

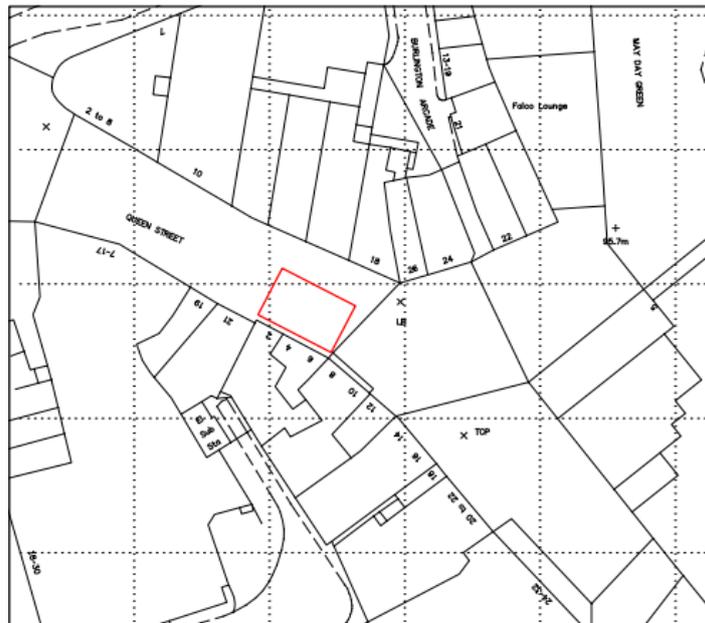
Advertisements are acceptable in principle if proposals would be appropriate in scale and respectful of local character and would demonstrate that it would not be likely to result, directly or indirectly, in an increase in light or other pollution which would otherwise unacceptably affect or cause nuisance to the natural and built environment or to people. New development must make a positive contribution to public spaces through its design, siting and use of materials.

It is considered that within the context of the character of the street scene and surrounding street furniture, the communications kiosk with integrated defibrillator and advertising display would appear bulky and overtly dominant. Elements of the design of the communications kiosk like its side panel and canopy would accentuate its depth and height, and the communications kiosk would be finished in black powder coated steel cladding which would appear brash against a backdrop of a lighter, warmer material palette. Additionally, the communications kiosk would be in proximity of existing kiosks and advertisement displays and is therefore considered to introduce unnecessary clutter to an otherwise open area of high-quality public realm. Consequently, the appearance, scale and siting of the proposed communications kiosk, and the cumulative impact of the proposal and existing similar development, is considered to adversely affect the character of the area and would not accord with the principles of the Public Spaces Strategy (2010) and would not comply with Local Plan Policies BTC3: Public Spaces and D1: High Quality Design and Placemaking or paragraph 141 of the NPPF.

**Recommendation: Refuse.**

## Site Description

This application relates to a section of pedestrianised street in Barnsley Town Centre at the south-east end of Queen Street. The immediate surrounding area is principally commercial characterised by illuminated and non-illuminated signage to shopfronts and a number of existing communications kiosks and advertisement displays within the locality, particularly at either end of Queen Street. The street is regularly used to host outdoor market stalls and is relatively open with limited street furniture.



## Planning History

There are several planning applications associated with the development site. However, the most recent and relevant application is:

2018/0279	Erection of permanent structures and associated public realm works.	Approved.
-----------	---	-----------

## Proposed Development

The applicant is seeking planning permission and advertisement consent for the installation of a new communications kiosk with an integrated defibrillator and advertising display.

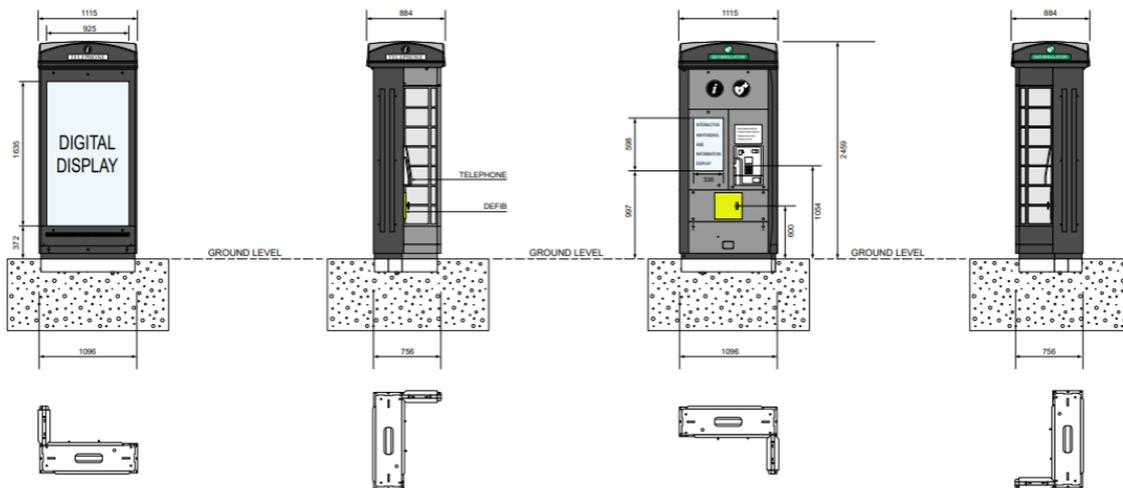
The proposed kiosk would measure approximately 2.5 metres (H) x 1.1 metres (W) x 0.9 metres (D) and would be constructed of a steel frame with black powder coated steel cladding a steel and safety glass side panel and a LDC digital display panel recessed behind toughened laminated safety glass.

The digital display panel would be internally illuminated with a proposed maximum illuminance level of 300cd/m<sup>2</sup>.

The proposed kiosk would comprise an integrated defibrillator, a telephony unit and equipment which would accept card payments with free calls to emergency numbers and designated charities, and a touchscreen unit which would display information, including wayfinding maps with relevant points of interest, emergency numbers and a user's guide for operating the unit.

This application should be read in conjunction with application 2025/0218 for planning permission.

NEW WORLD PAYPHONES



Product:

Proposed New Communications Kiosk

Title:

Elevations

Date:

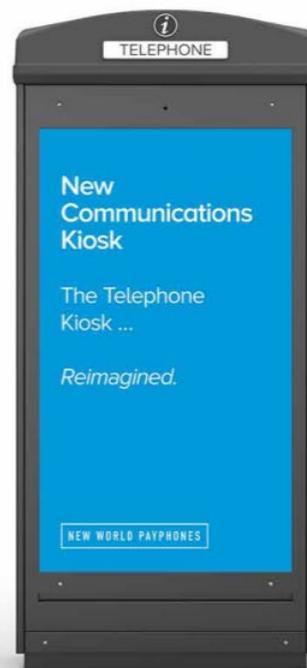
02/08/2024

Dwg. No.:

NWP-KIOSK/001

Scale: 1:50@A4

0m 1m 2m 3m 4m



## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy TC1: Town Centres.*
- *Policy BTC3: Public Spaces.*
- *Policy D1: High quality design and place making.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T4: New Development and Transport Safety.*

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 10: Supporting high quality communications.*
- *Section 12: Achieving well designed places.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

### Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *Advertisements (Adopted May 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

#### Other Material Considerations

- *Barnsley Town Centre Public Spaces Strategy (September 2010).*

#### **Consultations**

Whilst there is no statutory requirement for local planning authorities (LPA) to publicise applications for advertisement consent, an LPA should consider whether any application would affect the amenity of neighbours. Where it would affect them, it is good practice for the views of neighbours to be sought before determining an application. Both applications have been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. Additionally, a site notice was posted nearby, expiring 9<sup>th</sup> May 2025. No representations were received.

Urban Design Officer	<i>Objection.</i>
Conservation Officer	<i>No objections.</i>
Safer Communities	<i>Objection.</i>
Highways Development Control	<i>No objections subject to informative(s).</i>
Pollution Control	<i>No objections.</i>

#### **Planning Assessment**

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

#### Principle of Development

Paragraph 141 of the National Planning Policy Framework (NPPF) establishes 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.

Policy BTC3: Public Spaces, establishes that new development must make a positive contribution to public spaces through its design, siting and use of materials.

Advertisements are acceptable in principle if proposals would be appropriate in scale and respectful of local character and would demonstrate that it would not be likely to result, directly or indirectly, in

an increase in light or other pollution which would otherwise unacceptably affect or cause nuisance to the natural and built environment or to people.

### Impact on Visual Amenity

During the application process, the Council's Urban Design Officer objected to the proposal because the digital advertisement display (changing every 10 seconds) would be particularly visually intrusive in this pedestrianised part of the town centre as existing advertisement displays in the area are paper based and therefore, much less visually intrusive as they only change when physically replaced. The Officer also drew attention to the Barnsley Town Centre Public Spaces Strategy which aims to create calming, cohesive and clutter free spaces. Queen Street and the surrounding area has been recently refurbished with works to improve the public realm aligned with the principles of the strategy which includes a section dedicated to street furniture. It states that street furniture will be a key feature in Barnsley and will have a functional role and help to create a distinctive sense of place. A single style of furniture will unite the inner core and outer core areas creating a cohesive town centre. Within this style it may be appropriate to vary the quality of finish depending on location (ie stainless steel vs. powder coated).

Policy BTC3: Public Spaces, establishes that new development must make a positive contribution to public spaces through its design, siting and use of materials.

This application relates to a section of pedestrianised street in Barnsley Town Centre at the south-east end of Queen Street. The surrounding area is principally commercial characterised by various illuminated and non-illuminated signage to shopfronts. There are existing communications kiosks and advertisement displays within the locality, particularly at either end of Queen Street. Works have been recently undertaken to refurbish Queen Street and the surrounding area to provide high quality public realm, approved under application 2018/0279. As part of the refurbishment works new paving and new street furniture was installed. The pedestrianised street is now relatively open with minimal street furniture comprising lampposts and benches with a relatively slim profile and materiality that is intended to complement and lift the cool tones of surfacing materials. This work was undertaken in alignment with the principles of the Barnsley Town Centre Public Spaces Strategy (2010).

The proposed communications kiosk would be constructed of a steel frame with black powder coated steel cladding, a steel and safety glass side panel and a LDC digital display panel recessed behind toughened laminated safety glass. The proposed communications kiosk would also feature a curved canopy, which together with the glazed side panel, is stated as being designed with the intention to provide a degree of weather protection and shielding from traffic for people using the kiosk.

Within the context of the character of the street scene and surrounding street furniture, the proposed communications kiosk would appear bulky and overtly dominant. Elements of the design of the communications kiosk like its side panel and canopy would accentuate its depth and height. The communications kiosk would be finished in black powder coated steel cladding which would appear somewhat brash against a backdrop of a lighter, warmer material palette. The communications kiosk would be in proximity of existing kiosks and advertisement displays and is therefore considered to introduce unnecessary clutter to an otherwise open area of high-quality public realm.

Consequently, the appearance, scale and siting of the proposed communications kiosk, and the cumulative impact of the proposal and existing similar development, is considered to adversely affect the character of the area and would not accord with the principles of the Public Spaces Strategy (2010) or comply with Policy BTC3.

It is acknowledged that several benefits of the proposed development have been put forward by the applicant such as a defibrillator, improved wayfinding and access to telecommunications equipment amongst others. However, Barnsley Town Centre is well-served by several existing defibrillators, including one located within Barnsley Markets approximately 65 metres to the south-east, which is available 24/7 and evidenced online: <https://www.defibfinder.uk/>. It is also acknowledged that a

submitted Management Plan establishes that the proposed communications kiosk would receive bi-weekly inspections, cleaning and maintenance to ensure the kiosk remains in good working order, as a minimum. Whilst this is a welcome element of the proposed scheme, the anticipated public and other benefits of the proposal are attributed limited weight in this instance due to existing provisions within the locality and would not outweigh the anticipated harm regarding visual amenity should this development be allowed.

Considering the above, on balance, this is considered to weigh significantly against the proposal.

*The proposal is therefore considered to be contrary to paragraph 141 of the NPPF, Local Plan Policies BTC3: Public Spaces and D1: High Quality Design and Placemaking and the principles of the Barnsley Town Centre Public Spaces Strategy and is considered unacceptable regarding visual amenity.*

#### Impact on Residential Amenity, Health, Safety and Pollution Control

During the application process, Safer Communities objected to the proposal because of the potential for the proposed kiosk to become an attractive place for people to hide from view of town centre cctv cameras or out of public view when carrying out potentially criminal or anti-social activities. There is a concern that the kiosk could obstruct the view of and create blind spots in the cctv coverage and could hinder the producing of viable cctv images in the event of crime or disorder occurring. It was also raised that additional defibrillators are not needed within the town centre and there are concerns about the ongoing maintenance where they may not be maintained to the same standards as existing defibrillators.

Whilst these concerns are acknowledged, potential anti-social or criminal behaviour is not a material planning consideration. Nevertheless, the applicant has offered to work with the Council to address issues regarding cctv either through the re-positioning of the unit or the incorporation of cctv cameras as the submitted documents specified scope for this. Safer Communities were informed of this, and no further comments were received. Notwithstanding this, the communication kiosk is open on three sides with one glazed side panel and an overhead light incorporated into the canopy. In the absence of further comments from Safer Communities, the local planning authority has made a judgment call that the design of the communications kiosk has appropriately considered the potential of anti-social behaviour and would unlikely encourage or attract such behaviour, if allowed. The inclusion of cctv cameras has therefore not continued to be pursued in this instance.

The proposed communications equipment is intended to be vandal resistant to ensure the unit can last the excesses of the urban environment, including an armoured cord handset with internal steel lanyard and inductive coupling for users wearing hearing aids, and the telephone controls would be located at an accessible height for disabled users. The design of the kiosk is also intended to deter loitering and minimise anti-social behaviour.

The proposed communications kiosk would include an integrated defibrillator, which once installed, would be registered on the national defibrillator network, known as The Circuit, thereby ensuring its precise location is known to the ambulance services. As Barnsley Town Centre is serviced by several existing defibrillators, the proposal would provide a limited public benefit. The applicant has stated that the safety and operational uptime of the defibrillator is of utmost priority, and they will work with partners to ensure that operational best practice is followed as part of the deployment. The defibrillator would be registered with the local NHS service via The Circuit (British Heart Foundation public website also displaying defibrillator locations). The defibrillator would be inspected bi-weekly and the units self-test and diagnose faults for operatives to resolve. Checks will also be undertaken to ensure that the equipment is in situ, working and all pads/batteries etc are in good functional order/in date. Where it is required, consumables or the defibrillator itself will be replaced. Regular checks and maintenance of the defibrillator could be conditioned should the application be approved.

A submitted management plan states that the communications kiosk would not incorporate external speakers, and the handset would be the only means to communicate when making calls.

A submitted planning statement establishes that Radiofrequency electromagnetic fields (EMFs) are used to enable a number of modern devices, including mobile telecommunications infrastructure and phones, Wi-Fi, and Bluetooth. The requirements for the radio frequency public exposure guidelines are set out in the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and the EU Council recommendation of 12 July 1999 (Ref: 1999/519/EC). The proposed communications kiosk equipment and installation is designed to be in full compliance with the requirements on the limitation of exposure of the public to electromagnetic fields (0 Hz to 300 GHz) in all areas legitimately accessible to the public. The application is supported by a declaration of conformity.

The proposed communications kiosk would include an integrated LCD digital display panel, which would be internally illuminated with changeable static images and would adopt a relatively restrained maximum illuminance level. The maximum illuminance level could be conditioned.

There could be some potential disturbance and disruption because of construction works, and whilst any potential impact is anticipated to be temporary, should the application be approved, a condition could be used to control construction hours.

This application relates to a section of pedestrianised street in Barnsley Town Centre at the south-east end of Queen Street. The immediate surrounding area is principally commercial and therefore, the proposal would unlikely have a significant adverse impact on residential amenity.

Pollution Control were consulted, and no objections were received.

Considering the above, this is considered to weigh moderately in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity. Nevertheless, a scheme that is considered acceptable regarding residential amenity does not justify the approval of a scheme that is considered unacceptable regarding visual amenity.*

#### Impact on Highways

During the application process, Highways Development Control provided comments requesting that the proposed kiosk be set behind the line of bollards to ensure that the vehicle path remains free of obstruction. It was also suggested that input should be sought from local sight loss organizations to ensure the kiosk meets their specific needs.

The proposal was amended in line with comments from Highways Development Control, who were re-consulted, and raised no objections. The proposal is therefore not considered to be prejudicial to highway safety.

Considering the above, this is considered to weigh modestly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety. Nevertheless, a scheme that is considered acceptable regarding highway safety does not justify the approval of a scheme that is considered unacceptable regarding visual amenity.*

## Planning Balance and Conclusion

In accordance with the provisions of paragraph 11 of the NPPF (2024), the proposed development is considered in the context of the presumption in favour of sustainable development. The proposal is considered acceptable regarding residential amenity and highway safety, but within the context of the character of the street scene and surrounding street furniture, the communications kiosk would appear somewhat bulky and overtly dominant. Elements of the design of the communications kiosk like its side panel and canopy would accentuate its depth and height, and the communications kiosk would be finished in black powder coated steel cladding which would appear somewhat brash against a backdrop of a lighter, warmer material palette. Additionally, the communications kiosk would be in proximity of existing kiosks and advertisement displays and is therefore considered to introduce unnecessary clutter to an otherwise open area of high-quality public realm.

Consequently, the appearance, scale and siting of the proposed communications kiosk, and the cumulative impact of the proposal and existing similar development, is considered to adversely affect the character of the area and would not accord with the principles of the Public Spaces Strategy (2010) and would not comply with Local Plan Policies BTC3 and D1 or paragraph 141 of the NPPF, and therefore, for the reasons given above, and taking all other matters into consideration, planning permission and advertisement consent should be refused.

**RECOMMENDATION: Refuse.**

### **Justification**

#### **Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.**

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.