

<b>Application Reference Number:</b>	2025/0217		
<b>Application Type:</b>	Full.		
<b>Proposal Description:</b>	Installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display.		
<b>Location:</b>	Land outside 42-44 Shambles Street, Barnsley, S70 2SW.		
<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.

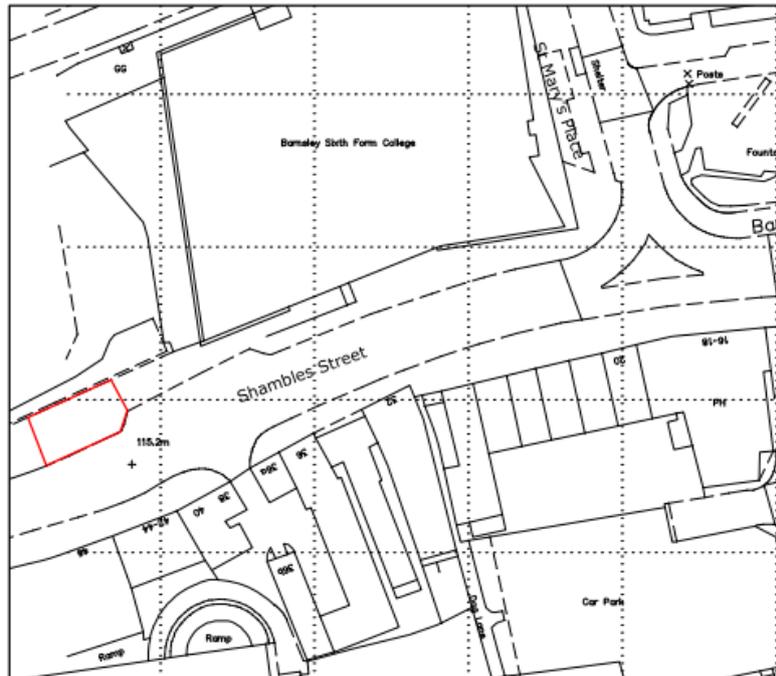
Advertisements are acceptable in principle if proposals would be appropriate in scale and respectful of local character and would demonstrate that it would not be likely to result, directly or indirectly, in an increase in light or other pollution which would otherwise unacceptably affect or cause nuisance 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.

The proposal would have no adverse impact on residential or visual amenity, highway safety or health and pollution control and is considered acceptable in policy terms. The proposal is therefore, considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation: **APPROVE subject to conditions.**

## Site Description

This application relates to an area of pavement located on the north side of Shambles Street fronting an area of greenspace between Barnsley Sixth Form College and John Riddeal House. Immediately to the east are parking bays. To the west is a pedestrianised crossing controlled by traffic lights. The south side of Shambles Street is characterised by varying commercial uses with non-illuminated and illuminated signage. To the south-west and fronting the Gym Group is a covered bus shelter with an integrated digital display panel. Other existing street furniture within the immediate locality comprises street lighting, signage posts, bollards and benches.



## Planning History

There is no relevant planning history associated with the development site.

## 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.

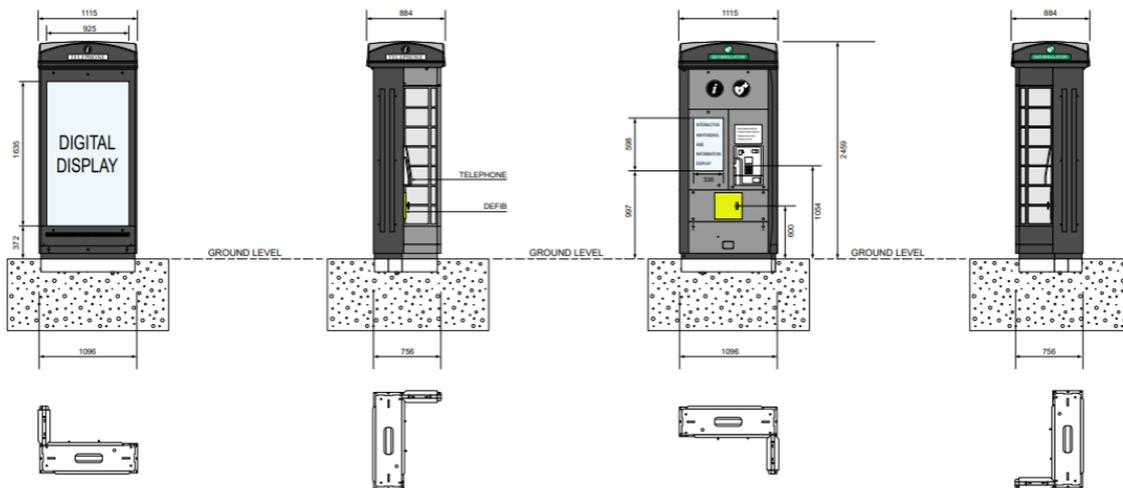
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The digital display panel would be internally illuminated with a proposed maximum illuminance level of 300cd/m<sup>2</sup>.

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 2025/0292 for advertisement consent.

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 BTC18: Westgate/ Churchfields.*
- *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. A site notice was placed nearby, expiring 9<sup>th</sup> May 2025, and a press notice was used, expiring 12<sup>th</sup> May 2025.

A 21-day re-consultation period was undertaken because of amended plans, expiring 18<sup>th</sup> July 2025. A new site notice was placed nearby, expiring 25<sup>th</sup> July 2025.

No representations were received.

Urban Design Officer	<i>Objection.</i>
Conservation Officer	<i>No objections.</i>
Safer Communities	<i>No objections.</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 of the impact on the setting of the Regent Street, Church Street and Market Hill Conservation Area and listed Town Hall, a nearby defibrillator and the impact on the recent refurbishment of the street.

During the application process, the proposed kiosk was re-orientated and re-located approximately 75 metres west along Shambles Street to avoid any potential harm to the setting of the conservation area and listed assets.

The Town Centre Public Spaces Strategy includes a section dedicated to street furniture that 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 (i.e. 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 an area of pavement located on the north side of Shambles Street fronting an area of greenspace between Barnsley Sixth Form College and John Riddeal House. Immediately to the east are parking bays. To the west is a pedestrianised crossing controlled by traffic lights. The south side of Shambles Street is characterised by varying commercial uses with non-illuminated and illuminated signage. To the south-west and fronting the Gym Group is a covered bus shelter with an integrated digital display panel. Other existing street furniture within the immediate locality comprises street lighting, signage posts, bollards and benches.

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.

Whilst existing street furniture is relatively slim profile and appears to have been kept to a minimum, the proposed communications kiosk would not appear out of character and would not contribute to an overly cluttered environment. Existing street furniture in the immediate locality is black and there is an existing bus stop with an integrated digital display panel approximately 60 metres to the south-west. This separation distance is considered sufficient to avoid any potential cumulative harm arising from digital display panels. The south side of Shambles Street and opposite the development site is also characterised by commercial uses with non-illuminated and illuminated signage on building frontages. Within this context, it is not considered that the proposed communications kiosk would appear misplaced or inappropriate for its setting. The kiosk would adopt a modest scale and design elements akin to a red telephone box and other similar kiosks but through a modernised sympathetic design and appearance that would not adversely affect the character of the surrounding area, street scene or an otherwise open area of high-quality public realm. The positioning of the proposed kiosk to the back edge of the footpath and the backdrop of trees and greenspace could also act to soften the development within the street scene and reduce its prominence. Additionally, the proposed kiosk

has been re-located to be approximately 95 metres from the western boundary of the Regent Street, Church Street and Market Hill conservation area and as such, there would be no impact on its setting or the setting of other nearby heritage assets; the Council's Conservation Officer was consulted, and no objections were received. Additionally, given the revised location of the kiosk, Local Plan policies HE1, HE3 and HE4 are not considered to be relevant in this instance. Furthermore, the secondary shopping frontage on the south side of Shambles Street would not be affected.

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. This could be conditioned should the application be approved.

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

*The proposal is therefore considered to comply with Local Plan Policies BTC3: Public Spaces, D1: High Quality Design and Placemaking and the principles of the Barnsley Town Centre Public Spaces Strategy and is considered acceptable 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 the proposed communications kiosk was re-located. As such, a re-consultation was undertaken, and no objections were received from Safer Communities. Notwithstanding this, the communication kiosk is open on three of its sides with one glazed side panel and an overhead light incorporated into the canopy. As such, it is considered that the design of the proposed kiosk has appropriately considered the potential of anti-social behaviour and would unlikely encourage, attract or create an environment for such behaviour, if allowed, and 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. However, the applicant has worked collaboratively with the LPA and agreed to provide adequate amendments. Moreover, 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. 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 an area of pavement located on the north side of Shambles Street fronting an area of greenspace between Barnsley Sixth Form College and John Riddeal House. Immediately to the east are parking bays. To the west is a pedestrianised crossing controlled by traffic lights. The south side of Shambles Street is characterised by varying commercial uses with non-illuminated and illuminated signage. To the south-west and fronting the Gym Group is a covered bus shelter with an integrated digital display panel. Other existing street furniture within the immediate locality comprises street lighting, signage posts, bollards and benches. There are limited residential uses in the locality and therefore, it is considered that the proposal would unlikely significantly detrimentally 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.*

#### Impact on Highways

During the application process, Highways Development Control provided comments requesting that the proposed communications kiosk be set to the back of the footway whilst maintaining the preferred minimum unobstructed width of the footway to ensure that good intervisibility is maintained between drivers and pedestrians. In addition, it was 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.*

### Other Matters

A submitted overview and specification establishes that as part of its environmental commitments, the Applicant is partnered with 'Trees for Cities', the Lambeth-based charitable organisation working to create greener cities nationally and internationally. As such, the proposal includes the planting of street trees in locations to be agreed with the Authority for each consented communications kiosk, to be delivered by condition or agreement under Section 278 of the Highways Act 1980. This could provide modest additional public benefit in addition to those anticipated from the installation of a new defibrillator.

### Planning Balance and Conclusion

In accordance with the provisions of paragraph 11 of the NPPF(2024), the proposal is considered in the context of the presumption in favour of sustainable development and therefore, for the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. As such, planning permission and advertisement consent should be granted subject to necessary conditions.

**RECOMMENDATION: Approve subject to conditions.**

### **Justification**

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

In considering both applications, the local planning authority (LPA) has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- The re-location of the proposed communications kiosk to the back edge of the footpath and away from the Regent Street, Church Street and Market Hill conservation area.

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.