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The Planning Inspectorate
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27 November 2024

LPA Reference: 242143
242144

Application Reference: CK0022

Town and Country Planning Act 1990

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

RE: Installation of a Communication Kiosk at land outside 42 Market Place,
Wokingham, RG40 1AT

Dear Sir/Madam,

Please find enclosed appeal statement for a Communication Kiosk installation at land outside 42 Market Place. The appeal has been submitted under the provisions of Section 78 of the Town and Country Planning Act 1990 and Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. The appeal relates to the refusal of a dual application for planning permission and advertisement consent by Wokingham Borough Council.

The functionality of public communications kiosks has evolved to include greater service flexibility, with the proposed new communications Kiosk featuring various public communications functions including advertising. Therefore, this appeal statement accompanies documents submitted for Planning Permission and Advertisement Consent at the application stage objected with achieving consent for a new communication Kiosk at land outside 42 Market Place. The right to install, operate and maintain communication apparatus is granted through section 106 of the Communication Act 2003, due to New World Payphones rights as a Code Systems Operator.

The complementary legislation notwithstanding, the proposal - the new communications Kiosk with public communications functions including advertising - comprises a single scheme. Absent any part thereof (the new communications Kiosk or advertising display) it cannot come forward. Accordingly, the proposal should be considered as a single scheme.

Introduction

1. The appeal letter provides an overview of the dual planning permission and advertisement consent applications for the installation of a Communication Kiosk at land outside 42 Market Place. Together with a copy of the Borough Council's decision notice, the documents contained for the site include a location plan and site plan specifying the position of the proposed kiosk, elevation drawings providing detailed measurements of the kiosk. A further supporting document detailing the kiosk specification and public benefit of the proposed installation is also included. The site has been considered due to the aims of providing a base level coverage of accessible communication facilities across towns and cities across the United Kingdom, balanced with planning merits and local policy. The planning permission relates to the structure of the kiosk while the advertisement consent relates to the display on the reverse of the kiosk.

Development Control Framework

2. Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with applications for planning permission, the authority shall have regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states the determination must be made in accordance with the plan unless material considerations indicate otherwise.
3. The display of advertisements is subject to a lighter touch consent process within the planning system, comprising the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Under the Regulations, a Local planning authority (LPA) shall exercise its powers in the interests of amenity and public safety, taking into account (1)(a) the provisions of the development plan, so far as they are material, and (1)(b) any other relevant factors. Without prejudice to the generality of paragraph (1)(b), (a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. Development plan policies are material insofar as they are relevant to the proposal but cannot by themselves be decisive in any determination.
4. Unlike the majority of advertisement proposals, the advertisement in this case is part of a free-standing communications Kiosk. Therefore, it involves various other relevant factors as provided for in the Regulations, and which the Regulations notes are without prejudice to the generality of, which an LPA shall take into account in exercising its powers.

Overview of NWP

Introduction & Benefits

5. New World Payphones Ltd (NWP) is modernising its telephone kiosk estate across the UK. The traditional kiosk is in need of updating to reflect the modern society that we live in. NWP recognise the existing kiosks have historic problems including lack of access for wheelchair users, problems with calling cards, and often attract the use of anti-social behaviour.
6. NWP have chosen a new modern design, reflecting the instantly recognisable telephone kiosk heritage, ensuring it provides open access for all. It is a robust construction made of stainless steel which will aid reduction of vandalism and assist with ease of maintenance. As a responsible telephone operator NWP will also operate a high standard of cleaning on the new estate.
7. The kiosks will now be a multi-communication hub for the future. Telephony is still a key provision; it is an important lifeline for many people even with the proliferation of mobile phone use. Our kiosks are regularly used to report emergencies and are used by the vulnerable: 999, 111, Childline, Samaritans and Shelter are all examples of where service provision remains vital, along with the normal use of the general public.
8. The kiosk will also offer the additional benefit of touchscreen information to assist users with wayfinding / mapping information. The telephone itself will allow for cash, debit & credit card and contactless payments. To provide additional connectivity, small cell access nodes will be available in kiosks where they are able to be housed. Other location-based information may be included including NFC and Bluetooth, with ability to modernise provisions with the most up to date generation technology as it progresses.

9. Traditionally vinyl advertising has adorned one side of the kiosk glazing. The new kiosk design will integrate a digital screen to the reverse of the structure, smartening its image. The overall area of the advertising is smaller than other advertising formats currently found on street furniture.
10. The Digital display is primarily for advertising purposes, however, has the provision to be open for Council communications (eg. Council public service alerts, local Elections, public health messaging) at no cost to the Council, and emergency incident messaging. The display would also be made available to local businesses/enterprises at a discounted rate, to contribute towards the vitality and viability of the local area. Via the advertising display, the communications Kiosk will contribute to Business Rates and thereby towards Local Authority services delivery.
11. As per established norms within the advertising sector, the display would portray static advertising images, changing every 10 seconds, with no fading or swiping in transition. The display features automated luminance control, which adapts the display luminance to ambient light levels, in line with the most recent Institute of Lighting Professionals Guidance. To ensure ongoing maintenance, the screen benefits from comprehensive remote diagnostics monitoring system (RDM) and secure remote Content Management System (CMS).
12. NWP have also partnered with Trees for Cities as part of our environmental commitment. When removing a kiosk, we will offer the opportunity to replace a location with a suitable tree or provide a tree for planting in different location in discussion with the authority.

Overview of NWP Kiosk

13. The proposed NWP kiosk is ergonomic, well-designed and strongly built with specially designed components and durable and easily cleaned surfaces. The kiosks are therefore long lasting and suitable for being situated within urban environments where these standards are usually higher due to increased usage and demand. To ensure the accessibility and presentation are maintained for the lifetime of the unit, every two weeks the kiosks are washed and maintained, at no cost to the council.

Need for Public Payphones

14. Public call boxes can provide a safety net for people without access to a landline or working mobile phone. Telephone kiosks continue to provide a necessary public service, as recognised by the regulator Ofcom; *"For those without access to a landline or working mobile, or in areas with poor mobile coverage, a public call box can be the only option for making calls to friends and family, helplines and, crucially, emergency services"* (Ofcom). Around 2.68 million people in the UK, and around 560,000 people in metropolitan London do not own a mobile phone. For people without a mobile, or for those in areas with poor mobile coverage, these can be a lifeline for making calls to friends and family, helpline services and accessing emergency services. Almost 150,000 calls were made to emergency services from phone boxes in the year to May 2020, while 25,000 calls were made to Childline and 20,000 to Samaritans. At the same time, the services people need from public call boxes are changing. NWP plans to reflect these changes, upgrading and adapting the communication kiosk to allow a base level coverage provision across urban areas fit for the 21st century.

Design – Heritage and Inclusive

15. Through a careful and thorough process, the communication kiosk has been designed to create an instantly recognisable yet modern structure to be installed within the streetscape. The style is instantly recognisable to its utility and a telephony kiosk, presenting an identifiable element of street furniture for locals and visitors alike across the United Kingdom. The kiosk has combined a traditional approach to the design, drawing from an appropriate influence from Britain's design heritage, coupled with a modern telephony provision to serve the public with a communication utility.



16. The communications Kiosk is purposefully 'open plan' to enable an inclusive and open access to all users, including those with mobility impairments. Further, the exposed nature of the proposed kiosk supports natural surveillance due to eradicating the enclosed space and removing the doors. Therefore, the kiosk inherently supports design out crime aims and the reduction in anti-social behaviour linked with these types of facilities. The

internal lighting provides the necessary illumination for the operation of the telephony unit and a well-lit, secure space for users. The overhead canopy roof and glazed side panel provide those operating the kiosk with shelter from the elements and shielding from road noise alongside. The communications Kiosk complies with the latest Inclusivity standards for public telephone kiosks, contained in British Standards BS8300-1:2018 and BS-2:2018.

Touchscreen

17. As a key element of the kiosk, an interactive touchscreen is included on the operational side of the unit. The interactive LCD screen will display useful information, including wayfinding maps with relevant points of interest, emergency numbers and a user's guide for operating the unit. This offering will not only enhance the benefits for locals and visitors, but also nearby businesses and facilities to direct pedestrians to their services. There is a further accessibility options whereby when switched on this moves the interactive buttons lower on the screen for easier access. This increases the tangible benefit the kiosk can provide to the community it serves.



18.Key Interactive options include -

Local Area Map with POIs

Basic map showing current location & 5, 10 and 15 min walk radius lines and Points of Interests. The Points of Interest are gathered from Google's API based on our pre-approved categories.

Points Of Interest (POI) (information card)

An information card shown when a POI is selected on the map or in the list. It presents more details on the POI, e.g. street address, opening hours, contact information and about text. It also has a QR-code that can be scanned by the user with their own mobile device to get turn-by-turn directions shown on their mobile device.

Emergency Numbers (button open separate page)

As well as the usual Police/Fire/Ambulance numbers for Samaritans, Rape Crisis Centre, Childline, International Embassy numbers etc. are also included.

How To Use The Phone (button open separate page)

Includes call costs, payment methods and current kiosk address.

Telephony

19.The integral element of the communication kiosk is the telephony unit. The public telephony equipment accepts cash and card payments and includes

free calls to emergency numbers and designated charities. The alphanumeric keypad is 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. The telephone controls are located at an accessible height for disabled users (max. height 1060mm), in accordance with British Standards BS8300-1:2018 and BS-2:2018. Throughout the lifetime of the equipment, there is the capability of running remote diagnostics and monitoring.

Trees for Cities

20. Every day an average of 58 street trees are being removed from streets across Britain. Around 150,000 street trees have disappeared from streets since 2010, despite the fact that people



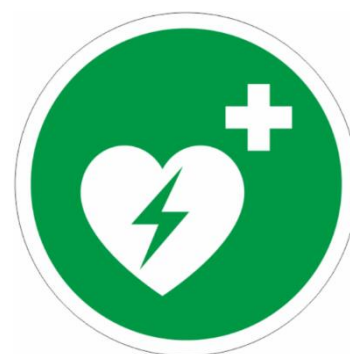
benefit from, and care about the trees in their communities, with campaigns and action groups rising up all over the country to call a halt. With 80% of the population living in towns or cities, many people now breathe dirty air, are at risk of flooding and are struggling with rising temperatures worsened by the urban heat island effect. Without urban trees, physical and mental health are all affected, and connection with nature becomes lost.

21.The applicant is working alongside Trees for Cities to plant new street trees across the UK. The most important part of planting a new tree is making sure it is looked after properly. Trees for Cities care for the new trees forever. In partnership, the applicant and Trees for Cities have been planting the new street trees since October 2016 and are already seeing the benefits that they are bringing to communities in need. For every phone kiosk we install, we plant a tree on an urban street.

22.To achieve this, the applicant works in partnership with Trees for Cities, a charity dedicated to creating greener cities. The charity's focus is on planting trees and greening community spaces, trees to help clean the air and turn bare urban streets into friendlier, more pleasant places to be.

Community Heartbeat Trust – Defibrillator

23.There are more than 30,000 out-of-hospital cardiac arrests in the UK each year and currently less than 1 in 10 survive. Without immediate intervention with a Defibrillator, most cardiac arrests are fatal. Every minute without CPR and a Defibrillator, reduces survival chances by up to 10%.



24.A Defibrillator is used to give an electric shock to restart a patient's heart when they are in cardiac arrest. Its purpose is to restart the heart pending the arrival of the emergency services. Therefore, in the event of someone having a cardiac arrest, the order of events is to:

- Call 999;
- Start chest compressions; and

- Locate a Defibrillator

25.NWP is partnered with the Community Heartbeat Trust (CHT), the charity working to support communities in the provision of Defibrillators. CHT were the originators of using telephone kiosks for defibrillator use.

26.Once installed, the Defibrillator would be registered on the national defibrillator network, known as The Circuit – the national defibrillator network, thereby ensuring its precise location is known to ambulance services.

Reason for Refusal

The proposal relates to the installation of a communication kiosk with integrated advertisement display, as detailed within the application documentation. The dual planning permission and advertisement consent applications were submitted to and determined by Wokingham Borough Council. On 16th October 2024, the applications for planning permission and advertisement consent were refused, as detailed on their respective decision notices. The reasons for refusal are extracted below:

Planning Permission – Reason for Refusal

1. Owing to its location, siting and scale, the proposed development would result in an incongruent, oppressive and visually imposing addition to street scene. It would also fail to conserve or enhance the Wokingham Town Centre Conservation Area and the setting of Wigmore Lodge and nos. 7, 9, 11-13, 12A-14 Broad Street which are all Grade II Listed Buildings. The proposed development would therefore be contrary to policy CP3 of the Core Strategy (2010), TB24 of the Managing Development Delivery Local Plan (2014) and the NPPF.

2. Owing to its proposed siting and scale, the proposed development would be located an insufficient distance from the carriageway and will unacceptably encroach the visibility splays of both road users and pedestrians contrary to policy CP6 of the Core Strategy (2010) and the NPPF.

Advertisement Consent – Reason for Refusal

1. The proposed digital advertising screen would introduce an advertisement that, due to its size, illumination and changing display, would be visually dominant and unduly prominent to the detriment of the streetscape and would fail to conserve

or enhance the character or appearance of the Wokingham Town Centre Conservation Area and the setting of Wigmore Lodge, as well as nos. 7, 9, 11-13, 12A-14 Broad Street which are all Grade II Listed Buildings. The proposal is therefore contrary to policies TB19 and TB24 of the MDD (2014).

Grounds of Appeal

After fully considering the reasons for refusal, the appellant considers there are reasonable grounds to appeal the decisions notices. As the dual applications were submitted concurrently, the appeal relates to the proposal as single scheme.

The planning permission application was refused due to the perceived effect on the character and appearance of the area, contrary to policies CP3 of the Core Strategy. Policy CP3 sets out the desire for planning permission to make a positive contribution to its locality through design. In particular part of the policy states *"Planning permission will be granted for proposals that*

a)Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;

b) Provide a functional, accessible, safe, secure and adaptable scheme" (Policy CP3).

The appeal site is located near Wokingham town centre, at the junction of Market Place and Rose Street beside the large, modern shopping development. The ground floor properties all have an active frontage with glass frontages and branding at pedestrian level. The pavement is able to accommodate a development of this size without being a significant detriment to pedestrian flow, keeping at least 2000mm of open space for pedestrian movement.

The local area has a commercial context, with continuous ground floor commercial frontages along the adjacent shopping centre. The style and finish are mixed, with a modern shopping centre and residential unit within the immediate context, and

a more historical character within the main Market Place centre and further along Rose Street.

Within both the planning permission and advertisement consent, Policy TB24 of the Managing Development Delivery Local Plan (2014). Policy TB24 relates specifically to Heritage assets within Wokingham. The policy states "*The Borough Council will conserve and seek the enhancement of designated heritage assets in the Borough and their settings by:*

a. Requiring works to or affecting heritage assets or their setting to demonstrate that the proposals would at least conserve and, where possible enhance the important character and special architectural or historic interest of the building, Conservation Area, monument or park and garden including its setting and views." (Policy TB24).

As detailed at the application stage within the supporting Heritage Statement, the proposed communication kiosk via the heritage design will at least conserve the surrounding area. Although heritage assets have been identified, within a conservation area and Listed Buildings at Wigmore Lodge and along Broad Street, the considerations of the local environment must include all factors, including the recent modern additions to buildings adjacent the appeal site. This is in line with Historic England guidance provided in GPA3 - The Setting of Heritage Assets. While nearby, the direct effect to the listed buildings would not be wholly detrimental. The positioning of the communication kiosk is adjacent a modern shopping outlet with a prominent glass frontage at ground floor and opposite a modern building with a neutral contribution towards the street scene. Further, the orientation of the kiosk will ensure the advertisement display is not within the curtilage of the listed building, especially those along Broad Street which is some distance away

and round the corner from the appeal site. The visibility of the listed buildings, while not enhanced, will at least be conserved and the appeal sites setting will be mainly contained under character of the shopping outlet of 42 Market Place.

Due to the positioning and orientation of the proposed communication kiosk, it is considered the effect of the proposal on the conservation area would be of a neutral effect. The proposed kiosk is away from the main core conservation area centre and the views within this protected area have been taken into account during the assessment, ensuring no more than less than substantial harm is identified. Given the public benefit of the payphone, touchscreen and accessible defibrillator and the high-quality build and recognisable design, the concerns raised can be balanced.

Further, Policy CP6 is noted within the decision notice. Policy CP6 relates to highway safety for developments. Specifically, the Policy states “*Planning permission will be granted for schemes that:*

f) Enhance road safety; and

g) Do not cause highway problems or lead to traffic related environmental problems” (Policy CP6).

The proposed communication kiosk is a short distance from a small pedestrian crossing. Due to the extended approach to the junction, a driver will be able to adjust their driving accordingly without causing a highway danger. The proposed kiosk is 450mm from the kerb edge, a minimum standard set out in the prominent Department for Transport, Inclusive Mobility guidance document 2021. Although not specific to the area, the location is also supported by the related TfL streetscape guidance, 2022. The pavement width is able to accommodate this addition without significantly affecting pedestrian flow or likely desire lines,

maintaining a minimum of 2000mm footpath width. If any concerns are raised from a road safety perspective, conditions can be included with the advertisement to ensure the method of illumination and degree of motion would not become a distraction.

Finally, within the advertisement consent, Policy TB19 is specific to outdoor advertising. Policy TB19 states *"The Council will only permit outdoor advertisements where they demonstrate:*

d) There is no adverse impact upon highway safety

e) There is no harmful impact on the amenity of the adjoining land uses

f) There is no harmful impact on the character or appearance of the area" (Policy TB19).

These considerations have been assessed throughout the statement. It is considered the proposed communication kiosk would be of neutral effect within the environment and ensure, due to the heritage design and accessible features, the kiosk can be successfully accommodated within the environment. Conditions, stated below, can be included to ensure the levels of illumination and motion are limited to reduce any perceived harm of the display.

Suggested Conditions

In order to ensure the ongoing compliance with the agreed operation and to alleviate any perceived visual amenity and public safety concerns of the advertisement display, the below conditions have been suggested to be included as part of the decision notice. These are in line with the six tests for conditions according to the NPPF. The standard conditions, as detailed in Schedule 2 of the Advertisement Regulations, 2007, are to be contained within any advertisement consent approval.

1 - That the display of the advertisement (s) shall be permitted for a period of five years from the date of this decision.

2 – The Standard Conditions (Schedule 2, Regulation 2(1))

2.1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

2.2. No advertisement shall be sited or displayed so as to—

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

2.3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

2.4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

2.5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: The conditions are imposed by virtue of the Regulation 2(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3 - There shall be no moving images, animation, video or full motion images displayed unless otherwise permitted by this consent.

Reason: In the interests of amenity and in order to retain effective planning control.

4 - In the hours of darkness, the advertisement display luminance shall be no greater than 300cd/m² in accordance with the recommended maximum night-time luminance value set out in Table 10.4 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².

Reason: In the interests of amenity, public safety and in order to retain effective planning control

5 - In daylight hours, the advertisement display luminance shall be controlled in order to reflect ambient light conditions (to ensure it is neither too bright or too dull), and shall at all times be no greater than the recommended maximum daytime luminance values set out in Table 10.5 within the Institution of Lighting Professionals - Professional Lighting Guide (PLG 05) 'Brightness of Illuminated Advertisements including Digital Displays' (or its equivalent in a replacement guide) in cd/m².

Reason: In the interests of amenity, public safety and in order to retain effective planning control.

6 - Unless otherwise permitted, the minimum display time for each advertisement shall be 10 seconds and the advertisement shall not include any features which would result in interactive messages / advertisements being displayed.

Reason: In the interests of amenity, public safety and in order to retain effective planning control.

7 - The interval between successive advertisements shall be no greater than 1 second and the complete display shall change without effect. The display to include a mechanism to default to a blank or black screen in the event of malfunction, or if the advertisement is not in use.

Reason: In the interests of amenity, public safety and in order to retain effective planning control

Conclusion

The joint appeal statement has been prepared against the refusal of applications for planning permission and advertisement consent by Wokingham Borough Council for the installation of a communication kiosk at land outside 42 Market Place. The kiosk will be constructed with durable materials while touching upon the design heritage of Britain to provide a useful and attractive element of street furniture and provide significant public benefit. The public benefit of providing telecommunication with a base level coverage enhances the streetscape and living and working environment. The provision of accessible telecommunications is incredibly important for all, but especially the most vulnerable, especially in urban areas where access to services can be limited.

Through the provision of the communication kiosk, in partnership with Trees for Cities, the proposal supports policies set out at National and Local level in creating a sustainable development, through economic, social, and environmental benefits, which will enhance the local area.

I trust the above appeal statement and enclosed documentation clearly illustrate the details of the proposal. I would therefore respectfully request the Inspector to uphold the appeal for the installation of a communication kiosk with integrated advertisement display and allow the appeals for planning permission and advertisement consent as applied for.