

PLANNING & DESIGN STATEMENT

Town and Country Planning Act 1990

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

London Borough of Hillingdon

November 2023

INTRODUCTION

1. This statement is submitted in support of a dual application, for both planning permission¹ and express advertising consent², by New World Payphones (“NWP”). Recent changes in legislation have made it necessary to submit applications in tandem³.
2. Located in front of the North Hyde Road shopping parade, the proposal is for the installation of a new black kiosk featuring an integral advertisement display. The new kiosk is intended to replace the kiosk since removed from outside 149 North Hyde Road⁴, to the west, the result of public realm improvement works, now complete.
3. NWP is an Electronic Communications Code Operator under the terms of the Telecommunications Act 1984 and has statutory powers enabling it to operate electronic communications apparatus within the highway for the purpose of its electronic communications network. As the second largest Operator in the UK, NWP operates an electronic communications network of circa 2000 telephone kiosks across the United Kingdom.
4. This application is part of a strategy to consolidate, rationalise and upgrade the estate across the United Kingdom by reducing the overall number of kiosks and installing new telecommunications infrastructure which better meets the needs of society. The aim of decluttering the street scene and removing outdated and redundant furniture is recognised as key to providing a more open and accessible public realm, as desired by the Council’s policy framework.
5. Accordingly, in addition to this Planning Statement, the submission comprises the following documents and drawings:
 - Application Form: Planning and Advertisement Consent
 - Site Location Plan
 - Site Plan
 - Proposed Kiosk Elevations
 - Proposed Kiosk (Photomontage) View
 - New World Payphones Kiosk Specifications Document

¹ Section 62 of the Town and Country Planning Act 1990

² Regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

³ The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

⁴ Shown here on Google Street View – May 2019 – link [here](#)

- Management Plan
 - Community Infrastructure Levy Form
6. The requisite fee of £696 will be submitted via the Planning Portal for the attention of the local planning authority. Notice will also be served on the relevant highway authority.

TELEPHONE KIOSKS IN HILLINGDON

7. NWP's electronic communications network in the London Borough consists of 19 kiosks. Records indicate 11 of these locations already feature the proposed new kiosk, the result of consents issued by the Council⁵ (and Inspectorate⁶) between 2016 and 2017.
8. However, four of these locations are scheduled for removal, and it is proposed to upgrade a further 4 locations - part of the final phase of consolidating and upgrading the estate. All other kiosks will be phased out, with the strategy therefore resulting in a fifth of the estate being removed.
9. The existing red and black kiosks, which date back to the 1990's, are tired-looking structures and outmoded in terms of their telephony equipment. This kiosk type has also experienced historic problems including anti-social behaviour and lack of access for people with mobility impairments. These factors notwithstanding, the kiosks are in use, with most calls made to mobile and 0800 numbers, including the emergency services.
10. The new kiosks will be of an improved design, securing a tangible benefit to the public realm, and will offer enhanced electronic communication services to the public. The upgrade and removal process will be part funded by revenues from advertising. Nevertheless, the apparatus will serve as a hub for future upgrades and enhancements of communication networks as technology and societal needs advance.

Tree Planting

11. In addition to kiosk removals, and as part of its environmental commitments, NWP has partnered with Trees for Cities, which is a global charitable organisation working to create greener cities internationally.

⁵ These include Hillingdon planning refs. 50241/ADV/2016/35, 48725/ADV/2016/36, and 48376/ADV/2016/37

⁶ See also appeal decisions APP/R5510/Z/16/3157043, APP/R5510/Z/16/3157047 and APP/R5510/Z/16/3157033 dated 1 November 2016

12. As part of this commitment, NWP offers to plant a tree in a location to be agreed with the Council for every kiosk proposed for upgrade. This could be secured by agreement under either Section 278 of the Highways Act 1980 or Section 106 of the Town and Country Planning Act 1990.

Council Communications

13. The advertisement display is intended not only for commercial use, but as a platform for a range of messages, to include information for local residents and visitors regarding local services, events and news.
14. Subject to agreement, therefore, the proposal includes an offer to the Council to make use of the advertisement display. One ten second slot in each hour, at no cost to the Council, can be made available.

THE PROPOSED KIOSK

15. The proposed replacement kiosks are for the purposes of NWP's electronic communications network. Each kiosk is manufactured from robust and high-quality materials, complete with the following multi-functional communication interface:
- A new telephone system with the ability to accept credit/debit card, contactless and/or cash payment;
 - A 24-inch LCD display providing an interactive wayfinding capability;
 - Equipment for the provision of Wi-Fi access points and/or equipment for the provision of public small-cell access nodes;
 - Location-based information (NFC, Bluetooth 4.0 LE); and
 - On the reverse side, a 1635mm (H) x 924mm (W) LCD display for advertising purposes, recessed behind toughened glass.
16. The intention was to create a distinctive and modern telephone kiosk which retained the design influence and heritage of traditional UK phone boxes. The new kiosk is purposefully open, allowing unfettered access for all users including the accessibility impaired whilst also helping to eradicate anti-social behaviour.
17. The existing NWP Telephone Kiosk is box-shaped and enclosed, with a footprint measuring 0.89 square metres (sqm). It is 2430mm high, 948mm wide and 948mm deep. In comparison, the proposed kiosk has a footprint measuring 0.83 sqm, is 2459mm high (a difference of just 29mm), is 1115mm wide (167mm wider

than the existing kiosk) and is 762mm deep (195mm less deep than the existing kiosk).

18. The reverse side of the kiosk would incorporate a 1635mm by 924mm integral digital display advertising panel. Phone kiosks have long been synonymous with advertising, used mainly to support the viability and maintenance of the network. Nevertheless, the advertising element is an integral part of the design and pivotal to the funding of the overall goal of rationalising the kiosk estate.
19. The advertisement display would present a range of static images on rotation, at a frequency of once every 10 seconds. Advertisement images would not contain any movement, animation, or flashing lights, with the interchange between each advertisement a gradual and smooth fade.
20. The display would be illuminated to levels recommended by the Institute of Lighting Professionals ('The Brightness of Illuminated Advertisements Including Digital Displays' PLG05, 2023) which states that advertisements with an area of up to 10 sqm should be illuminated to a level no greater than 600 candela per square metre (cd/sqm) at night and 5000 cd/sqm during the day. During periods of darkness, the display's illumination would be restricted to a maximum brightness of 280 cd/sqm; well within the limit prescribed by PLG05/23. During the day, when ambient light levels are significantly greater, the display will be regulated by sensors that monitor and adjust the luminance according to the prevailing conditions. The maximum brightness of the display is 2500 cd/sqm; again, this is well within the limit prescribed by PLG05/23.
21. NWP accept that planning conditions will be necessary to ensure the development operates appropriately. Hence, the following conditions are advanced for consideration by planning officers and consultees in their assessment:
 - a) The approved development shall operate in accordance with the approved documents and drawings (specified by the local planning authority).
 - b) Express advertising consent is granted for a period of 5 years in accordance with the Regulations.
 - c) During periods of darkness, the luminance level of the advertisement hereby approved shall not exceed 600 candela/sqm as advised by the Institute of Lighting Professionals' publication PLG05 (2023): "The Brightness of Illuminated Advertisements" or any successor publication.

- d) The advertisement panel should have a default mechanism to freeze an advertisement in the event of any malfunction.
- e) The advertisement panel shall display only static images, at a frequency of once every ten seconds.

Endorsement of Replacement Kiosks

22. The proposed kiosk represents an improvement on the existing kiosk, both visually and functionally. This has been referenced in several decisions across the UK which also considered the replacement of the older dated kiosks. In Hillingdon, one Inspector stated:

“the existing phone box, which would be replaced as part of the proposed advertisement, is a tired looking feature...the new kiosk would introduce a more appropriate, modern feature and in this respect, it would improve visual amenity”⁷.

23. Indeed, this is mirrored by a raft of similar decisions in the London Boroughs, where Inspectors have commented favourably on the design and integration of the kiosks with the street scene. In the Royal Borough of Kensington and Chelsea, where 19 new kiosks were permitted, one Inspector considered that the project:

“would not add to street clutter but rather would replace tired looking telephone kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”

24. Lastly, in Wakefield, the Council approved the rationalisation project in July 2019. In granting consent⁸, the local planning authority stated that

“[t]he proposed kiosks will replace... telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally, the two open sides would provide improved user safety and surveillance.”

⁷ Appeal Decision [Lead Case] Ref. APP/R5510/Z/16/3157043

⁸ Wakefield Planning Reference 19/01082

25. NWP has therefore had great success in renewing and upgrading its estate, to the benefit of the public and the built environment. The merits of both the kiosk's design and utility are widely recognised across the United Kingdom, operating in 49 local authorities.

NATIONAL AND LOCAL POLICY CONTEXT

National Planning Policy Framework

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

27. This is reiterated in the National Planning Policy Framework (the Framework)⁹, a material consideration in planning decisions in England, which states that the purpose of the planning system is to contribute to the achievement of sustainable development. More specific development-type guidance and advice (i.e. on advertisements and design) is set out in the accompanying Planning Practice Guidance (PPG); this is considered below.

28. Part 6 of the Framework emphasises the role of the planning system in encouraging businesses to invest, innovate and adapt to changing market conditions. Part 8 considers how to promote healthy and safe communities. Part 10 covers the essential role high quality communications infrastructure has on the delivery of sustained economic growth and how the planning system should act to support this type of development. Part 12 advises on how to achieve well-designed places.

29. Paragraph 81 (Section 6) of the Framework states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future”.

30. Paragraph 92 reminds us that “*planning policies and decisions should aim to achieve healthy, inclusive and safe places*” that “*are safe and accessible, so that*

⁹ National Planning Policy Framework, published September 2023

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion” (point b).

31. In creating and supporting high quality communications and systems, paragraph 114 of the Framework considers:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments”

32. In doing so, paragraph 115 states that the use *“of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged”*. Paragraph 116 expands on this, stating that local planning authorities *“should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development”*.

33. As paragraph 118 confirms, therefore, local planning authorities *“must determine applications on planning grounds only. They should not seek to prevent competition between different operators [or] question the need for an electronic communications system”*.

34. In terms of design, to include the presence of advertisements, paragraph 136 of the Framework states:

“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.”

35. Where conservation areas and listed buildings are concerned, paragraph 194 also reminds decision makers [and applicants] that in *“determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level*

of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance".

Advertisement Control

36. The display of advertisements is subject to a separate consent process within the planning system¹⁰. This is set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (hereafter known as the Regulations). Advertisements are controlled with reference to their effect on amenity and public safety only. Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the PPG¹¹.
37. The impact on visual amenity is assessed in light of the character of an area, which includes the nature and type of surrounding land uses and the existing built form within the particular locality where the proposed advertisement is to be displayed. It is the impact upon local character and any feature of interest that the proposed advertisement is appraised.
38. In terms of public safety, the principal consideration is whether the advertisement would prevent individuals passing the site from exercising the requisite care and attention for themselves and others. It is accepted that advertising is intended to be seen as it is a visible media, but it doesn't automatically follow that roadside advertisements are distracting. Advertising is often part of the fabric of city centres and busy routes where drivers and pedestrians have a high expectation of seeing commercial images and messaging.

The UK Digital Strategy

39. Published in March 2017, the Ministerial forward to the UK Digital Strategy states that the Government is committed to seeing the enormous potential of the digital sector, one of the UK's most important sectors, fulfilled and therefore the provision of a first-class digital infrastructure. The forward adds that this approach must go hand-in-hand with ensuring the benefits are felt across the economy, throughout society and in every corner of the country:

"Every individual and every business should have the skills and confidence to seize the opportunities of digital technology and have easy access to high-quality internet wherever they live, work, travel or learn."

¹⁰ Pursuant to Section 220 of the Town and Country Planning Act

¹¹ Planning Practice Guidance – Advertisements (updated July 2019)

“The Digital Strategy will deliver the first-class digital infrastructure and advanced skills base that businesses across the country need to be able to take advantage of digital tools. And it will close the digital divide - to ensure that everyone is able to access and use the digital services that could help them manage their lives, progress at work, improve their health and wellbeing, and connect to friends and family.”

London Plan

40. Policy 7.3 states that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Design should:

- encourage a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times;
- places, buildings and structures should incorporate appropriately designed security features; and,
- schemes should be designed to minimise on-going management and future maintenance costs of the particular safety and security measures proposed.

Local Planning Policy

41. The development plan for the Borough comprises the Hillingdon Local Plan: Part 1 - Strategic Policies (adopted November 2012) and the Hillingdon Local Plan: Part 2 Development Management Policies (adopted January 2020), the relevant policies of which are set out as follows:

Policy E5 – Town and Local Centres

42. The Council will improve town and neighbourhood centres across Hillingdon with a view to improving the services available to the populace. Local parades will be protected, enhanced and managed to ensure they meet the needs of the local community and enhance the quality of life for local residents, particularly those without access to a car.

Strategic Objective SO2

43. This policy sets out the basis for ensuring the creation of neighbourhoods which are of a high-quality sustainable design and serve the long term needs of all residents. It is linked to Policy DMHB 11.
44. It aims to create neighbourhoods that are of a high-quality sustainable design, that have regard for their historic context and use sustainability principles which are sensitive and responsive to the significance of the historic environment, are distinctive, safe, functional and accessible and which reinforce the identity and suburban qualities of the borough's streets and public places, introduce public art to celebrate civic pride and serve the long-term needs of all residents.

Strategic Objective SO4 – Safety and Inclusivity

45. New development should contribute to a reduction in crime and disorder, be resilient to terrorism, and deliver safe and secure buildings, spaces and inclusive communities.

Strategic Objective SO6 – Equality of Access

46. Proposed development must promote social inclusion through equality of opportunity and equality of access to social, educational, health, employment, recreational, green space and cultural facilities for all in the borough, particularly for residents living in areas of identified need.

Policy DMHB 11 – Design of New Development

47. All development, including extensions, alterations and new buildings will be required to be designed to the highest standards. It should harmonise with the local context, ensuring, amongst other things, that the scale and appearance of development is appropriate in its setting. It should also incorporate features ensuring that maximises its sustainability and adaptability for future innovations.

DMHB 13A – Advertisements and Shop Signage

48. In order to improve and maintain the quality of the public realm, advertisements, signs and hoardings will be required to demonstrate that they complement the scale, form, and overall visual amenity and character of the site and surrounding area. This should take into consideration any historic assets and their setting.

49. Advertisements should ensure they do not have an adverse impact on public or highway safety, lead to visual clutter, and should otherwise provide an appropriate type and level of illumination, suitable to the site and its surroundings.

Policy DMHB 15: Planning for Safer Places

50. Development will be required to comprise good design and create inclusive environments whilst improving safety and security by incorporating measures such as maximising natural surveillance and providing entrances in visible, safe and accessible locations.

Policy DMHB 21 – Telecommunications

51. Telecommunication development will only be permitted where:
- a. it is sited and designed to minimise their visual impact;
 - b. it does not have a detrimental effect on the visual amenity, character or appearance of the building or the local area;
 - c. it has been demonstrated that there is no possibility for use of alternative sites, mast sharing and the use of existing buildings; and
 - d. there is no adverse impact on areas of ecological interest, areas of landscape importance, archaeological sites, Conservation Areas or buildings of architectural or historic interest.

PLANNING ASSESSMENT

52. In assessing the application, the traditional planning considerations apply¹², as well as those set out in the Town and Country Planning (Control of Advertisements) (England) 2007. The latter reiterates that advertisements are to be controlled only with regard to their effect on amenity and public safety, and any other material considerations.
53. Taken as a whole, therefore, the main planning considerations are whether the proposed kiosk, by virtue of its design, siting and use, will preserve or enhance the character and setting of the wider street scene and safeguard pedestrian movement and safety.

¹² Section 38(6) of the Planning and Compulsory Purchase Act 2004

Application Site and Surroundings

54. The proposed site comprises an area of pavement on the southern side of North Hyde Road. The proposed kiosk is to be positioned within a secondary shopping area immediately in front of the commercial frontages.
55. A short distance from the Hayes centre (to the north) and the A312 interchange (to the east), it is a busy and active thoroughfare and advertisements are a feature of the locality, part of a range of commercial and retail premises. Both retailers or bus shelters feature internally illuminated facias or displays.
56. The site is not within a conservation area as defined by the local policy framework, nor are there any listed buildings in the vicinity which warrant special consideration. The site is not within an area designated as prone to flooding¹³.

Character and Appearance

57. The proposal would see the new kiosk sited as indicated in the enclosed Site Plan. The longer side, featuring the advertisement display, would be perpendicular to the road and face east.
58. Whilst the kiosk would have a marginally taller and wider appearance than the one since removed, it would be slimmer, occupying a smaller footprint and would remain in line with other existing street furniture, thus retaining the desired footway width available to pedestrians and streamlining the appearance of the street scene. The design of the roof and side panel, which would provide some shelter from the elements, would allow access for those with mobility impairment, and improve natural surveillance, as desired by the policy framework.
59. Visually, its simple modern appearance, which integrates the design lineage of traditional telephone boxes with a contemporary twist, ensures it is an appropriate and aesthetically pleasing addition to the street scene. Taken as a whole, therefore, the reduction in scale, improved design and siting ensure it would, as a minimum, preserve the character and appearance of the site and the immediate locality as desired by national and local policy.
60. The proposal would be visually read as part of a key commercial frontage. Hence, it would be in keeping with the street scape's character and profile, and as a direct

¹³ Flood Map for Planning Services

replacement for the one removed, it would not result in any greater sense of clutter and would comply with the directive seeking to utilise existing telecommunication sites, securing the future upgrade potential of the site and telecoms coverage in the Borough.

61. Thus, it would accord with policies in the development plan that seek to ensure telecommunication development is sited so that it does not adversely affect the character and appearance of the surrounding area and street scene.

The Advertisement

62. The advertisement would be integrated into the kiosk structure, on the reverse side of the communication hub. It would display static advertisement images sequentially, and on rotation. In terms of amenity, the PPG advocates siting advertisements in commercial and industrial areas where their appearance is generally commensurate to the function of said areas; this is the case here.
63. The display would be integrated into a well-designed contemporary and slimline structure and complement the retail offer of the wider area, which is confined to ground floor level. Moreover, sited below streetlamp level, there is unlikely to be an appreciable change in the amenity status of the locality due to the advertisement's illumination. It would comply with the necessary standards and conditions advanced (above) would ensure compliance. Hence, its effect on the wider locality would be appreciably limited.
64. Consequently, the proposed advertisement would not detract from the amenity, character, or appearance of an overtly commercial area.
65. In safety terms, it is unlikely that an advertisement would compromise the safety of any passers-by. The kiosk/advert structure would replace an existing structure in the footway in any case. Although it would show images on rotation, advertisements would contain no moving images, video or flashing images. Situated in a commercial area, therefore, it is unlikely that the proposal would result in any material distraction.
66. In these circumstances, the proposed advertisement would not constitute a potentially hazardous distraction to anyone exercising a reasonable standard of care for their own and others' safety.

SUMMARY AND CONCLUSION

67. Bearing the foregoing, it is considered that the proposal will bring about improvements in the public realm by removing tired and worn kiosks, and replacing them with modern communications systems, of a design and appearance which better reflects contemporary build and social standards.
68. This would accord with the general thrust of local policies, which aim to secure good design and benefits to the public realm. It would also accord with the Regulations' aim that the amenity and safety of those in the locality are safeguarded for the foreseeable future.
69. The application reflects the applicant's preferences. Should the Council wish to discuss any aspect of the scheme, New World Payphones would welcome the opportunity to address any concerns prior to determination.

NWP