



Appeal Decisions

Site visit made on 1 July 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2025

Appeal A Ref: APP/M0655/W/25/3364207

Land opposite 110a Winwick Street, Warrington WA2 7TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Thomas Johnston of NWP Street against the decision of Warrington Borough Council.
 - The application Ref is 2025/00051/FUL.
 - The development proposed is installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display.
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Appeal B Ref: APP/M0655/H/25/3364209

Land opposite 110a Winwick Street, Warrington WA2 7TU

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Thomas Johnston of NWP Street against the decision of Warrington Borough Council.
 - The application Ref is 2025/00021/ADV.
 - The advertisement proposed is installation of 1 no. new communications Kiosk with integrated defibrillator and advertising display.
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Decision

1. Appeal A is allowed and planning permission is granted for installation of 1 no. new communications kiosk with integrated defibrillator and advertising display at land opposite 110a Winwick Street, Warrington WA2 7TU in accordance with the terms of the application, Ref 2025/00051/FUL, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for display of 1 no. new communications Kiosk with integrated defibrillator and advertising display at land opposite 110a Winwick Street, Warrington WA2 7TU in accordance with the terms of the application, Ref 2025/00021/ADV. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the 2007 Regulations and the conditions in the attached schedule.

Preliminary Matters

3. The two appeals relate to the same proposal on the same site. Appeal A concerns the refusal of planning permission to erect a communications kiosk unit (the kiosk). Appeal B concerns the refusal of express consent for an advertisement panel on one side of the kiosk. I have considered each appeal on its individual merits, however, as they raise similar issues, I have combined both decisions into a single decision letter.

4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that decisions are made only in the interest of amenity and public safety. Therefore, whilst I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

Main Issues

5. The main issues in respect of Appeal A are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety, including the movement of pedestrians.
6. The main issues in respect of Appeal B are the effect of the proposed advertisement on visual amenity and public safety.

Reasons

Character, appearance and visual amenity

7. The appeal site relates to a wide section of pavement on the eastern side of Winwick Street in Warrington. The site is located within the Town Centre Boundary and the Primary Shopping Area, and is near to the northern boundary of the Winwick Street Conservation Area (the CA).
8. Given its location at the northern end of the town centre the appeal site's surroundings are largely commercial, consisting of a mixture of retail, office, industrial, car washes, food outlets, drinking establishments and other uses. The Halliwell Jones Stadium is also visible from the appeal site. I observed that the area of pavement to which the appeal relates was active, with people frequently passing by on foot.
9. Within the immediate vicinity are various items of existing street furniture, including a bin, bollards, benches, telecommunications cabinets, streetlamps, road signs, traffic lights and a cylindrical concrete structure which is positioned relatively centrally within this pavement. The presence of street furniture is therefore an established characteristic on this section of the pavement and within the wider area in general.
10. The proposed installation would be an upstanding rectangular structure located to the northwest of the existing cylindrical structure. The south-facing side would comprise primarily of the advertisement screen, while the north-facing side would house features including a payphone, defibrillator and a touchscreen display with an interactive wayfinder, sheltered by a projecting curved canopy.
11. Considering the commercial site context at the northern end of the town centre, as well as other existing items of street furniture on this section of the pavement, the siting and appearance of the proposed installation would be broadly in keeping with its surroundings. Its simple, modern design would be compatible with the nearby commercial uses, and I find that the proposal would not represent a stark, visually prominent or incongruous item, either on its own or in combination with other nearby street furniture. It would therefore not adversely affect its immediate surroundings.
12. In coming to this view I acknowledge that the kiosk would be taller than some of the existing items of street furniture on this section of the pavement. Nevertheless,

there are nearby items of street furniture that would be taller than the kiosk and thus I do not find its height would be dominant and out of keeping with its surroundings. In addition, I also observed a nearby large, freestanding totem sign for Pinner's Brow Retail Park which is prominently viewed from the appeal site. This nearby advertisement is significantly taller than the proposed kiosk.

13. I also acknowledge that the addition of the kiosk would result in a degree of clutter from street furniture, however not to an unacceptable degree. The pavement in this location is wide and an acceptable balance between the amount of street furniture and a clear and welcoming area of public realm would remain.
14. Additionally, this area is characterised by commercial properties which advertise themselves with signage on their buildings, and there are examples of existing free-standing adverts in the vicinity, including the large totem sign for the retail park. In this context, and subject to conditions to control the images displayed and illumination levels, I can see no harm to visual amenity arising from the size, position and method of illumination of the advertisement on the kiosk.
15. For the reasons given above, I conclude that the proposal would not harm the character, appearance and visual amenity of this commercial area. I therefore find no conflict with Policy DC6 of the Warrington Local Plan 2021/22-2038/39 (2023) (Local Plan) where it seeks to ensure that development proposals respect, sustain and make a positive contribution to local character and distinctiveness within the surrounding area, having regard to street layouts, scale, height and massing; and contribute positively to the public realm and avoid unnecessary street clutter. The proposal would also accord with the relevant provisions of the Framework, which have similar aims.

Highway and public safety

16. The proposed installation would be located on the pavement adjacent to a section of the highway situated between a roundabout and a four-way junction controlled by traffic lights, with some of the traffic lights having pedestrian signal crossings.
17. At the time of my site visit, a mid-morning on a weekday, vehicular traffic passing the site was frequent but not heavy. I appreciate my visit was a single snapshot in time and the Council's Transport Officer states that this area is subject to queueing traffic. I have not however been provided with any data in respect of traffic movements adjacent to the site.
18. The Council assert that the proposal could result in a distraction to drivers, however limited detailed analysis has been provided to explain the Council's concerns in this regard. I do note the Transport Officer states that the kiosk would be too close to the signal junction/pedestrian crossing to allow distracted drivers to stop in the distance between the advert and the crossing point.
19. However, I observed that the crossing points are located to the south of the proposed kiosk and advert. Given that the proposed advert would face south, it would not be visible to vehicles travelling from the north. It is therefore unclear how the advert or kiosk would cause a distraction to vehicles travelling from this direction and affect their ability to stop in the distance between the kiosk and the crossing(s) to the south.

20. I acknowledge that the advertisement would be visible to drivers travelling north along this highway. However, it would be situated a significant distance beyond the traffic lights where vehicles from this direction would need to stop. It would also be partially screened by road signs and would be situated on the opposite side of the highway. I do not therefore consider it would distract drivers from the south as they approach these traffic lights.
21. The advert would become more prominent to drivers from this direction once they pass through the traffic lights and approach the roundabout. However, I find there to be sufficient distance between the kiosk and this roundabout so as to ensure drivers are not distracted as they approach.
22. In terms of vehicles approaching the traffic light junction from eastern and western directions, given the orientation of the kiosk, facing south, I do not consider it would cause a distraction to drivers as they approach and navigate this junction.
23. A concern has also been raised in respect of the proposal adding to street clutter and therefore affecting pedestrian and cycle movements. In this regard my attention has been drawn to guidance within Manual for Streets (MfS) and the Inclusive Mobility document¹ (IM document).
24. I acknowledge that the MfS states that excessive street furniture should be avoided. However as detailed earlier I do not find the level of street furniture and clutter in this location to be excessive. Furthermore, the submitted site plan shows gaps would be provided between the kiosk and existing items of street furniture. The Council has not provided any detailed analysis to demonstrate that these gaps would be too narrow or how the installation of the kiosk would prevent the free movement of any users of this pavement, including those with a disability.
25. Moreover, I am not provided with detailed surveys by either party to show typical pedestrian movements in this area. However, during my site visit I observed a significant number of people using this section of the pavement. The vast majority of the people I observed walked and cycled on the eastern side of the existing cylindrical structure. There is no substantive evidence to suggest that what I saw was untypical highway operation at this time.
26. The proposed kiosk would be situated to the northwest of the cylindrical structure and therefore would not affect the movement of people that walk on the eastern side of this structure.
27. Additionally, even the small number of people I observed walking on the western side of the cylindrical structure walked close to it. The submitted plans show a gap would be provided between the kiosk and the cylindrical structure and as mentioned, no evidence has been presented to demonstrate that this gap would be too narrow to prevent the free movement of all users of the pavement.
28. I am also aware that the IM document supports the removal of clutter which may cause a hazard, and the Transport Officer is concerned that the installation could create a blind spot resulting in potential conflict between pedestrians and cyclists. Based on my above-mentioned observations as to where most users of this footway walked and cycled, as well as the width of this section of pavement; the

¹ Department for Transport, Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2021)

gaps between items of furniture; and the sight lines, I do not consider that the proposed installation would create an unacceptable risk to pedestrians and cyclists.

29. With regard to anti-social behaviour, I have been provided with no firm evidence that the kiosk would be vulnerable to vandalism or result in an increase in the risk of crime. Furthermore, being visible from a highway with street lighting in a commercial area, the kiosk and its users would benefit from natural surveillance from passers-by.
30. In view of all the above, from the evidence before me and based on my observations on site, I find that the proposed kiosk and advert would not cause a distraction and would not have an unacceptable impact upon the free movement of all users of the pavement. I therefore conclude that the proposal would not result in harm to highway and public safety and complies with Local Plan Policies DC6 and INF3 where they together seek to ensure, amongst other things, that development proposals do not result in unacceptable conditions for future users and do not unacceptably harm pedestrian movement or the satisfactory functioning of the highway.

Other Matters

31. The appeal site is not located within the CA, however as mentioned above the boundary of the CA is situated to the south. This nearby CA encompasses the buildings on the east side of Winwick Street, between Central Station and Haydock Street. I observed that the significance of the CA in part derives from the presence of the former Cheshire Lines warehouse and related railway developments which are located to the south of the appeal site.
32. The appeal site makes a very limited contribution to the significance of the CA. Nevertheless, the installation would be visible from views within and also views towards the CA from outside. However, given the above-mentioned site context and the busy nature of existing activities in this commercial area, I find the proposal would have a very limited affect upon the heritage asset as a whole and thus would not result in any harm to its significance.
33. The Council have questioned the necessity of the proposed installation and advertisement. At paragraph 123 the Framework states that local planning authorities should not question the need for an electronic communications system and the Planning Practice Guidance is clear that consent for adverts cannot be refused because the local planning authority considers the advertisement to be unnecessary.
34. Concerns have been raised in respect of the size of the site edged red and whether the highway is adopted. There is no specific requirement in respect of the size of the site edged red. Furthermore, no substantive evidence has been submitted in respect of the adoption status of the highway for me to conclude that the submitted information and details are incorrect. In any case, it will be for the appellant to ascertain whether they have a legal right to install the kiosk in this location should the appeal be allowed. There is also no evidence before me that the installation would prevent access to other services within the pavement.
35. It is also claimed that the submitted plans do not show the location of the proposed kiosk. However, I find that the submitted plans include satisfactory details in respect of the siting of the appeal proposal.

Conditions

36. The Council and the appellant have provided some suggested conditions for both appeals which I have considered against paragraph 57 of the Framework, and the advice contained in the Planning Practice Guidance. I have edited and merged some conditions to improve precision and enforceability where necessary.
37. In Appeal A, in addition to the statutory time condition (1), a condition listing the approved drawings (2) is needed to ensure clarity of what has been permitted.
38. In Appeal B, all advertisements granted express consent are subject to the five standard conditions set out in the Regulations. In addition to these, to prevent visual intrusion it is necessary to apply a condition (1) to control the illumination of the advertisements, so they do not stand out significantly from the background illumination in the street, particularly during darkness.
39. Conditions to ensure there are no moving images (2); and the minimum display time is 10 seconds with the interval between successive displays being instantaneous and that the display will freeze or switch off in the event of a malfunction (3) have been imposed. Whilst not suggested by either party I have also included a condition to ensure that no content on the display shall resemble a traffic sign (4). These conditions are all necessary to avoid the risk of distraction to passers-by.

Conclusion

40. For the reasons given above, and taking into account all matters raised, both Appeal A and Appeal B are allowed.

R Major

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/M0655/W/25/3364207

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - CK00087/01 – Location Plan
 - CK00087/02 – Site Plan
 - NWP-KIOSK/001 – Proposed New Communications Kiosk

Appeal B Ref: APP/M0655/H/25/3364209

In addition to the five standard conditions in the Regulations:

- 1) The intensity of the illumination of the digital display screen permitted by this consent shall be consistent with the guidance set out in the Institute of Lighting Professionals (ILP) publication: "The Brightness of Illuminated Advertisements including digital displays" (PLG05, 2023) (or its equivalent in a replacement Guide), and shall not exceed 300 cd/m² between dusk and dawn.
- 2) The digital display screen shall not display any moving, or apparently moving, images (including animation, flashing, scrolling three dimensional, intermittent or video elements).
- 3) The minimum display time for each piece of content on the digital display screen shall be 10 seconds. The interval between successive displays shall be instantaneous and the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays and the display will include a mechanism to freeze the image or switch off the screen in the event of a malfunction.
- 4) No content on the digital display screen shall resemble traffic signs, as defined in section 64 of the Road Traffic Regulation Act 1984.

End of Conditions