



Planning Services 231 George Street GLASGOW G1 1RX Tel: 0141 287 8555 Email: onlineplanning@glasgow.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100682078-007

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

☒ Applicant ☐ Agent

Applicant Details

Please enter Applicant details

Title:

Mr

You must enter a Building Name or Number, or both: *

Other Title:

Building Name:

First Name: *

Ben

Building Number:

33

Last Name: *

Porte

Address 1
(Street): *

Golden Square

Company/Organisation

New World Payphones

Address 2:

Soho

Telephone Number: *

Town/City: *

London

Extension Number:

Country: *

England

Mobile Number:

Postcode: *

W1F 9JT

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Glasgow City Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

New World Payphones Telephone Boxes O/S 40 Stockwell Street Glasgow G1 4RT

Northing

664904

Easting

259280

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *

(Max 500 characters)

Removal of telephone boxes and replacement with digital communications kiosk.

Type of Application

What type of application did you submit to the planning authority? *



Application for planning permission (including householder application but excluding application to work minerals).



Application for planning permission in principle.



Further application.



Application for approval of matters specified in conditions.

What does your review relate to? *

- ☒ Refusal Notice.
- ☐ Grant of permission with Conditions imposed.
- ☐ No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to the enclosed Appeal Statement in the Supporting Documents section.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

☐ Yes ☒ No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Appeal Statement Application Form Planning Design and Heritage Statement Site Location Plan Site Plan Site Plan (Revision A) Existing Elevations Proposed Elevations Proposed View Management Plan Correspondence with Case Officer Decision Notice Delegated Report

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

24/02149/FUL

What date was the application submitted to the planning authority? *

28/08/2024

What date was the decision issued by the planning authority? *

17/12/2024

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

☒ Yes ☐ No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

☒ Yes ☐ No

Is it possible for the site to be accessed safely and without barriers to entry? *

☒ Yes ☐ No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

☒ Yes ☐ No

Have you provided the date and reference number of the application which is the subject of this review? *

☒ Yes ☐ No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

☐ Yes ☐ No ☒ N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

☒ Yes ☐ No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

☒ Yes ☐ No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Ben Porte

Declaration Date: 23/01/2025

APPEAL STATEMENT

Town and Country Planning (Scotland)
Act 1997

Town and Country Planning (Control
of Advertisements) (Scotland)
Regulations 1984

Glasgow Planning Application Refs.
24/02148/FUL and 24/02149/ADV

January 2025

INTRODUCTION

1. This Notice of Review Appeal¹ is made by New World Payphones (“NWP”) against the decision of Glasgow City Council (“the Council”) to refuse planning permission at Stockwell Street in Glasgow city centre.
2. Application 24/02148/FUL, dated 28 August 2024, was refused by notice dated 17 December 2024.
3. The application proposed the removal of two existing telephone boxes and their replacement with a single digital communications kiosk with an integral digital display.
4. The proposal is part the appellant’s wider strategy to rationalise, upgrade and finalise its public communications network estate in the city centre², and was subject to discussions with local planning officers and their colleagues in Regeneration³. No in principle objections were raised to the proposals, which were crystallised in subsequent correspondence⁴.
5. Consent was granted previously for the replacement of the existing telephone boxes with a digital communications kiosk via consents issued by the Council in 2017, via applications 17/00014/DC and 17/02398/DC (respectively)⁵. In short, *the proposal has been granted once before*⁶, with the consents only lapsing because of delays during the Covid Pandemic.
6. In refusing planning permission, the Council gave the following reasons:
 - i. The proposal was not considered to be in accordance with the Development Plan and there were no material considerations which outweighed the proposal's variance with the Development Plan.

¹ Circular 5/2013 Schemes of Delegation and Local Reviews

² Refer to paragraphs 13 – 19 of the Planning, Design and Heritage Statement (enclosed)

³ Meeting 9th July 2024 with Ms Sarah Shaw and Mr Ciaran Buchanan

⁴ Letter to Glasgow City Council dated 14th August 2024

⁵ **Refer to Appendix 1 of the Planning, Design and Heritage Statement (enclosed)**

⁶ See also the Planning History section of the Council’s Delegated Report

- ii. The proposed development would have an adverse effect on public safety through increased driver and pedestrian distractions and would therefore be contrary to the adopted City Development Plan, specifically Policy CDP1: Placemaking.
7. A copy of the application made to the local planning authority is enclosed, as is the decision notice and delegated reports.
8. Where necessary, additional evidence in support of the appellant's case is enclosed in appendices to this statement. These are signposted by footnotes where necessary, including references to guidance, advice, and legislation.

ADDITIONAL / PROCEDURAL MATTERS

9. The digital communications kiosk's ancillary advertisement required a separate application for express advertising consent, the result of advertisements being subject to a separate consent process within the planning system⁷⁸.
10. Accordingly, a separate application for express advertising consent was submitted to, and refused by, the Council⁹. An appeal against a refusal for express consent has been duly made and notice served upon the Council. However, regulations require that the **appeal for the advertisement is submitted to the Scottish Ministers (the Division for Planning and Environmental Appeals)**. The reasons given in its notice for the refusal were as follows:
- i. That by way of its siting, design, and illumination, the advertisement has the potential to create additional distraction to both pedestrians and traffic at this location. As a result the advertisement would not be considered to be acceptable in terms of public safety and as such is not in accordance with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

⁷ Section 28 of the Town and Country Planning (Scotland) Act 1997

⁸ Part V of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984

⁹ Appendix 1: Decision Notice 24/02148/ADV

11. Hence, there are *two*, albeit separate, appeals relating to the site: one against a refusal of planning permission and the other against a refusal of advertisement express consent. They are intrinsically linked as one concerns the communications kiosk unit upon which, amongst other things, an advertisement would be displayed, and both raise similar issues. To avoid repetition, while considering each on its own merits, this statement considers both planning and advertisement matters in tandem.

MAIN ISSUE

12. In the determination of this appeal, 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) is engaged. It states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

13. In this case Council take no issue with the size, design, or appearance of the kiosk on the locality; nor should it, considering the commercial backdrop. As such, the appellant concurs that the kiosk (to include its advertisement) would have at worst, a neutral effect, on the heritage assets in the vicinity.

14. The main issue is whether the replacement kiosk, **specifically the siting of its advertisement**, would prejudice the ability of drivers and pedestrians to exercise reasonable care and attention in and around the appeal site as desired by Policy CDP1 (Placemaking) of the Local Plan.

THE PROPOSED COMMUNICATIONS KIOSK

15. Nearly identical to the one granted by the Council previously (*the only substantive difference being the defibrillator*), the new 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;
 - Interactive wayfinding and public information capability, via the portrait touchscreen display;
-

- Equipment for the provision of Wi-Fi access points and/or equipment for the provision of public small-cell access nodes;
- A defibrillator; and
- On reverse side, a 1635mm H x 925mm W digital display for advertising purposes, including Council public information, public health information, and emergency incident messaging.

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 reduce anti-social behaviour.

17. The existing NWP telephone box 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 0.98 sqm, is 2459mm high (a difference of just 29mm), is 1115mm wide (167mm wider than the existing kiosk) and is 884mm deep (64mm less deep than the existing kiosk).

18. The reverse side of the kiosk would incorporate a 1635mm by 925mm integral digital display advertising panel, recessed behind toughened glass. It 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.

19. 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.

20. 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. This is well within the limit prescribed by PLG05/23 to ensure it would not appear overly bright or obtrusive. Conditions were included to this effect in the original submission¹⁰.

GROUND'S OF APPEAL

The case for the Council – and NWP's response

21. Matters on which the Council and NWP broadly agree is that removal and replacement of red telephone boxes with a digital communications kiosk would not detract from the townscape and public realm, and thereby have a neutral effect on the setting of the Central Conservation Area¹¹.
22. The new kiosk, while slightly taller and wider, would be slimmer, occupy a smaller footprint, and have a modern, streamlined design with a neutral black colour, making it less bulky and conspicuous. Its design integrates traditional telephone box elements with contemporary features and provides shelter, accessibility for mobility-impaired users, and aligns with the Council's regeneration/highway's initiatives in the centre. *Such matters are not, therefore, in dispute.*
23. The appeal turns on the effect of the kiosk's advertisement, and specifically, comments made by the Highway Authority; these are set out in the Delegated Report.
24. They allege that the proposed kiosk, by virtue of its integral advertisement and its proximity to the junction, would distract pedestrians and drivers, and result in an increased likelihood of unacceptable danger to users of the highway. Nevertheless, NWP consider these concerns lack sufficient evidentiary basis and are inconsistent with the Council's previous approvals

¹⁰ Planning Design and Heritage Statement, paragraph 30

¹¹ As set out in paragraphs 60 – 83 of the Planning, Design and Heritage Statement (enclosed) and across the Council's Delegated Report

for identical schemes (both at the site and elsewhere). When challenged, the Council did not take the opportunity to substantiate its claims¹².

25. The assertion that the proposed digital kiosk's advert "*might distract drivers or pedestrians*" is speculative and unsupported by any tangible evidence. Indeed, in the preceding 5-year period, CrashMap data¹³ sets show there to be *no accidents at, or surrounding, the site whatsoever*. This affirms the appellant's view that without objective evidence demonstrating a direct correlation between digital kiosks and road safety hazards, the recommendation appears to be based on subjective concerns rather than factual data.

26. Nor is the Council's objection grounded in any site-specific circumstances or broad consideration of how traffic flows in the vicinity work. Traffic heading north on Stockwell Street, which would have the best view of the kiosk and its advertisement, is limited by traffic order to public transport vehicles and cyclists. The number of vehicles passing the site is therefore already limited, and the taxi rank referred to by the Council is beyond the location of the kiosk's advertisement. Furthermore, the assertion that pedestrians may be distracted is unconvincing given the existing number of advertisements in the locality.

27. Granted, advertisements are intended to attract attention by-design, but there are less likely to be road safety problems if the advertisement is on a site within a commercial or industrial locality. The lack of any incidents over the preceding 5-year period, particularly given the overt advertisement offering, makes the likelihood of an additional small digital image causing material harm extremely contrived, therefore.

28. Furthermore, the Council were clearly satisfied that there would be no conflict with the existing (or proposed) highway infrastructure, such as lights or signals, meaning that, overall, the potential for detracting from the ability of anyone to exercise a reasonable standard of care for themselves and others is extremely limited.

¹² Email exchanges between NWP and (planning officer) Cameron Wilson dated 29 November 2024

¹³ Appendix 2: CrashMap mapping data for Stockwell Street, Glasgow

29. Such a conclusion was reached in the 2017, when the Council approved an identical digital kiosk/advertisement scheme at the appeal site. The Council claim time has passed – and whilst that is true, there have been no substantive changes in the locality or legislation to warrant departing from decisions past. This was made clear in the original submission.
30. The approval(s) acknowledged that such installations could coexist with traffic and pedestrian movements without significant adverse effects. In the case of the kiosk, it was deemed that it would not “*pose a danger to traffic at the adjacent junction*”¹⁴. In the case for the advertisement, highways raised no objections, and the officer deemed the advertisement’s position to be suitable¹⁵. The current application mirrors the previously approved **design** and **placement/siting**, reinforcing that the proposal aligns with established standards and precedents set by the Council.
31. On the matter of the effect of **illumination**, it is notable that the Council raise no issue with its effect on amenity or the sequential nature of the display. Nor should it, given the approvals issued elsewhere in the city centre of identical proposals. It is hardly an alien concept, and if it is to have an acceptable impact in amenity terms, whereby it is not overly prominent or obtrusive, subject to the necessary controls, then it follows that sufficient mitigation can be put in place to ensure it is not a distraction.
32. The fact of the matter is that it would comply with the necessary standards (such as PLG05/23) and conditions, advanced by the appellant in the original submission, would ensure compliance. These include, amongst other things, systems to regulate the brightness of the display and switch it off in the early hours.
33. Subject to the conditions and limitations proposed, and sited below streetlamp level, therefore, the advertisement would unlikely add so significantly to the existing level of illumination within the area that it would be detrimental. Its city centre location means surrounding premises would also be illuminated in the evening. As such, effective mitigation measures

¹⁴ Delegated Report for application ref. 17/00014/DC

¹⁵ Delegated Report for application ref. 17/02398/DC

exist to manage the effect of a display and otherwise address the concerns of the Council.

34. In light of the above, NWP respectfully request that the Council reconsiders the recommendation and evaluates the application based on objective evidence and consistency with prior approvals. The appeal proposal has been designed to adhere to all relevant guidelines and safety considerations and aligns with broader City Centre objectives of modernizing public spaces, enhancing urban infrastructure, and providing functional digital services. Refusing the application on unsubstantiated grounds undermines progress toward these objectives.

SUMMARY

35. It is therefore considered that the appeal proposal would comply with City Development Plan. These seek, among other things, to ensure that development should be of a design and scale appropriate to its surroundings and advertisements should be operated in a way which is simple, efficient and effective in the interests of amenity and public safety

36. Bearing the foregoing, it is considered that the proposed kiosk, to include its ancillary advertisement, would not harm the character and appearance of the area or highway and pedestrian safety. As such, New World Payphones respectfully requests that the appeal(s) be allowed, and planning permission and express consent be granted as applied for.

37. Should the Council (in the case of its Notice for Review) or the Reporter (in the case of the advertisement appeal) be minded to grant/allow the digital communications kiosk, the appellant considers it necessary only to impose conditions setting out the statutory time limits for implementation, compliance with the approved plans (for the avoidance of doubt), the standard advertisement conditions set out in the Regulations, and the following:

- 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".

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

APPENDIX 1





**Neighbourhoods, Regeneration
and Sustainability**
Glasgow City Council
Exchange House
231 George Street
Glasgow, G1 1RX
www.glasgow.gov.uk

Executive Director
George Gillespie
BEng (Hons) CEng MICE

Our ref: DECISION
GCC Application Ref: **24/02148/ADV**

17 December 2024

New World Payphones
Per Ben Porte
33 Golden Square
Soho
W1F 9JT

Dear Sir/Madam

SITE: Site Outside 40 Stockwell Street Glasgow

PROPOSAL: Display of advertisement on digital communications kiosk.

I am obliged to inform you that Glasgow City Council has now taken a decision to refuse your application, **24/02148/ADV**.

A copy of the decision notice is attached with any appropriate notes which should be read together with the decision.

The decision notice is a legal document and should be retained for future reference.

Should you require any additional information regarding the decision, please contact the case officer **Cameron Wilson** on direct phone **07917 279489**, or email **cameron.wilson@glasgow.gov.uk**, who will be happy to help you.

Yours faithfully

Head of Planning

Encls.



PLANNING DECISION NOTICE

ADVERTISEMENT CONSENT REFUSAL

IN RESPECT OF APPLICATION **24/02148/ADV**

Display of advertisement on digital communications kiosk.

AS SHOWN ON THE PLAN(S) RELATIVE TO THE SAID APPLICATION AT

Site Outside 40 Stockwell Street Glasgow

This application is **refused** for the following **reason(s)**:

01. That by way of its siting, design, and illumination, the advertisement has the potential to create additional distraction to both pedestrians and traffic at this location. As a result the advertisement would not be considered to be acceptable in terms of public safety and as such is not in accordance with the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984.

Drawings

The development has been refused in relation to the following drawing(s)

1. A LOCATION PLAN Received 30 August 2024
2. SITE PLAN Received 26 November 2024
3. NWP-KIOSK/001 PROPOSED ELEVATIONS Received 30 August 2024
4. PY4056/003 EXISTING ELEVATIONS Received 30 August 2024

As qualified by the above reason(s), or as otherwise agreed in writing with the Planning Authority

Dated: 17th December 2024

Head of Planning

THIS DECISION NOTICE SHOULD BE READ WITH THE ATTACHED ADVICE NOTES

THIS IS AN IMPORTANT LEGAL DOCUMENT AND SHOULD BE KEPT SECURE FOR FUTURE REFERENCE

IMPORTANT NOTES ABOUT THIS REFUSAL OF ADVERTISEMENT CONSENT

**BY THIS NOTICE, GLASGOW CITY COUNCIL, AS PLANNING AUTHORITY,
HAS REFUSED THIS PROPOSAL.**

RIGHTS OF APPEAL

If you are not satisfied with the conditions which have been imposed you may appeal to the Scottish Ministers within **three months** of the date on this notice.

A notice of appeal must be lodged in writing on a form supplied by the Scottish Ministers and the grounds of appeal must be clearly stated. Any appeal to Scottish Ministers requires to be submitted online at <https://www.eplanning.scot/ePlanningClient/>

The appeal form should be accompanied by copies of this notice, the application forms, plans and any other documents submitted along with the application. **Copies of all these documents should, at the same time, be submitted to Glasgow City Council, Planning and Building Standards by email to OnlinePlanning@glasgow.gov.uk**

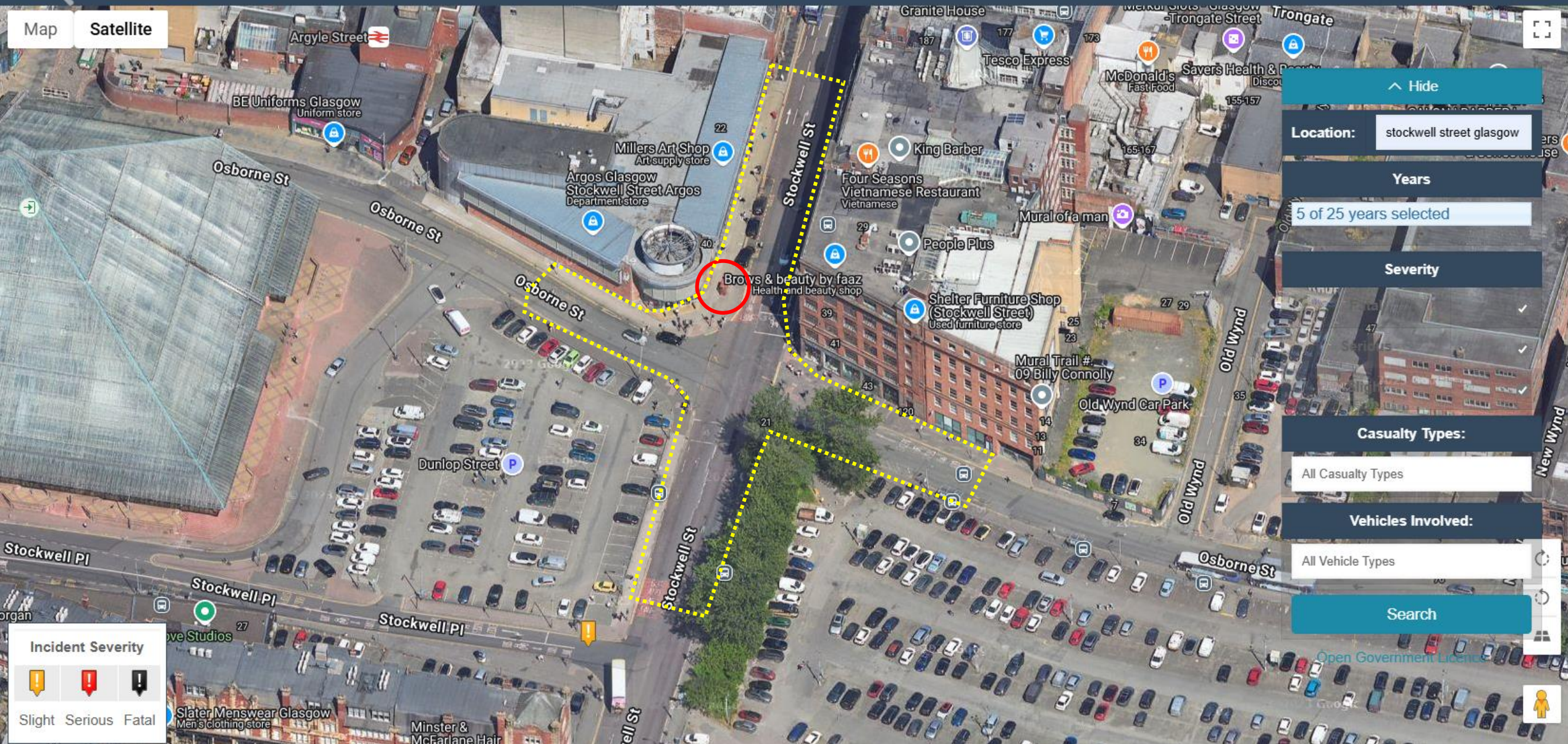
You are required to indicate whether you wish the appeal to be determined on the basis of written submissions or whether you wish a public local inquiry to be held. In most cases an appeal will be dealt with by a person appointed by the Scottish Ministers called a 'Reporter' and the decision which is reached will be final, subject to the right to apply to the Court of Session and petition for judicial review on legal grounds.

APPENDIX 2



Map

Satellite



Hide

Location: stockwell street glasgow

Years

5 of 25 years selected

Severity

Casualty Types:

All Casualty Types

Vehicles Involved:

All Vehicle Types

Search

Incident Severity



Slight Serious Fatal