MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	127650/FO/2020
Date registered valid:	3 August 2020
Proposal:	Installation of 1no. 2.63m high public payphone unit including interactive public information screen following the removal of multiple associated existing telephone kiosk units (associated advertisement consent application ref. 127651/AOH/2020).
Address:	Pavement Outside Bridgewater Hall, Lower Mosley Street, Manchester, M2 3WS
Ward(s):	Deansgate Ward
Applicant:	Mr Nathan Still JCDecaux UK Limited 991 Great West Road, Brentford, TW8 9DN
Agent (if any):	
Case officer:	Joe Hobbs Tel: 0161 600 8772 Email: joe.hobbs@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	3 November 2020

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 26 August 2020

Standard consultations:
Printed: 20 August 2020 Expired: 10 September 2020

Neighbour notifications
Printed: 20 August 2020 Expired: 10 September 2020

Site notice
Posted: 25 August 2020 Expired: 15 September 2020

Press advert
Published: 25 August 2020 Expired: 15 September 2020

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

The proposal site is located in Manchester City Centre and therefore the surrounding area has a wide variety of uses including, residential, offices, restaurants, cafes, bars, retail and commercial outlets in the immediate area with associated advertisements on their respective buildings. The public highway in this area includes a variety of street furniture, such as traffic signs, lampposts, litter bins.

The proposal is adjacent to a number of listed buildings however the proposal would not be read in the same context due to its distance from these designated heritage assets The proposal does not fall within a designated conservation area.

The proposal site specifically is located on a relatively wide are of pavement and would be situated to replace an existing telephone kiosk unit which is operated by the Applicant.

Background

JCDecaux (the 'Applicant') acquired the telecommunications company Infocus Payphones. The Applicant has aspirations to update the telephone kiosks design significantly and improve the services provided. The applicant originally applied in May 2019 for new 23 'smart' telephone kiosks locations in Manchester City Centre. Following ongoing discussions with Officers the Applicant proposed to rationalise both their existing telephone kiosk stock in Manchester as part of these new proposals. Through pre-application discussions the Applicant agreed to withdraw these 23 prior approval applications, and propose a total of 17 new 'smart' telephone kiosks

sites, while also seeking to remove 25 existing 'Infocus telephone kiosks' as part of the same proposals. Throughout the pre-application discussions Greater Manchester Police were included to provide their input and guidance on antisocial behaviour issues associated with telephone kiosks and their final siting.

Description of the proposal

The Applicant has applied for full planning permission for the siting of 1no. telephone kiosk unit. A separate advertisement consent application for this site has also been submitted for a 86" display screen to the rear of the unit. The Applicant has indicated that prior to this unit, and each unit proposed, being installed the identified existing 25 'infocus' telephone kiosks in the City Centre would be removed.

The unit would feature on one side an 86" screen and on the other a 32" touchscreen. The size of the screen is uniform and will be used for commercial and community/GMP messaging. When not in use the 32" screen will default to the City map to enable people to find their way around Manchester and shortcuts to the most often used apps and links to local services

The interactive screen which would offer touch services for localised services, events, news, transport and weather including social recommendations such as cultural, retailing and restaurants etc.

The Hub is intended as a free to use facility, however, on the advice of GMP some units will have a more restricted use policy in known problem areas, whereby free calls will be prohibition other than emergency help lines. By applying more stringent controls in problem areas it is anticipated that the potential for these units to be misused will be minimalized or eliminated entirely. Further management measures are also possible and are flexible enough to adapt to changing circumstances and on the advice of GMP and other local Agencies The Applciant is committed to proper management of the service the Hub units provide and will constantly review and adopt best practice to design out the potential and opportunity for crime. The display screen on the reverse of the Hub unit is intended to be a platform for a range of messages, not solely commercial advertising. All of the 17 screens will be available to GMP during the peak night time hours for public announcement, alerts, available helplines and provide a point where assistance is at hand.

The units would in some locations offer Defibrillators which would be managed and serviced by the Applicant in association with a Charity. The units would be accessible and easily acknowledged by blind and partially sighted pedestrians. USB and wireless charging would be possible from the units, but carefully controlled in order to avoid potential antisocial issues with misuse. The units would be capable of offering free calls, but this would be restricted and calls would be charged, at least initially, in order to avoid any potential misuse.

The units are mainly manufactured from sustainable and recycling materials and are controlled to minimise energy use as much as possible. The Applicant is committed to ensuring that the paving materials where units are located, and would be removed from, as remediated and maintained to a high standard using matching materials and maintaining design details were relevant.

Overall, the applicant has submitted a total of 17 proposal sites in and around Manchester City Centre, which include the removal of their existing 25 'Infocus telephone kiosks' which are historic kiosks.

Description of area

Description of development

Consultations & Notification Responses

Publicity - Notification letters were sent to adjoining properties. A local press advert and site notices were produced. No representations have been received as a result of this publicity.

Highway Services - No objection to the proposal.

Environmental Health - No objection to the proposal subject to controls on noise and illumination of the units, as set out by the Applicant.

Transport For Greater Manchester - No objection to the proposal.

Greater Manchester Ecology Unit - No representations received.

Corporate Property - No representations received.

Strategic Development Team - No representations received.

Ward Councillors - No representations received.

City Centre Regeneration - No representations received.

Greater Manchester Police (City Centre Neighbourhoods Team) - Made no objections and noted that the Applicant intends to work with GMP throughout implementation to minimise and manage any potential misuse or antisocial behaviour associated with the units.

Greater Manchester Police (Design for Security Unit) - Made comments regarding the careful consideration of making the units robust and resistant to vandalism. Asked for consideration on the placement of the units in general to consider pedestrian flows.

Counter Terrorism - No representations received.

Greater Manchester Pedestrians Society - No representations received.

North West Air Ambulance - No representations received.

North West Ambulance Service - No representations received.

Issues

Policy

Manchester Core Strategy

The Core Strategy Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on 11 July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan as the document that sets out the long term strategic planning policies for Manchester's future development. A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Core Strategy policy SP1 (Spatial Principles) stipulates that development in all parts of the City should:

Make a positive contribution to neighbourhoods of choice including:

- creating well designed places that enhance or create character.
- making a positive contribution to the health, safety and wellbeing of residents
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- protect and enhance the built and natural environment.

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Core Strategy policy EN3 (Heritage) advises that new developments must be designed so as to support the Council in preserving or, where possible, enhancing the historic environment.

Core Strategy policy CC9 (Design and Heritage) advises that development in Manchester should preserve or enhance the heritage assets affected.

Core Strategy policy DM1 (Development Management) states that all development should have regard to various issues, including:

- Appropriate siting, layout, scale, form, massing, materials and detail
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development.
- Development should have regard to the character of the surrounding area
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes
- Community safety and crime prevention
- Adequacy of internal accommodation and external amenity space
- Refuse storage and collection
- Vehicular access and car parking

Unitary Development Plan for the City of Manchester, 1995 (Saved Policies)

The below saved policy of the Unitary Development Plan is also considered relevant:

Saved policy DC17 states that the Council will normally approve applications for telecommunications development if the Council can be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive area. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities to be explored.

Saved UDP policy DC18 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved UDP policy DC19 (Listed Buildings) states that the Council will seek to preserve and enhance the setting of listed buildings by appropriate control of nearby development.

The revised National Planning Policy Framework (NPPF) (2019)

The central theme to the NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role

Section 10 refers to supporting high quality communications.

Paragraph 113 states that:

'Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications) equipment should be sympathetically designed and camouflaged where appropriate'.

Section 12 relates to achieving well-designed places.

Paragraph 127 refers to the need to ensure that policies and decisions should ensure that new developments add to the overall quality of the area, are visually attractive, are sympathetic to local character and history, establish a strong sense of place and optimise the potential of a site.

Paragraph 130 goes on to state that:

'Permission should be refused for development of poor design that fail to take the opportunities available for improving the character and quality of an area ant the way it functions'.

Visual amenity and heritage

Across Manchester City Centre there are currently 25 'infocus' telephone kiosks and more of these payphone kiosks are proposed to be removed than new 17 kiosks being installed.

The overall effect of the Applicants proposals in Manchester would be that the amount of street clutter would be reduced and visual amenity therefore improved.

Taking into account the design and siting of the proposals, any nearby designated heritage assets would not be considered to be affected adversely by the proposals.

On balance it is considered that the installation of a new 'smart' kiosk in lieu of the existing telephone kiosks would be acceptable as visual amenity within the area would not be significantly harmed by the proposals by virtue of their siting and design.

Noise and residential amenity

The proposed units would be controlled in terms of noise and illumination levels by appropriate conditions recommended within this report. It is therefore considered that the proposals would not harm the amenity of any nearby occupiers subject to appropriate controls. Environmental Health have made no objections to the proposals.

Disabled Access and Inclusion

As stated above, units have been designed to be accessible to all users and would be easily read within the street scene by blind and partially sighted pedestrians.

Climate Change

The units have been manufacturer mainly from recyclable and sustainable materials and would be controlled to minimise energy use through the use of energy efficient modern technology.

Security considerations

The units are designed to be extremely robust against vandalism. The Applicant has indicated a variety of controls which would be in place to ensure antisocial behaviour which may be associated with the units is minimised as far as possible. The Applicant has demonstrated through pre-application discussions and the commitments set out in the supporting documents a desire to continue in future to work with the City Council and GMP to monitor and adapt to any potential issues which arise once implemented. Conditions are recommended within this report to ensure this occurs.

Conclusion

For the above reasons, the proposal is considered to be acceptable and consistent with policies SP1, EN3, CC9 and DM1 of the Core Strategy and saved policies DC17, DC18, DC19 and DC26 of the Unitary Development Plan.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Approve

Article 35 Declaration

Officers have worked in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Appropriate conditions have been attached with the agreement of the Applicant.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Location Plan Bridgewater Hall Lower Mosley St, Manchester M2 3WS 1:200
Site Plan Bridgewater Hall Lower Mosley St, Manchester M2 3WS 1:1250
Proposed Site Location Photo - Bridgewater Hall Lower Mosley St, Manchester M2 3WS
Application Document Part 1 Proposal Background and City Maps
Application Document Part 2 Hub Detail - New Sites
Application Document Part 3 Sustainability Aims and Achievements
Application Document Part 4 Pavement Remediation
Cover Letter (30 July 2020)
Letter response to sound & light comments (dated 1 September 2020)
Appendix B Suggested Conditions and Reasons
Appendix C Noise Level Report - Aug 2020
Letter response to TfGM and GMP (DfS Team) (dated 16th September 2020)

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN3, CC9, SP1 and DM1 of the City of Manchester Core Strategy and saved City of Manchester Unitary Development Plan policies DC17, DC18, DC19 and DC26.

3) Prior to the installation of the telecommunications kiosk unit hereby approved, all existing telecommunication kiosk units as identified on Plan A (Existing INFOCUS Locations) within the submitted document; Application Document Part 1 Proposal Background and City Maps, shall be entirely removed and the land reinstated to its former condition using the same paving materials as surround the existing kiosk site (maintaining any detail or pavement flows) to a standard to accord with the guidance in Department of Transport Specification document for the Reinstatement of Openings in Highways (4th Edition Feb 2019).

Reason - To ensure the wider public benefits of the proposal are delivered in the interests of visual amenity, pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy.

4) Notwithstanding the approved plans and documents as specified in condition 2, the telecommunications kiosk unit hereby approved shall be installed to a standard to accord with the submitted document; Application Document Part 4 Pavement Remediation.

For the avoidance of doubt:
(i) the existing pavement materials at the proposal site shall be retained where possible and appropriate;

(ii) Should the existing pavement materials be damaged during installation of the telecommunications kiosk unit, said damaged paving materials shall be wholly replaced with the same materials in size, texture, colour, and detail including matching the pavement flow as relevant, within two calendar months of said damage occurring; and
(iii) No temporary pavement remediation such as temporary tarmac shall be permitted during installation, unless the existing pavement material is tarmac.

Reasons - To ensure a high quality development that does not harm visual amenity, pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy.

5) Notwithstanding the approved plans and documents as specified in condition 2 and condition 6, prior to the first operation of the telecommunications kiosk unit hereby approved a management plan shall be submitted to and approved in writing by the City Council as local planning authority, in consultation with Greater Manchester Police and other relevant parties, concerning the use and operation of the free to use service and public information display associated with the unit. The telecommunications kiosk unit shall be managed and operated in accordance with the approved management plan thereafter.

Reason - To ensure that the use of the associated communication apparatus is properly managed to prevent unlawful use, pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy.

6) Notwithstanding the approved plans and documents as specified in condition 2 or condition 5, the telecommunications kiosk unit hereby approved shall not use voice activated or handsfree technology unless and until a Noise Management Plan (NMP) detailing the volume and sound levels have been submitted to and approved in writing by the City Council as local planning authority. The development shall be operated in accordance with the approved NMP thereafter.

Reason - In the interests of residential amenity, pursuant to policy DM1 of the City of Manchester Core Strategy and saved Unitary Development Plan policy DC26.

7) The development hereby approved shall be entirely removed from the land on which it is situated as soon as it is no longer maintained in reasonable working order or operated as a telecommunications service, and the land shall be made good using materials to match the surrounding pavement materials in size, texture, colour, and detail including matching the pavement flow as relevant, within two calendar months of the unit ceasing function.

Reason - In order to safeguard the character and appearance of the local area, pursuant to the City of Manchester Core Strategy policies SP1 and DM1.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Strategic Development Team
City Centre Renegeration
Greater Manchester Police
United Utilities Water PLC
Transport For Greater Manchester
Counter Terrorism SA
GMP - Operational Policing (CC)
Greater Manchester Ecology Unit
Greater Manchester Pedestrians Society
North West Ambulance Service
GM Fire Rescue Service

Nightingale Hospital, Manchester Central Convention Complex, Windmill Street, Manchester, M2 3GX
Sub Basement And Basement And Ground Floor, 101 Barbirolli Square, Manchester, M2 3WS
Third Floor To Sixth Floor, 101 Barbirolli Square, Manchester, M2 3WS
Sub Basement, 101 Barbirolli Square, Manchester, M2 3WS
Manchester Central Convention Complex, Windmill Street, Manchester, M2 3GX
Bridgewater Hall, Lower Mosley Street, Manchester, M2 3WS
Ground Floor To Second Floor, 101 Barbirolli Square, Manchester, M2 3WS

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CITY1