The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2018

Appeal Ref: APP/B4215/W/17/3189560
Pavement opposite Etihad Stadium, Ashton New Road, Manchester M11 3FF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).
- The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of Manchester City Council.
- The application Ref 116355/TEL/2017, dated 22 March 2017, was refused by notice dated 6 July 2017.
- The development proposed is a call box.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) for a call box on the pavement opposite Etihad Stadium, Ashton New Road, Manchester M11 3FF in accordance with the terms of the application Ref 116355/TEL/2017, dated 22 March 2017, and the plans submitted with it.

Preliminary Matter

2. The proposal is for a call box that was refused prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (the GPDO). The principle of this type of development is already established by the Order and it is only the effects of siting and appearance which are to be considered in this appeal.

Main Issues

3. The main issues are the effect of the development on highway safety and the character and appearance of the area.

Reasons

Highway Safety

4. The appeal site forms part of a wide stretch of pavement on the opposite side of the road to the Etihad Stadium. The pavement at this point is approximately 5.5m wide.

5. The proposed call box would be sited approximately 0.6m from the kerb edge. The width of the call box would be approximately 1.32m, leaving approximately 3.58m of unobstructed pavement to the side of it. The appellant has referred

me to guidance contained within Inclusive Mobility (2005) and Manual for Streets (2007), both of which suggest a minimum unobstructed width of 2m. In addition, whilst I have not been presented with a copy of it, the appellant has provided an excerpt from the Council's Design for Access (2003) document, which states that there should be a minimum of 1.8m of footway clear from obstructions.

6. I accept that due to the site's proximity to the stadium, during events held there the pavement would be busy with visitors walking to and from the stadium. However, I am satisfied that the reduction in the unobstructed width of the pavement to 3.58m for a relatively small stretch of the pavement would not have any significantly harmful effect on the free flow of pedestrian traffic.

7. In addition, I have had regard to the proximity of the call box to the kerb and its effect on sight lines and the potential conflict between pedestrians and road users. The road has clear forward visibility and due to the transparent design of the call box, it would allow drivers and pedestrians to see through it. Moreover, the box would be 0.6m from the kerb and therefore adequate visibility sight lines would still be retained.

8. I therefore find that there would not be any significant harm to highway safety and as such it would comply with Policies SP1, EN1 and DM1 of the Manchester City Council Core Strategy Development Plan Document (the CS) 2012, which, amongst other things, seek to ensure that development makes a positive contribution to the safety of residents; provides good design; and, has regard to road safety. Furthermore, it would accord with the design objectives of the National Planning Policy Framework (the Framework).

Character and Appearance

9. This stretch of pavement has a variety of existing street furniture, including road signs, street lights and utility cabinets. However, these are well-spaced out and do not create a cluttered streetscene.

10. The proposed call box would have a footprint of approximately 1.1m x 1.3m and a height of approximately 2.45m. It would have a black steel frame and transparent side panels. One of the sides would be fully open and another more than half open to enable wheelchair access. As a result of its design, with its simple framing and clear glass panels, the call box would appear lightweight.

11. The area in the vicinity of the appeal site has an open character formed by the wide pavements on either side of the road, the wide road itself and the grassed area to the side of the site. The call box would be located to the east of two, two-storey detached commercial buildings.

12. This stretch of the pavement is relatively free from street furniture, with the exception of the street lights that are sited to the rear of the pavement. The call box would inevitably contribute to the existing items in the vicinity. However, the pedestrianised area is large and the existing items are well spaced out. The call box would be sufficient distance from other nearby furniture to ensure that it would not result in any significantly harmful visual clutter. I acknowledge the need to protect the visual amenity of the area. However, I do not consider that the proposed call box would materially detract from it or prejudice the regeneration of the area.

13. I have had regard to the Council's concern that the call box would encourage anti-social behaviour. However, the open design and visual permeability of the call box would allow natural surveillance of it. Whilst the Council indicate that there is empirical evidence that phone boxes can cause 'massive problems' within the city centre, no such evidence is before me, particularly with regard to call boxes of the design proposed and within the vicinity of the appeal site.

14. I find therefore that the proposal would not significantly harm the character or appearance of the area. As such, it would comply with Policies DM1, EN1 and SP1 of the CS, which, amongst other matters, seek to ensure that development should have regard to the character and appearance of the area and protects and enhances the built environment. It would also comply with saved Policies DC17.1 and E3.3 of the Unitary Development Plan for the City of Manchester (the UDP) 1995, which seek to ensure that development is of the highest quality and that applications for telecommunications development will normally be approved if the development has been sited to minimise its impact on residential amenity and in environmentally sensitive areas. I also find no conflict with the guidance set out in the Council's Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (SPD) 2007 or the design objectives of the Framework.

Conditions

15. The Council has suggested planning conditions to be imposed should approval be granted. However, the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. Consequently, I have not imposed the suggested conditions.

Conclusion

16. For the reasons given above, I find that the proposal is permitted development under Part 16 of the GPDO and as such, having considered all matters raised, the appeal is allowed and approval granted.

Alexander Walker

INSPECTOR