MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139738/AOH/2024
Date registered valid:	8 April 2024
Proposal:	Installation of a digital advertising display integrated within replacement digital communications kiosk.
Address:	Public Telephone Kiosk Outside 27 To 29 King Street West, Manchester,
Ward(s):	Deansgate Ward
Applicant:	Mr Ben Porte New World Payphones
Agent (if any):	
Case officer:	Jack Naven Tel: 0161 219 2095 Email: jack.naven@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	**28th May 2024**

Application Details

Type of application: Advertisement Hoardings Consent

Development type: Advertisements

Date of site visit: 17 April 2024

Standard consultations:
Printed: 17 April 2024 Expired: 9 May 2024

Neighbour notifications
Printed: 17 April 2024 Expired: 9 May 2024

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Parsonage Gardens Conservation Area

Tree Preservation Order: Not applicable

The site is located on the public footpath outside of 27 To 29 King Street West.

King Street West runs from Deansgate, one of the most prominent streets in the city centre, to St Mary's Parsonage.

The site is directly outside of a four-storey carriage workshop on Garden Lane, a 4-storey warehouse at 3 Smithy Lane and 31-33 King St West (Reedham House), all of which comprise a Grade II listed complex and 3-storey 27-29 King St West, which is not part of the listed complex but is connected to the listed buildings.

The site is situated within Parsonage Gardens Conservation Area.

Trinity Square is located directly across the road from the site.

The uses of buildings in the surrounding area are primarily commercial in nature, with offices, shops, bars, cafes, takeaways, and restaurants nearby.

Description of Development

The application seeks advertisement consent for the installation of a digital advertising display integrated within replacement digital communications kiosk.

Related Applications

The following applications were submitted alongside this application. These take place across seven sites in total across the City Centre.

139738/AOH/2024 - The application seeks advertisement consent for the installation of a digital advertising display integrated within replacement digital communications kiosk at Public Telephone Kiosk Outside 27 To 29 King Street West, Manchester.

139737/FO/2024 - Removal and replacement of existing red telephone box with single black digital communications kiosk at Public Telephone Kiosk Outside 27 To 29 King Street West, Manchester.

139728/AOH/2024 - Installation of digital advertising display integrated within replacement digital communications kiosk at Pavement Outside 121 Oxford Road, Manchester, M1 7DU.

139727/FO/2024 - Installation of single black digital communications kiosk at Pavement Outside 121 Oxford Road, Manchester, M1 7DU.

139712/AOH/2024 - Installation of digital advertising display integrated within replacement digital communications kiosk at Pavement Outside Carding Building, 42 Whitworth Street, Manchester, M1 3NR.

139711/FO/2024 - Installation of new digital communications kiosk outside the Carding Building on Whitworth Street and removal of existing telephone communications kiosk outside the Sackville Gardens on Whitworth Street at Pavement Outside Carding Building, 42 Whitworth Street, Manchester, M1 3NR.

139704/AOH/2024 - Installation of digital advertising display integrated within replacement digital communications kiosk at Pavement Outside 15 Whitworth Street West & Pavement Outside The Ritz Theatre, Manchester, M1 5WG.

139703/FO/2024- Installation of new digital communications kiosk outside 15 Whitworth Street West and removal of existing telephone communications kiosk outside the Ritz Theatre on Whitworth Street West at Pavement Outside 15 Whitworth Street West & Pavement Outside The Ritz Theatre, Manchester, M1 5WG.

139702/AOH/2024 - Installation of a digital advertising display integrated within replacement digital communications kiosk at Pavement Outside Peter House, 1 Oxford Street, Manchester, M1 5AN.

139701/FO/2024 - Removal and replacement of existing red telephone kiosk with single black digital communications kiosk at Pavement Outside Peter House, 1 Oxford Street, Manchester, M1 5AN.

139690/AOH/2024 - Installation of a digital advertising display integrated within replacement digital communications kiosk at Opposite Basement Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD.

139689/FO/2024 - Installation of new digital communications kiosk outside Lindencourt House and removal of existing telephone communications kiosk outside the Piccadilly Hotel on Portland Street at Opposite Basement Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD.

139688/AOH/2024 - Installation of a digital advertising display integrated within replacement digital communications kiosk at Pavement Outside 3-10, Piccadilly, Manchester, M1 3BN.

139687/FO/2024 - Removal and replacement of existing red double telephone kiosks with single black digital communications kiosk at Pavement Outside 3-10, Piccadilly, Manchester, M1 3BN.

Consultations & Notification Responses

Highway Services - Advised that they will not be able to support the proposals as the footways in the City Centre are becoming cluttered, there is a need to reduce level of street furniture to create a clear, safe, and unobstructed passage for all pedestrians, and there is currently a decluttering review ongoing.

Environmental Health - Recommended that conditions should be attached to control light from digital display screen, to assess and verify noise levels from the public pay phone, and a maintenance management plan.

Publicity - Neighbour notification letters were sent to surrounding properties. At the time of writing this report, no representations have been received because of this publicity.

Policy

Town and Country Planning (Control of Advertisements) Regulations 2007

The Local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—
(a)the provisions of the development plan, so far as they are material; and
(b)any other relevant factors.
(2) Without prejudice to the generality of paragraph (1)(b)—
(a)factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;
(b)factors relevant to public safety include—
(i)the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
(ii)whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
(iii)whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.
(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content, or design of what is to be displayed.

The Adopted Core Strategy for the City of Manchester

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety, and well-being of residents, consider the needs of all members of the community, and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy EN1 (Design Principles and Strategic Character Areas) advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

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

Paragraph 8.53 of the supporting text states that The City Centre has 14 Conservation Areas and numerous Listed Buildings. These are essential ingredients to the City's sense of place, providing aesthetic quality and strong references to the City's past, which will always be a central part of Manchester's character. Development which fails to respond to the opportunities that this context affords should not be supported.

The Unitary Development Plan for the City of Manchester

DC15.1 (Advertisements, Hoardings and Posters) states that the Advertisement Regulations require that applications for advertisements be considered only in the interests of amenity and public safety. In determining applications for free standing hoardings and wall mounted posters the Council will take account of the following matters in assessing these interests: a. the general location of the proposed development and the effect on visual amenity; b. the scope for posters and hoardings to make a positive contribution to the locality; c. the design of the structures, and the relationship with any premises on which they are located; d. the effect of the proposal on permanent redevelopment of the land; e. public safety resulting from the positioning of the design of the display; f. the ease with which the structure is capable of being satisfactorily maintained; g. the use of hoardings to screen vacant sites or buildings during development, or where development is known to be imminent; h. the use of hoardings as part of a scheme to prevent access by unauthorised users onto land pending development; i. the use of hoardings to disguise or improve the appearance of unsightly features, operations or activities; j. the number of advertisements in the locality and their cumulative effect on visual amenity.

DC15.1 (Advertisements, Hoardings and Posters) states that in assessing the interests of amenity and safety the Council will take account of the following criteria: a. developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use; b. they should be in scale with the locality and relate properly to the site on which they stand; c. they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value; d. a proposal which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.

DC18.1 (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.

DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:
- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

National Policy

Decisions should accord with the requirements of the **National Planning Policy Framework (2023)**. It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development".

Section 12 (Achieving Well Designed Places) advises that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 141 of section 12 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."

Section 16 (Conserving and Enhancing the Historic Environment) addresses how proposals that affect heritage assets should be considered.

Paragraph 200 advises that Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected. The level of detail should be sufficient to understand the potential impact of the proposal on their significance.

Paragraph 201 advises that Local Planning Authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 202 advises that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

Other Legislation

Sections 16, 66 and 74 of the **Listed Buildings and Conservation Areas Act 1990** requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

Issues

The main issues for consideration relate to the principle of the development, as well as the acceptability of the proposal in terms of its impact upon visual amenity and its impact upon public safety.

Visual Amenity

It is considered that the proposed digital kiosk, by virtue of its design and siting, would create an unsightly and obtrusive feature on the footway to the detriment of visual amenity.

By virtue of the design of the new kiosks, which incorporate illuminated, digital screens, and are wider that the traditional telecommunication booths that are being replaced, it is considered that the bulky design of proposed box would be of a greater negative visual impact on the street scene.

As noted in the Highways Services comments, the City Council is undertaking significant efforts to declutter footways and public realm in the City Centre.

It is considered that the proposed development would undermine these efforts by having a telecommunications kiosk in this location. The applicant makes reference to advice given to JC Decaux and Infocus regarding strategies for new advertisement billboards in the City Centre and their role in helping declutter City Centre public realm. These advertisements, including the one referenced nearby to the application site, are part of a carefully considered strategy of digital advertisement screens which have involved significant levels of engagement between the City Council and providers in order to ensure minimal clutter on City Centre streets. The proposed kiosk would undermine this strategy through the installation of additional, unconsidered clutter.

The public footpath where the kiosk is currently located, and where the replacement kiosk is to be located, is due to be entirely redeveloped to improve the public realm. This has been agreed as a part of application 135028/FO/2022 for the *Erection of 14 storey building and the refurbishment of the existing buildings at 3 Smithy Lane and Carriage Works on Garden Lane / St Mary's Parsonage with ground floor extension to form office accommodation (Class E) with front of house and commercial floorspace at ground floor (Class E) with associated landscaping and other works following demolition of existing buildings at 27-29 King Street West and 31-33 King Street West and link bridge from Carriage Works on Garden Lane / St Mary's Parsonage to 3 St Mary's Parsonage.*

As a part of these public realm improvement works, the existing kiosk in place would be removed, so the replacement of this existing kiosk with a new digital communications kiosk would be considered to undermine the public realm improvements in this location, which form a part of an already approved planning application.

The proposal would also be considered to not preserve and enhance the character of Parsonage Gardens Conservation Area, or the listed buildings nearby, such as Reedham House, that it must be considered within the setting of.

Public Safety

There are no public safety concerns with the digital advertising display. Although it would show images on rotation, advertisements would contain no moving images, video, or flashing images.

If the application were to be approved, the display would have to be controlled by a light sensor to adjust the screen brightness to reflect the ambient levels during the daytime and set to a maximum brightness of 600cdm2 during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).

Conclusion

The proposed digital advertising display integrated within replacement digital communications kiosk, by virtue of its width, siting, digital display, and illumination, will have a detrimental effect on visual amenity. The illuminance and digitisation would create a more visually prominent feature in the street scene than the kiosk currently in situ.

The proposal is therefore refused.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

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: Refuse

Reasons for recommendation to refuse

1) The proposed digital advertising display, by virtue of its siting, design, and appearance, would form an overly dominant and visually intrusive feature within the street scene. In addition,

the digital display would contribute towards advertisement clutter in a prominent location in the city centre. The proposal would have a negative effect upon current efforts to de-clutter, regenerate, and improve adopted highway within the City Centre environment in the interest of optimising the pedestrian environment and public realm, and would be considered to undermine the planned improvements to the public realm outside Reedham House. The proposal would therefore result in an unduly harmful impact on the visual amenity and character of the street scene and the setting of the conservation area and nearby listed buildings. The advertisement is therefore contrary to the provisions of policies EN1, EN3, SP1, CC9, and DM1 of the Manchester Core Strategy (2012), saved policies DC15.1, DC15.2, DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995), Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services

34 Bridge Street, Manchester, M3 3BZ

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4