

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139711/FO/2024

Date registered valid: 4 April 2024

Proposal: 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.

Address: Pavement Outside Carding Building, Whitworth Street, Manchester, M1 3NR

Ward(s): Piccadilly Ward

Applicant: Mr Ben Porte New World Payphones

Agent (if any):

Case officer: Max Gibson
Tel: 0161 219 6359
Email: maximillian.gibson@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 24/05/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17 April 2024

Standard consultations:

Printed: 17 April 2024 Expired: 9 May 2024

Neighbour notifications

No neighbour notifications have been printed and sent.

Site notice

Posted: 17 April 2024 Expired: 9 May 2024

Press advert

Published: 23 April 2024 Expired: 7 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The site relates to two area of footway on Whitworth Street. The first lies at the bottom of Sackville Gardens park, where there is a BT telephone box in situ. The second lies outside the Manchester New Square development Carding Building. The Grade II listed Sackville Street Building, Manchester College and Regency Building are all in the immediate vicinity of both sites.

Listed building: Not applicable

Conservation area: Whitworth Street Conservation Area 1985

Tree Preservation Order: n/a

Description of area

The area relates to the environs of the Sackville Building, a major city centre landmark, just south of Canal Street and the Gay Village and to the North of the former UMIST campus, a rare grouping of modernist buildings on the Fringe of the City Centre. The two sites considered lie on stretch of Whitworth Street, that runs between the junctions with Aytoun Street and Princess Street. The character of the area comprises many different uses including residential, dining, drinking, retail, gym and public green space. The area is covered by the Whitworth Street conservation area.

Description of development

The development relates to the removal of the redundant BT phone box by Sackville Gardens and the installation of a new digital communications kiosk with digital advertisement screen outside the Carding Building.

Consultations & Notification Responses

Publicity - a site notice was posted nearby to the application site, informing passers-by of the development. A notice was displayed in the local press advertising the works as those affecting the setting of a listed building and a public right of way. Letters were sent to surrounding occupiers notifying them of the development. No representations have been received as a result of this publicity.

MCC Highways Services - 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.

Environmental Health - no objections, conditions requested to control content and illuminance, agreement of a noise management plan and a agreement of a maintenance plan.

Design for Security at Greater Manchester Police - no comments

Greater Manchester Pedestrian Society - no comments

Issues

The main policies that relate to this application are EN1 (Design Principles and Strategic Character Areas, EN3 (Heritage), SP1 (Spatial Principles), CC7 (Mixed Use Development), CC9 (Design and Heritage), CC10 (A Place for Everyone) and DM1 (Development Management) of the Manchester Core Strategy (2012), saved policies DC17 (Telecommunications), DC18 (Conservation Areas) and DC19 (Listed Buildings) of the Unitary Development Plan for the City of Manchester (1995), and the NPPF.

Visual amenity

The kiosk proposed for installation outside the Carding Building is not supported, by virtue of its sighting and design. It is considered that the kiosk would form an unattractive, obtrusive and solid element on the footway, which would create clutter thereby harming visual amenity.

The removal of the redundant BT phone booth at the Sackville Gardens location is supported, as it would remove an unsightly piece of street furniture from the setting of three listed buildings and a high-quality area of public realm, the benefit provided would be negated by the installation of a larger, more solid digital kiosk which includes a digital advertisement board on one face. The digital advertisement board would make the structure significantly more visually intrusive, due to the brightness of the display and the movement created through the rotation of content up to every 10 seconds.

The existing booth, whilst in a poor state of repair, is of a certain vintage with a more classic appearance, and hence integrates more readily into the street scape. The new kiosk, including digital advertisement screen, would be read as a clearly modern element in the setting of both the listed building at 36-38 Whitworth Street and the Whitworth Street conservation area. This would be detrimental to the historic character of the listed building and character and appearance of the conservation area. It is considered there are no public benefits that would outweigh this harm. Hence would be contrary to the provisions of policies EN3 and CC9 of the Manchester Core Strategy and DC18 and DC19 of the Unitary Development Plan for Manchester (1995).

The footway where the kiosk is proposed for installation has a considerable level of visual clutter at present owing to the presence of bicycle hire stands together with the external seating area of a ground floor commercial unit. However, these elements bring public benefits that are grounded in policy aims of the City Council contained within policy CC7 of the Manchester Core Strategy (2012) and hence the clutter is considered to be acceptable.

The bike stands form part of a Greater Manchester-wide strategy aimed at promoting active travel and zero-carbon transport, bringing both sustainability and public health benefits and hence the principle is supported by the City Council pursuant to policy T1 of the Manchester Core Strategy. The restaurant seating area contributes to the activating this stretch of footway, which is a key benefit of mixed use development pursuant to policy CC7 of the Manchester Core Strategy (2012).

The addition of the kiosk would, however, be contrary to the aims of the City Council. 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.

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 clutter, unconsidered clutter.

By virtue of the design of the kiosk, including the highly visually intrusive digital advertisement screen, and the siting of the kiosk close by to other street furniture, it is considered that the proposed kiosk create visual clutter which would detract from visual amenity and thereby fail to contribute positively to the experience of all at street level. This would therefore be contrary to policies DM1, SP1 and EN1 of the Manchester Core Strategy (2012)

The City Council is aware of previously upheld appeals by the applicant at other sites in the city centre for other digital kiosks. Regardless, each application is adjudged by the City Council, as Local Planning Authority, and in this instance the proposed kiosk is considered unacceptable on the grounds of visual amenity and detrimental impact on designated heritage assets.

Access

There would be 5436mm of the footway between the proposed kiosk and the nearest building. This would leave sufficient room for a wheelchair or pram to pass through. Therefore, it is considered that there are no access concerns related to development that would warrant a refusal pursuant to policy CC10 of the Manchester Core Strategy (2012)

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 policies 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

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this instance, it is considered there are not amendments that could be made to the proposal that would render it acceptable.

Reason for recommendation to refuse

1) The proposed digital communication kiosk, by virtue of its siting, scale, design, materiality, and appearance, would form an overly dominant, incongruous and visually intrusive feature within the street scene. In addition, the kiosk would also add to clutter, alongside other street furniture and fixtures, within a prominent location in the city centre. The proposal would have a negative effect upon current efforts by the City Council to de-clutter, regenerate, and improve the adopted highway within the City Centre environment in the interest of optimising the pedestrian environment and public realm. 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. This would result in less than substantial harm to the significance of the heritage asset and the required public benefits do not exist to outweigh this harm. The kiosk is therefore contrary to the provisions of policies EN1, EN3, SP1, CC9, and DM1 of the Manchester Core Strategy (2012), saved policies DC18 and DC19 of the Unitary Development Plan for the City of Manchester (1995), and the NPPF.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Pedestrians Society

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Conservation Area - Whitworth Street Conservation Area 1985
Area Team Boundary - Name: CENTRAL