

# APPEAL STATEMENT

Town and Country Planning Act 1990

Town and Country Planning (Control  
of Advertisements) (England)  
Regulations 2007

Manchester Planning Application Refs.  
139703/FO/2024 and 139704/AOH/2024

July 2024

## INTRODUCTION

1. The appeal is made under section 78 of the Town and Country Planning Act 1990 (“the Act”) and Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (“the Regulations”), against a refusal to grant planning permission and express consent respectively.
2. The appeal is made by New World Payphones (“NWP”) against the decision of Manchester City Council (“the Council”) at Whitworth Street West, in Manchester.
3. Applications 139703/FO/2024 (planning permission) and 139704/AOH/2024 (express advertising consent), dated 3 April 2024, were refused by notices (each) dated 28 May 2024.
4. The appeal proposal is a new digital communications kiosk featuring an integral advertisement display. The proposal would see the removal of the existing red telephone kiosk outside the Ritz Theatre on Whitworth Street West and the installation of the new replacement digital communications kiosk and ancillary advertisement outside no.15 Whitworth Street West.
5. The appeal proposal forms part the appellant’s wider strategy to rationalise and upgrade its public communications network estate in Manchester<sup>1</sup>. It also follows pre-application advice issued by the Council<sup>2</sup>.
6. In refusing planning permission and express consent, the Council gave the following reasons (respectively):

*The proposed 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, at 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 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 out weight*

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<sup>1</sup> Refer to paragraphs 14 – 19 of the Planning & Design Statement (enclosed)

<sup>2</sup> Appendix 1: Email dated 10 November 2023

*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.*

*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. The proposal would therefore result in an unduly harmful impact on the visual amenity and character of the street scene 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.*

7. No delegated report has been published or made available to the appellant. The Council's reasons, set out in its notice, are therefore taken to be its sole evidence, and this statement is made based solely upon them.
8. A copy of the application(s) made to the local planning authority are enclosed, as are the respective decision notices. A copy of this appeal will be provided to the local planning authority in due course.
9. 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.

## **PROCEDURAL MATTERS**

10. There are two 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 (as directed
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by the Act<sup>3</sup>), this statement considers both appeals in one comprehensive submission.

## **MAIN ISSUE(S)**

11. In the determination of the (Section 78) planning appeal, Section 38(6) of the Planning and Compulsory Purchase Act 2004 is engaged. It states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Regulations state that the control of advertisements is exercisable only with respect to amenity and public safety<sup>4</sup>.
12. All of which is reiterated in the National Planning Policy Framework<sup>5</sup> (“the Framework”), a material consideration in planning decisions in England. More specific development-type guidance and advice (i.e. on advertisements<sup>6</sup> and design) is set out in the accompanying Planning Practice Guidance (“the PPG”). This is considered in the forthcoming assessment and referenced where necessary.
13. The Council raises no matters of public or pedestrian safety in either determination. Thus, the main issues, insofar as the planning appeal is concerned, is whether the proposed digital communications kiosk, by virtue of its size, design and illumination, would harm the character and appearance of the surrounding townscape, including the setting of heritage assets. With regards the advertisement appeal the main issue is that of visual amenity.

## **THE PROPOSED COMMUNICATIONS KIOSK**

14. The digital communications 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;
  - A 24-inch LCD display providing an interactive wayfinding capability;
  - Equipment for the provision of Wi-Fi access points and/or equipment for the provision of public small-cell access nodes; and
  - Location-based information (NFC, Bluetooth 4.0 LE).

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<sup>3</sup> Section 220 of the Town and Country Planning Act 1990

<sup>4</sup> Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

<sup>5</sup> National Planning Policy Framework, December 2023

<sup>6</sup> PPG (Advertisements) July 2019

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15. 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.
16. The telephone box which occupies the appeal site is worn and enclosed. It has a footprint measuring 0.89 square metres (sqm), a height of 2430mm, and a width/depth of 948mm. In comparison, its replacement has a singular footprint measuring 0.83 sqm, is 2459mm high (a difference of just 29mm), is 1096mm wide (148mm wider) and is 762mm deep (186mm less deep).
17. The reverse side of the kiosk would incorporate a 1635mm by 924mm 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.
18. 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.
19. 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 submission<sup>7</sup>.

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<sup>7</sup> Planning and Design Statement, paragraph 24

## GROUNDS OF APPEAL

### *The case for the Council*

20. The Council's case is based largely on the effect of the proposal on the appearance and amenity of the locality. It also alleges a negative impact on heritage assets, though no details are provided. It cites the undertaking or drafting of a strategy to declutter the footways and public realm across the city centre and the potential of the proposal to undermine regeneration efforts in the locality.
21. Neither of these points were raised during formal pre-application process. Moreover, the Council incorrectly assessed the appeal proposal during pre-application, with the appellant pointing this out in subsequent correspondence<sup>8</sup>. The pre-application proposal originally asked whether the Council were happy with an upgrade of the existing location outside the Ritz or an alternative advanced by NWP, *this being the appeal site*. In any case, the Council's response/preference was the removal of the existing call box to facilitate pedestrian movement in and around the entrance to the theatre, a listed building, with a location to be agreed elsewhere along Whitworth Street West.
22. Several attempts were made to glean a response from the Council on this alternative location (and other) matter(s), though no formal response was forthcoming. Had the Council been clearer in its directive, intentions or concerns then this may have informed the appellant's submission strategy.
23. As such, the Council's objections in its notice(s) are therefore based on what was *not said*, rather than what *was said* during pre-application, which the appellant entered into in good faith. The Council has not, therefore, discharged its duties in a positive, proactive, or professional manner, as described in its decision notice (for planning permission) under Article 35. Accordingly, separate application for costs is enclosed.
24. Furthermore, whereas the Council have said that the appeal proposal would have a detrimental impact on local regeneration or strategies to declutter the highway, no substantive details have been provided to warrant giving these matters significant weight.
25. In the case of the former, it is unclear how the refurbishment of an existing public facility, which would enhance public services and markedly improve the existing

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<sup>8</sup> Appendix 1 refers – email dated 14 November 2023 (appellant to Council) – refer to paragraph titled Whitworth Street, outside the Ritz

situation would undermine the Council's aims in this regard. On the latter, the proposal would in fact declutter an area of pavement, around a busy public use, and remove the existing tired phone box from the setting of a listed building, as desired by the Council in its original pre-application response.

26. Nevertheless, the Council consider that the proposal would be an incongruous and harmful addition, resulting in clutter, compared to the incumbent, and disregard previous Inspector's decisions on the matter. It refers to 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. These mainly seek to ensure development is of a type and design sensitive and appropriate to its surroundings.

27. These reasons are near identical across all NWP's applications. Each case is to be determined on its merits, and it appears the Council has acted to refuse applications as a matter of general policy, contrary to good practice.

### ***The appeal site, surroundings, and material considerations***

28. The appeal site, to include the existing and proposed locations, are located on the northern side of Whitworth Street West in Manchester's city centre. The existing site is occupied by a single red telephone box structure, near the entrance to the Ritz.

29. The appeal proposal would see its complete removal and the installation of a new digital communications kiosk outside no.15 Whitworth Street West. It would be sited some 450mm from the kerb edge and in line with the existing street furniture and trees. The longer side, featuring the advertisement display, would be perpendicular to the road and face west.

30. As befitting its city centre status, Whitworth Street West is a busy and vibrant commercial area and thoroughfare. Street furniture is a common theme throughout, with bins, street columns, cycle racks, telephone boxes and trees. Advertisements are mainly confined to street level with retailers, bus shelters and other network operators having internally illuminated facias or displays.

31. Despite the assertions of the Council in its notice, the appeal site where the new kiosk is to be located is *not* within a conservation area, nor are there any listed buildings in the vicinity which warrant special consideration. Evidence was

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provided in the original submission to this effect, and further emphasised below. It remains unclear what heritage assets to which the Council refers.

32. As was set out in the Planning & Design Statement, the proposal before the Council is a familiar one, and part of a wider strategy to consolidate and upgrade the applicant's network across the centre. It referred to *five* significant material considerations<sup>9</sup> which the Council has either dismissed or failed to consider altogether.
33. These matters are substantive and tangible, related to the immediate locality, and contrast markedly with the *unsubstantiated* and *generic* reasons issued by the Council in its notice. They are considered, therefore, to carry weight in any assessment of the appeal proposal – not least because it is trite law that local planning authorities should seek to ensure consistency in their general approach towards the determination of applications in particular localities; and the Secretary of State should ensure the same approach is taken to appeals.

### ***Material Considerations***

34. The five material considerations are:

- i. The Council's Pre-Application Advice to Infocus/JC Decaux for Smart Hubs ("the 2020 Advice")<sup>10</sup> – summarised below.
- ii. The grant of planning and advertisement consents for the nearby BT Street Hub and 2 integral digital displays<sup>11</sup>.
- iii. The grant of planning and advertisement consents for the nearby Global/BT Street Hub and integral digital displays<sup>12</sup>
- iv. The grant of planning permission for a kiosk and advertisement structure in appeal decision APP/B4215/W/18/3192639<sup>13</sup>.
- v. The Council's Pre-Application Advice to New World Payphones ("the NWP Advice") – refer to appendix 1.

35. In its 2020 Advice to Infocus/JC Decaux, the Council considered the overall reduction in kiosk numbers and upgrade of their network "*would likely serve to*

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<sup>9</sup> Planning & Design Statement – Paragraphs 8 – 12 and 63 – 72

<sup>10</sup> Development Management Pre-Application Advice issued to JC Decaux/Infocus 16 July 2020 - Various Manchester City Centre pavement locations.

<sup>11</sup> Appendix 2: Manchester planning refs. 130409/FO/2021 and 130410/AOH/2021 outside 27 Whitworth Street West

<sup>12</sup> Appendix 3: Manchester planning refs. 130419/FO/2021 and 130420/AOH/2021 outside 21 Albion Street

<sup>13</sup> Appendix 4: Appeal ref. APP/B4215/W/18/3192639 and associated plans

*significantly declutter Manchester's streets and would also provide local businesses and residents with additional services and connectivity".*

36. The appeal proposal would achieve much the same outcome particularly given the benefits of more modern and accessible communications systems and improvements to the public realm, including the function of the Ritz theatre and its (listed building) setting. In addition to a net reduction of 50% in the telephone box estate across the city centre, therefore, the appeal proposal would complement the "*Council's overarching objectives of ensuring an attractive, inclusive and high-quality City Centre environment for both businesses, residents and communities*", as laid out in the 2020 Advice.
37. Moreover, the planning safeguards of any consent in *this* case would be secured by both design and planning condition. The conditions advocated in the 2020 Advice mirror those advanced by NWP in its proposals at paragraphs 20 through 26 (of the Planning & Design Statement) and include features and systems to ensure enforceability and secure the amenity and safety of those in the locality. *The Council did not indicate in its advice nor its decision that these elements were unacceptable.*
38. Nor would they, given the subsequent grant of consents for the BT Street Hubs nearby. Both demonstrate the permissibility of a taller structure with two advertisements sited back-to-back compared to the NWP communication kiosk which, incidentally, takes its design cues from classic telephony. Consistency of approach and operation should equate, therefore, to consistency of determination. It is evident that this has not been the case, however.
39. The BT Street Hub planning consent outside 27 Whitworth Street West remains extant but unimplemented. However, the Council deemed "*visual amenity would be improved as the InLink would have a reduced footprint compared to the kiosk to be removed and be more modern, slender and attractive in appearance than the [existing] kiosk. On balance it is considered that the installation of a new InLink in lieu of the existing telephone kiosk would be acceptable as visual amenity within the area would not be harmed by the proposal*"<sup>14</sup>.
40. The subsequent grant of consent of the nearby Global/BT Street Hub installation on Albion Street is testament to this, cumulatively demonstrating the permissibility of a larger/taller structure featuring a greater number of advertisements compared to

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<sup>14</sup> Delegated Report of Manchester planning application ref. 130409/FO/2021 \*\* References to InLink's are due to Council's errors in its reporting.

the NWP communication kiosk. Comparisons could also be made as to the JC Decaux installation opposite, for a double-sided advertising unit<sup>15</sup>.

41. In its determination, the Council “*considered that the installation of a new Street Hub [on Albion Street] in lieu of the existing telephone kiosks would be acceptable as visual amenity within the area would not be harmed by the proposal*”<sup>16</sup>. In safety terms, the advertisement was deemed acceptable provided restrictions apply to the screen such as no moving images to be displayed and appropriate light settings. In contrast, the proposed NWP kiosk would be sited in a near identical setting (nearby) and operate in similar fashion, having also secured the beneficial removal/relocation of a kiosk elsewhere.
42. Significantly, the Council has also disregarded an appeal decision for a similar proposal in a slightly different position on the same stretch of pavement (appendix 4 refers). In their decision, the Inspector comments that the “*proposed [black] kiosk would predominantly be seen within the context of, and visually related to, the adjoining contemporarily designed adjacent building*” such that it “*would not cause unacceptable harm to the character and appearance of the area*”<sup>17</sup>. Moreover, despite the addition to the footway “*there would remain a sufficient width of footway to enable the free flow of pedestrians and other footway users*”<sup>18</sup> and “*nearby street lighting and natural surveillance of the site, including the flow of pedestrians*”<sup>19</sup> can address concerns for potential anti-social behaviour.
43. Granted, the proposed kiosk structure would differ from that considered by the aforementioned Inspector, yet the principles remain the same: the new communications kiosk would be seen in the same context; would have a modern and contemporary design, and; be sited such that it would respect the movement of pedestrians in the locality. There are no reasons advanced in the Council’s evidence to depart from this rationale. As there would be no effect on any heritage asset whatsoever, the Council’s claims in this regard are unsubstantiated and contrived.
44. Finally, in its pre-application advice to NWP, the Council considers the removal of the kiosk outside the Grade II listed Ritz Theatre building as a significant positive, enhancing the setting and outlook of the building and townscape, respectively. The feedback also made clear that the removal would improve the walkway width

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<sup>15</sup> See Manchester planning ref. 130510/AOH/2021 (Site 9, Whitworth Street West)

<sup>16</sup> Delegated Report of Manchester planning application ref. 130419/FO/2021

<sup>17</sup> Paragraph 13 of appeal decision APP/B4215/W/18/3192639 (enclosed at appendix 4)

<sup>18</sup> Ibid. Paragraph 15

<sup>19</sup> Ibid. Paragraph 18

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available for the queuing public, thus removing a potential public safety issue, when the venue is in use. The Council, therefore, offered a clear mandate for the replacement and renewal of the existing communications infrastructure to the benefit of the locality and city centre generally.

45. Based on the foregoing alone, it appears that the local planning authority wishes, as a matter of general policy, to prevent the operation of NWP's renewal and removal project. None of its reasons are supported by objective analysis; it has persisted in objecting to a scheme previously indicated to be acceptable by the Secretary of State; it is demonstrably inconsistent with other decisions it has issued in the locality for similar development, and; has reneged on advice given to the appellant upon which it has acted in good faith.

### ***Design, Siting, Character and Appearance***

46. Occupying a small footprint some 450mm from the kerb edge, the single structure would have slender proportions, a plainer form, more streamlined detailing, and a restrained, black monotone colour, giving it a more neutral, background character in the street scene. Simply put, it would appear less bulky and less conspicuous than the red phone box it would replace outside The Ritz.
47. The design of the roof and side panel, which would provide some shelter from the elements, would allow access for those with mobility impairment, improve natural surveillance, as desired by consultees in similar applications, and retain the desired footway width available to pedestrians.
48. Visually, the replacement's simple modern appearance, which integrates the design lineage of traditional telephone boxes with a contemporary twist, ensures it is an appropriate and aesthetically pleasing addition to the commercial street scene, in which it would be visually read.
49. Indeed, given the established commercial setting of the city centre, the proposal would not undermine its character as a place to live in, work in, or visit. Removing the potential for anti-social use inside the phone box, as well as its forlorn appearance, would enhance the character, as well as the visual and townscape qualities of the street scene.
50. As a direct replacement, it would not result in any greater sense of clutter and would also accord with policies in the development plan that seek to ensure
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telecommunication development is sited so that it does not adversely affect the character and appearance of the surrounding area and street scene.

51. Taken as a whole, therefore, the reduction in scale, improved design and siting ensure it would, as a minimum, preserve the character and appearance of the site and the immediate locality, as desired by national and local policy.
52. It accords with the Framework's<sup>20</sup> desire to encourage the use of existing structures and sites for new electronic and digital communications (including wireless) and instructs Council's to not insist on minimum distances between communications equipment<sup>21</sup> nor seek to prevent competition between different operators or question the need for an electronic communications system<sup>22</sup>.

### ***The Advertisement***

53. The advertisement would be integrated into the reverse side of the communications kiosk. It would display static advertisement images sequentially, and on rotation.
54. In terms of amenity, the PPG advocates siting advertisements in commercial and industrial areas where their appearance is generally commensurate to the function of said areas. This is the case here, and there are other examples of digitally illuminated signage in the street scene, including signs on nearby retail premises, bus stops, the aforementioned Street Hub and freestanding units.
55. In respect of the appearance of the advert structure, its modern design and dark materials would be in keeping with the colour and design of other street furniture in the area allowing it to integrate and complement the commercial offer of the city centre. The siting of the advert would also ensure a degree of separation and consistency in the appearance of advertisements along this stretch.
56. Moreover, sited below streetlamp level, there is unlikely to be an appreciable change in the amenity status of the locality due to the advertisement's illumination, with its city centre location meaning such premises would also be illuminated in the evening. Therefore, the illuminated advertisement would not appear out of place or dominant as described by the Council.

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<sup>20</sup> National Planning Policy Framework (December 2023) Paragraph 119

<sup>21</sup> Ibid. paragraph 120

<sup>22</sup> Ibid. paragraph 122

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57. It would comply with the necessary standards and conditions advanced by the appellant (both in the original submission and below) would ensure compliance. For the reasons set out above, which involves systems to regulate the brightness of the display and switch it off in the early hours, its effect on the wider locality would be appreciably limited. There would be no harm to visual amenity from the size, positions and method of illumination of the advertisement on the communications kiosk.
58. In relation to the heritage assets, the findings of the previous Inspector still ring true: there would be no effect upon any heritage asset whatsoever. Subject to conditions, its effect would be neutral, meaning the proposal would not result in a magnitude of change in relation to the setting that would constitute harm.
59. Each proposal must be considered on its own merits, and the appropriate amenity test is not whether an advertisement would positively contribute to the amenity of an area, but rather whether it would detract from it. Therefore, for the reasons given above, and having regard to all other matters raised, it is considered that the proposed kiosk and its advertisement would not be harmful in relation to amenity.
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## SUMMARY

60. It is therefore considered that the appeal proposal would comply with 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. These seek, among other things, to ensure that development should be of a design and scale appropriate to its surroundings. The proposal would also accord with the advice contained in the Framework, which seeks to ensure that advertisements should be operated in a way which is simple, efficient and effective.
61. 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.
62. Should the Inspector be minded to allow the appeal(s), 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 conditions held at Schedule 2 of 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.
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# APPENDIX 1

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**Porte, Ben**

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**From:** Ben Porte (NWPStreet)  
**Sent:** 14 November 2023 10:37  
**To:** 'Jack Naven'  
**Subject:** RE: Request for Pre-Application Advice

Hello Jack,

Thanks for coming back to us.

A considered response, thank you, and one which doesn't throw any surprises. Being transparent, then, we've looked at the Council's position and respond as follows.

The sites at **Piccadilly** and **Charlotte Street** are eminently pursuable given the planning status, public realm benefits and comments made to date; applications will be made to this effect.

At **Whitworth Street, outside the Ritz**, we can certainly improve on the issue of pedestrian movement. You'll note in our submission that we proposed an alternative position elsewhere on Whitworth Street – further west. Based on your comments this would seem like a prudent compromise for both parties, overcoming both heritage and pedestrian flow concerns. This would see the removal of the existing kiosk outside the theatre and the installation here. This would accord with a previous decision for a kiosk granted on appeal. The Council's comments on this would be welcome in due course.

Elsewhere on **Whitworth Street, near the Touring Memorial**, I take your point regarding the landscaping position. However, lack of detail or movement on the part of the developer is not something we can control and, as you make clear, there is nothing forthcoming which would alter that position. Were it a pressing matter the Council would not have agreed to install cycle racks along this frontage or the nearby layby. The relocation of the existing kiosk would, on balance, offer tangible benefits to the public realm. I should also mention at this point that NWP are willing to plant trees as part of any installations – one of our partners is Trees for Cities and we make this offer in our submissions as routine – to be either conditioned or subject to S106. *I would ask you and your colleagues to think on this as we have delivered in several other places across the UK.*

At **King Street**, in similar fashion, there are matters (conditions) outstanding – but the broad strokes are agreed here. There is a proposed wayfinding station at the location of existing kiosk and we would simply upgrade the existing kiosk – which itself incorporates a wayfinding feature. Our interests are aligned in this respect, and the premise of such an installation is already set by the previous grant of consent; we simply need to agree the siting so as not to prejudice the wider landscaping aim. We therefore propose to submit on the basis that we can alter the siting to suit during the course of an application. Comments are, however, welcome in the interim.

Outside **1 Oxford Street** I take your point about the positioning across the road. Hence, we would simply upgrade the existing call box in situ instead. This would fall into line with other upgrades the Council have granted. A submission will be made to this effect.

Should you or colleagues have any additional comments in the interim, please come back to us – and do consider the offer of tree planting as our partners have an excellent record in delivering in urban environments. We are looking for a quick turnaround, so any input you and your colleagues wish to convey, please come back very soon.

Kind regards,

Ben Porte  
Planning Manager

E: [benporte@nwpstreet.co.uk](mailto:benporte@nwpstreet.co.uk)  
T: 07764 326 789

**NEW WORLD PAYPHONES**

33 Golden Square | London | W1F 9JT

**From:** Jack Naven <jack.naven@manchester.gov.uk>  
**Sent:** Friday, November 10, 2023 6:55 PM  
**To:** Ben Porte (NWPStreet) <benporte@nwpstreet.co.uk>  
**Subject:** Re: Request for Pre-Application Advice

CAUTION: This email originated from outside of the organisation. Do not click links or attachments unless you recognise the sender and know the content is safe

Hi Ben,

Many apologies once again for the delay on this one. I was awaiting Highway Services further comments on the proposals.

In general, there are concerns over the footpath clearance in some areas. When many of these pay phones would have been given approval initially, Highways Services had less requirements on the footpath clearance that was required to ensure adequate space is given for footpath movement.

I will go through each site in turn below.

### **O/S Tesco Express – 1 Piccadilly M1 3BE**

The slight movement of the kiosk is not a concern. The fact that there is a reduction from the two red kiosks to one single black kiosk is seen to reduce street clutter is seen as positive. As there is no Listed Buildings nearby and this is not a conservation area, there are no concerns on these two fronts.

### **Outside The Ritz, Whitworth Street West**

We would have some initial concerns on how this kiosk would potentially impact the Grade II listed building of The Ritz, and it would have to be considered within the setting of this Listed Building. There is also concern from Highways about the space for footpath movement in this area, as people queue for the Ritz directly outside here and the presence of both the current kiosk and a kiosk in this place leaves little footpath for pedestrians to move freely down the pavement. Their concern would involve people having to move into the road due to the lack of space to pass by. Would any slightly relocation be considered for this kiosk, to further down the street to on the other side of the Ritz perhaps? In front of the building to the west of it?

### **Opposite 34 Charlotte St, Manchester M1 4FD**

As this is a like for like replacement and is the same proposal that was upheld on the appeal, we have no further concerns to add to what was raised on the last application that was refused and overturned in appeal.

### **O/S 27 – 29 King Street West**

An application (135028/FO/2022) has recently been approved by the Planning and Highways Committee to re-develop Reedham House, which the current red kiosk is in front of. The public space in front of this will be re-developed as a part of this proposal and so any application to place anything on the public realm in this location would have to take into consideration the landscaping of the public amenity.

The landscaping is part approved and part of it has been conditioned. It would therefore be difficult to make any judgement on any applications in this place before the landscaping has been fully agreed to.

#### **Whitworth Street (South of Alan Turing Memorial)**

The proposed relocation positions the kiosk outside Manchester New Square. There is still part of the landscaping condition on the application 114585/FO/2016 that has not yet been discharged. This part of the condition states that:

**A strategy for the planting of street trees within the pavements on Whitworth Street and Princess Street including details of overall numbers, size, species and planting specification, constraints to further planting and details of on going maintenance.**

As this has not been discharged and there will be street trees that need to be agreed along Whitworth Street in this location, it would be difficult to agree any relocation in this area without this condition having been discharged. I have recently been in touch with the agent concerning this, as we have discharged all the other parts to the landscaping condition, and they are currently working and getting this final part to the landscaping resolved.

#### **O/S 1 Oxford Street, Manchester M1 5AN**

It is the view of the City Council there is too much street furniture surrounding where the kiosk is proposed to be relocated to and we would not support the relocation to this area across the street.

#### **O/S Manchester Academy, Cnr of Devas Street and O/S 121 Oxford Road, Manchester M1 7DU**

The City Council would not support the kiosks being placed in these locations. The upgrade of the Oxford Road corridor was seen as bringing a significant improvement to the visual amenity of this area and we would not support installing street furniture in these locations.

Kind Regards

Jack Naven

Assistant Planning Officer

Development Management - Central Team  
Planning, Building Control & Licensing - Growth and Development Directorate  
Manchester City Council

Please note that Tuesdays are a non-working day for me.

Notice of upcoming leave:

17<sup>th</sup> November 2023

27<sup>th</sup> November 2023

## **APPENDIX 2**

---

## **Town & Country Planning Act 1990 (as amended)**

### **Planning Permission**

#### **Applicant**

Mr James Browne  
BT Telecommunications  
Pp 8.05  
Faraday Building  
1 Kightrider Street  
London  
EC4V 5BT

#### **Agent (if used)**

Mr Lewis Baldwin  
Mono Consultants  
Steam Packet House  
76 Cross Street  
Manchester  
M24 2JG

### **Part 1 – Particulars of the application/development**

---

**Proposal:** Installation of 1no. new 2.98m high freestanding double-sided BT Street Hub advertising unit following removal of 2no. telephone kiosks.

**Location:** Outside 27 Whitworth Street West, Manchester, M1 5ND

**Date of application:** 23 August 2021

**Application number:** 130409/FO/2021

### **Part 2 – Particulars of decision**

---

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

### **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 to the approval.

### **Condition(s) attached to this decision**

---

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:

Drawings

Proposed Site Plan 002 Revision B received via the email from Josh Lee of 27th May 2022

## Documents

Street Hub Anti-Social Behaviour Management Plan  
CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")  
LAND REMEDIATION STATEMENT Ref: MAN031  
PROFESSIONAL LIGHTING GUIDE 05: The Brightness of Illuminated Advertisements  
Removal Kiosk Site Plans - Ref MAN031  
Street Hubs Beyond connection :Supporting local councils with digital street communication  
Covering Letter  
All of the above documents received 14th May 2022

## Other

Photograph received via the email from Josh Lee of 27th May 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

- 3) (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
- (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- (e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- (f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m<sup>2</sup> during non-daylight/ inclement weather.

Reason - In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

4) a) The intensity of the illuminance of the advertisement shall be no greater than 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).

b) The luminance level of the digital sign shall 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 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch off

c) "The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video

elements and the transition between successive images shall not include fading, swiping or other animated transition method.

d) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

e). The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays

f) Should a fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

5) a) The Communication apparatus hereby approved shall not use voice activated or handsfree technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained".

b) A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by MCC as Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter.

c) Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted to for approval in writing by the local planning authority, which for the avoidance of doubt should include:

1. Commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway.

2. A dilapidation survey which should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Development must be carried out in accordance with the approved construction management plan upon commencement of authorised works.

Reason

In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the details in condition 2 and before development commences, a scheme for the reinstatement of pavements must be submitted to and approved in writing by the City Council as local planning authority before the development commences.

#### Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Before the development hereby approved commences, a plan must be submitted to and approved in writing by the City Council as Local Planning Authority. The plan must demonstrate how the development will be maintained to ensure the agreed light levels and noise levels are maintained and not exceeded. The plan must include details of remote monitoring and control capability, how the operator is alerted if any fault is detected and details of what action is taken where a fault is identified or reported including response time to undertake repair. The plan must include details of proposed physical inspection and monitoring frequency.

#### Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

## Informatives

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### **Building Regulations 2010**

This permission does not grant approval under Building Regulations.

### **Street Naming & Numbering Requirements**

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

[http://www.manchester.gov.uk/info/100011/roads\\_parking\\_and\\_transport/1988/naming\\_and\\_numbering\\_of\\_houses\\_buildings\\_streets\\_and\\_roads/2](http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2)

### **Mining Information**

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

Date: 15 July 2022

Signed: 

Julie Roscoe  
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

## **Town & Country Planning (Control of Advertisements) (England) Regulations 2007**

### **Advertisement Consent**

#### **Applicant**

Mr James Browne  
BT Telecommunications  
Pp 8.05  
Faraday Building  
1 Knightrider Street  
London  
EC4V 5BT

#### **Agent (if used)**

Mr Lewis Baldwin  
Mono Consultants  
Steam Packet House  
76 Cross Street  
Manchester  
M24 2JG

### **Part 1 – Particulars of the application/development**

---

**Proposal:** Installation of 1 freestanding double-sided BT Street Hub advertising unit (related planning application ref no.130409/FO/2021) following removal of 2no. telephone kiosks

**Location:** Outside 27 Whitworth Street West, Manchester, M1 5ND

**Date of application:** 23 August 2021

**Application number:** 130410/AOH/2021

### **Part 2 – Particulars of decision**

---

Manchester City Council gives notice that the development referred to in Part 1 has been **granted** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

### **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 to the approval.

### **Condition(s) attached to this decision**

---

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

Proposed Site Plan 002 Revision B received via the email from Josh Lee of 27th May 2022

#### Documents

Street Hub Anti-Social Behaviour Management Plan  
CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")  
LAND REMEDIATION STATEMENT Ref: MAN031  
PROFESSIONAL LIGHTING GUIDE 05: The Brightness of Illuminated Advertisements  
Removal Kiosk Site Plans - Ref MAN031  
Street Hubs Beyond connection: Supporting local councils with digital street communication  
Covering Letter  
All of the above documents received 14th May 2022

#### Other

Photograph received via the email from Josh Lee of 27th May 2022

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

- 3) (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.  
(b) No individual advertisements shall be displayed for duration of less than 10 seconds.  
(c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.  
(d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.  
(e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.  
(f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m<sup>2</sup> during non-daylight/ inclement weather.

Reason - In the interests of highway safety pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester

4) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be

submitted to for approval in writing by the local planning authority, which for the avoidance of doubt should include:

1. Commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway.
2. A dilapidation survey which should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Development must be carried out in accordance with the approved construction management plan upon commencement of authorised works.

#### Reason

In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) a) The intensity of the illuminance of the advertisement shall be no greater than 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).

b) The luminance level of the digital sign shall 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 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch off

c) "The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements and the transition between successive images shall not include fading, swiping or other animated transition method.

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f) Should a fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

6) a)The Communication apparatus hereby approved shall not use voice activated or handsfree technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained".

b) A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by MCC as Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter.

c) Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the details in Condition 4 a scheme for the reinstatement of pavements must be submitted to and approved in writing by the City Council as local planning authority before development commences.

Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Before the development hereby approved commences, a plan must be submitted to and approved in writing by the City Council as Local Planning Authority. The plan must demonstrate how the development will be maintained to ensure the agreed light levels and noise levels are maintained and not exceeded. The plan must include details of remote monitoring and control capability, how the operator is alerted if any fault is detected and details of what action is taken where a fault is identified or reported including response time to undertake repair. The plan must include details of proposed physical inspection and monitoring frequency.

Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

## **Informatives**

---

There are no informatives attached to this decision.

Date: 15 July 2022

Signed:



Julie Roscoe  
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

## Notes

1. This consent refers only to that required under the Town and Country (Control of Advertisements) (England) Regulations 2007 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse consent or approval for the proposed development, or to grant consent or approval subject to conditions, he may appeal to the Secretary of State in accordance with section 78 of the Act as amended by the Regulations within eight weeks of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that is available through the gov.uk website at [www.gov.uk/appeal-planning-inspectorate](http://www.gov.uk/appeal-planning-inspectorate). The Inspectorate will publish details of your appeal on the internet.

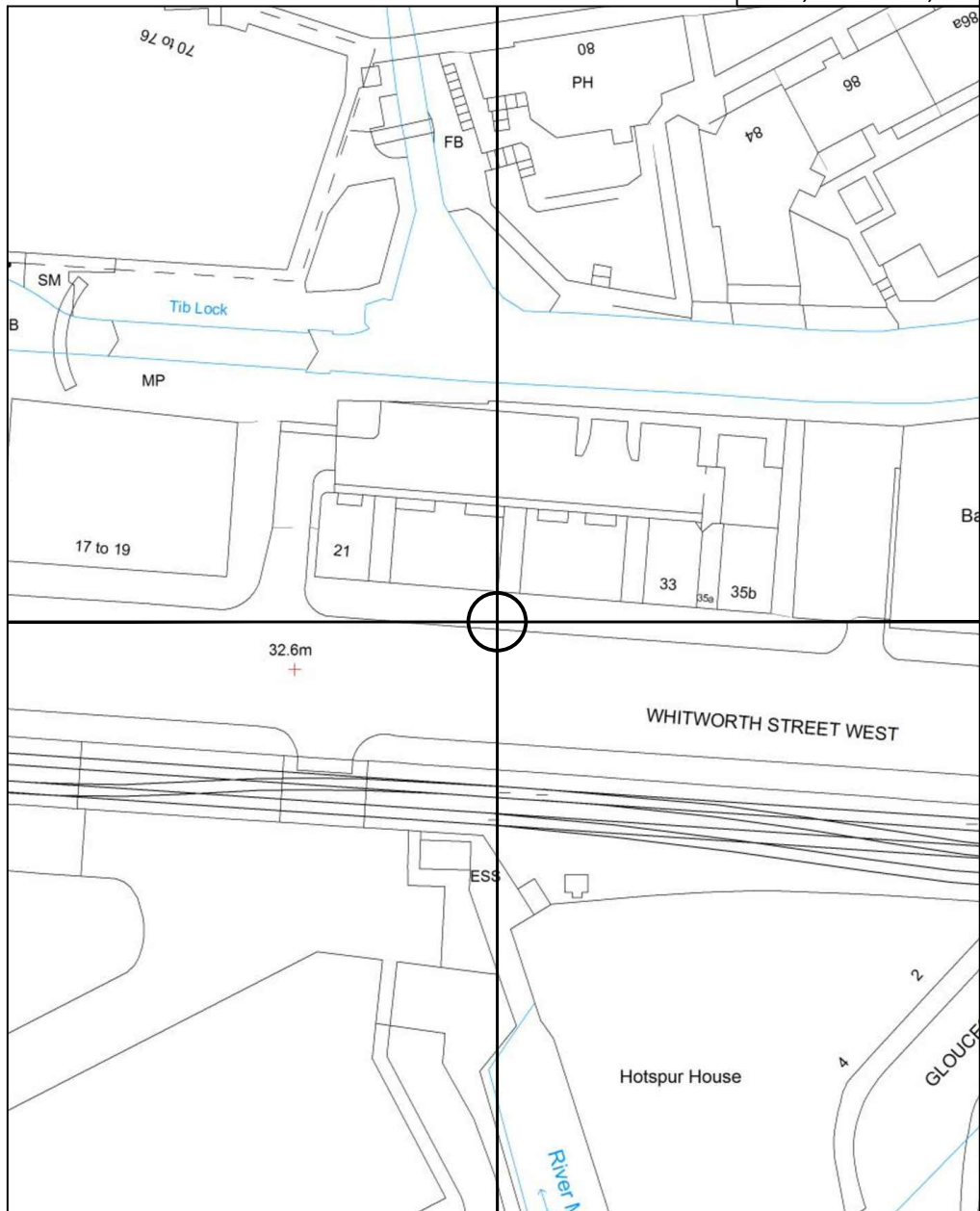
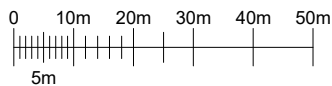
This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.



**SITE LOCATION**  
SCALE 1:50000

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office.  
Mono Consultants Limited licence no. ES100017753.  
Crown copyright.



**DETAILED SITE LOCATION**  
SCALE 1:1250

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office.  
Mono Consultants Limited licence no. ES100017753.  
Crown copyright.

**GENERAL NOTES**

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

| Rev | Date     | Description                        | Drawn | Chkd |
|-----|----------|------------------------------------|-------|------|
| A   | 24.04.21 | Amend - New BT Streethub Structure | MD    | JE   |

**mono** # MONO CONSULTANTS LIMITED  
70-76 Steam Packet House  
Cross Street  
Manchester, M2 4JG  
t. 44 (0)161 839 8839  
www.monoconsultants.com



Drg Status  
**PLANNING**

Cell No. & Name

MAN 031

Site Name & Address  
**WHITWORTH STREET WEST**  
(OS NO. 27)  
M1 5ND.

Drawing Title  
**SITE LOCATION MAPS**

|                |          |            |            |
|----------------|----------|------------|------------|
| Scale          | As Shown | Date       | 24.04.2021 |
| Drawn By       | MD       | Checked By | JE         |
| Drawing Number | 001      | Revision   | A          |



GENERAL NOTES

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

|     |          |                                    |       |      |
|-----|----------|------------------------------------|-------|------|
| B   | 26.05.22 | New BT Streethub Structure         | MD    | JE   |
| A   | 24.04.21 | Amend - New BT Streethub Structure | MD    | JE   |
| Rev | Date     | Description                        | Drawn | Chkd |

Solutions30

Solutions for New Technologies

BT

Drg Status

PLANNING

Cell No. & Name

MAN 031

Site Name & Address

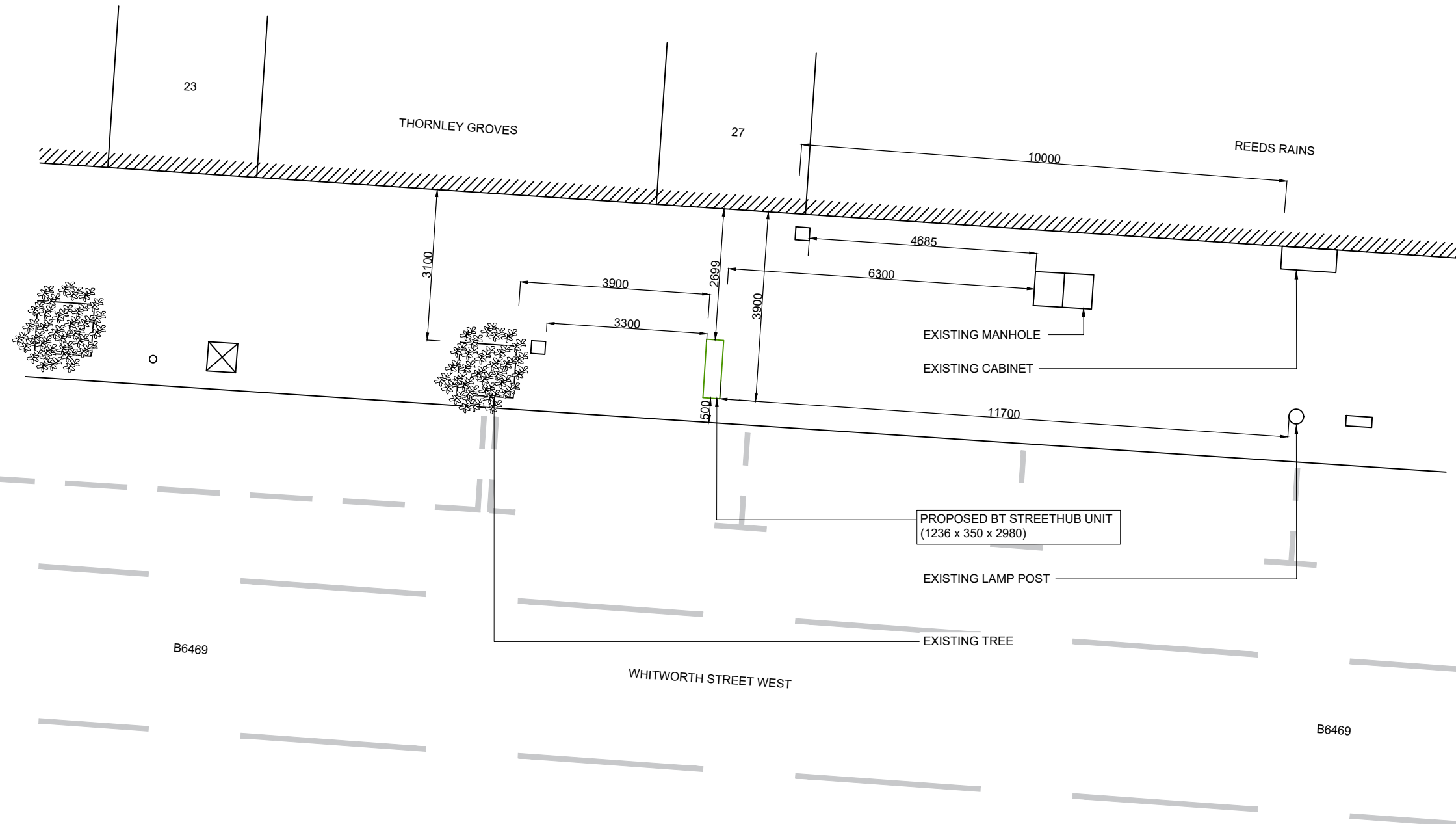
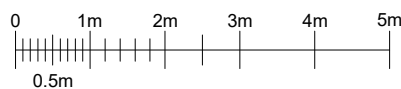
WHITWORTH STREET WEST  
(OS NO. 27)  
M1 5ND.

Drawing Title

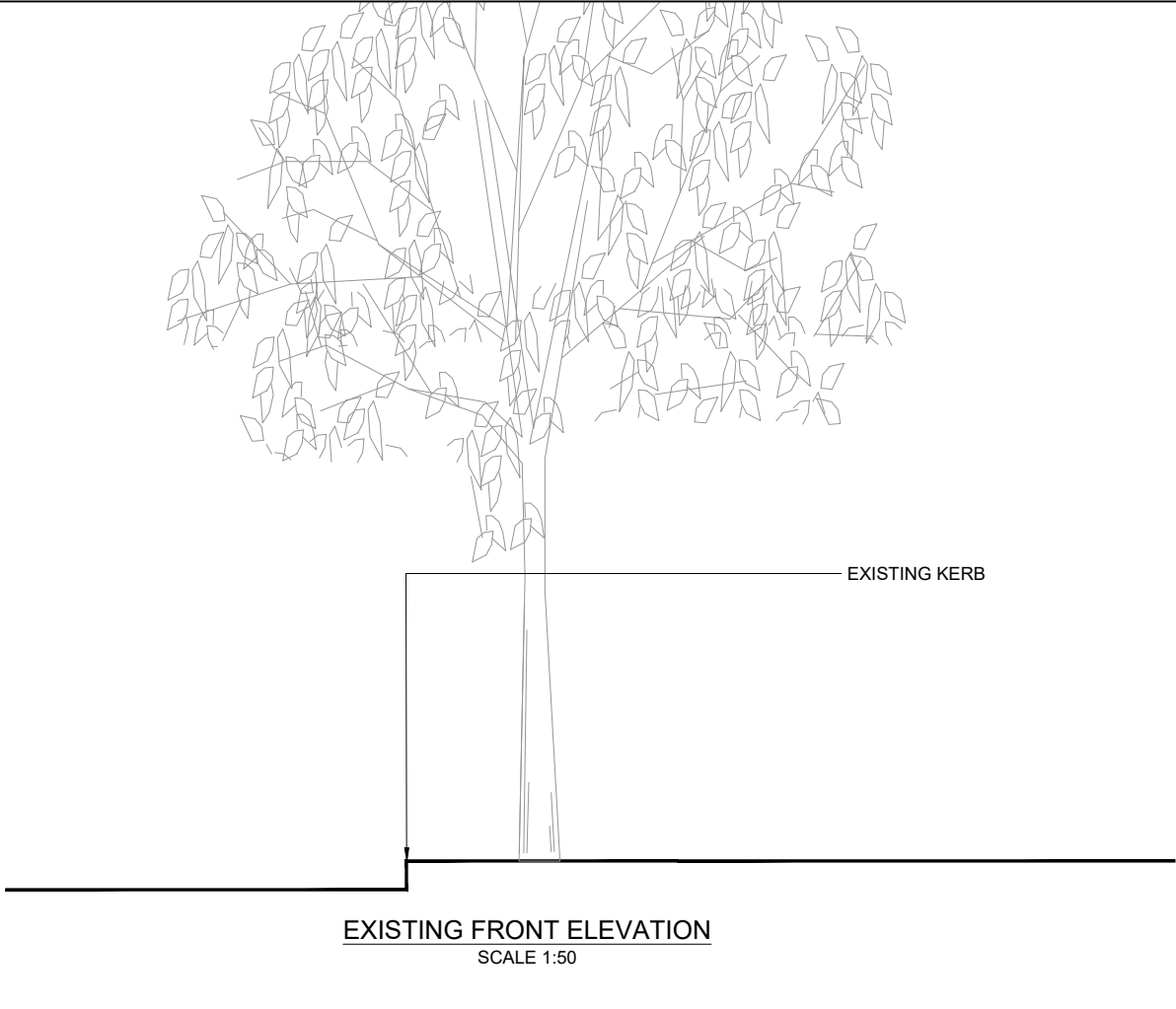
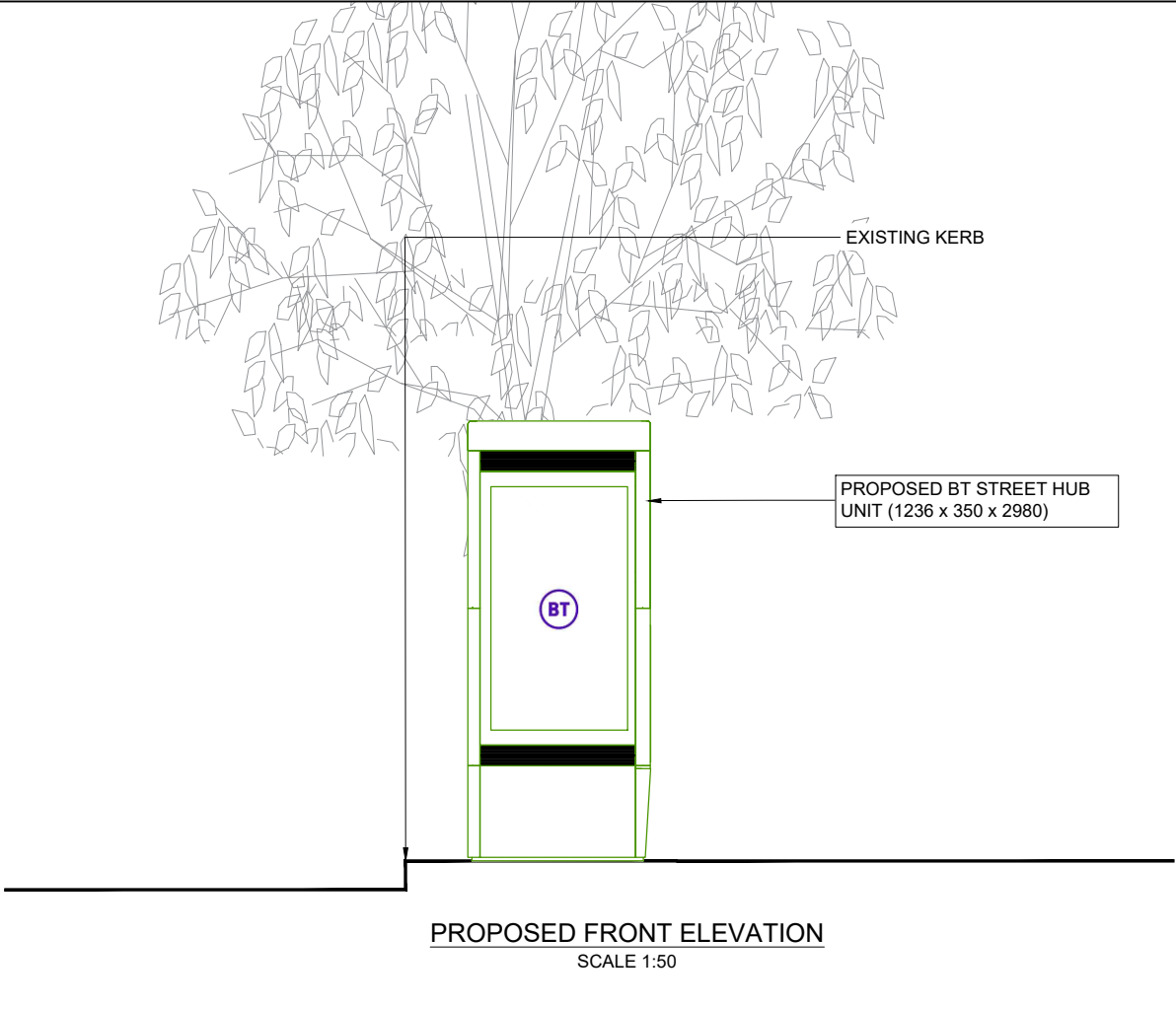
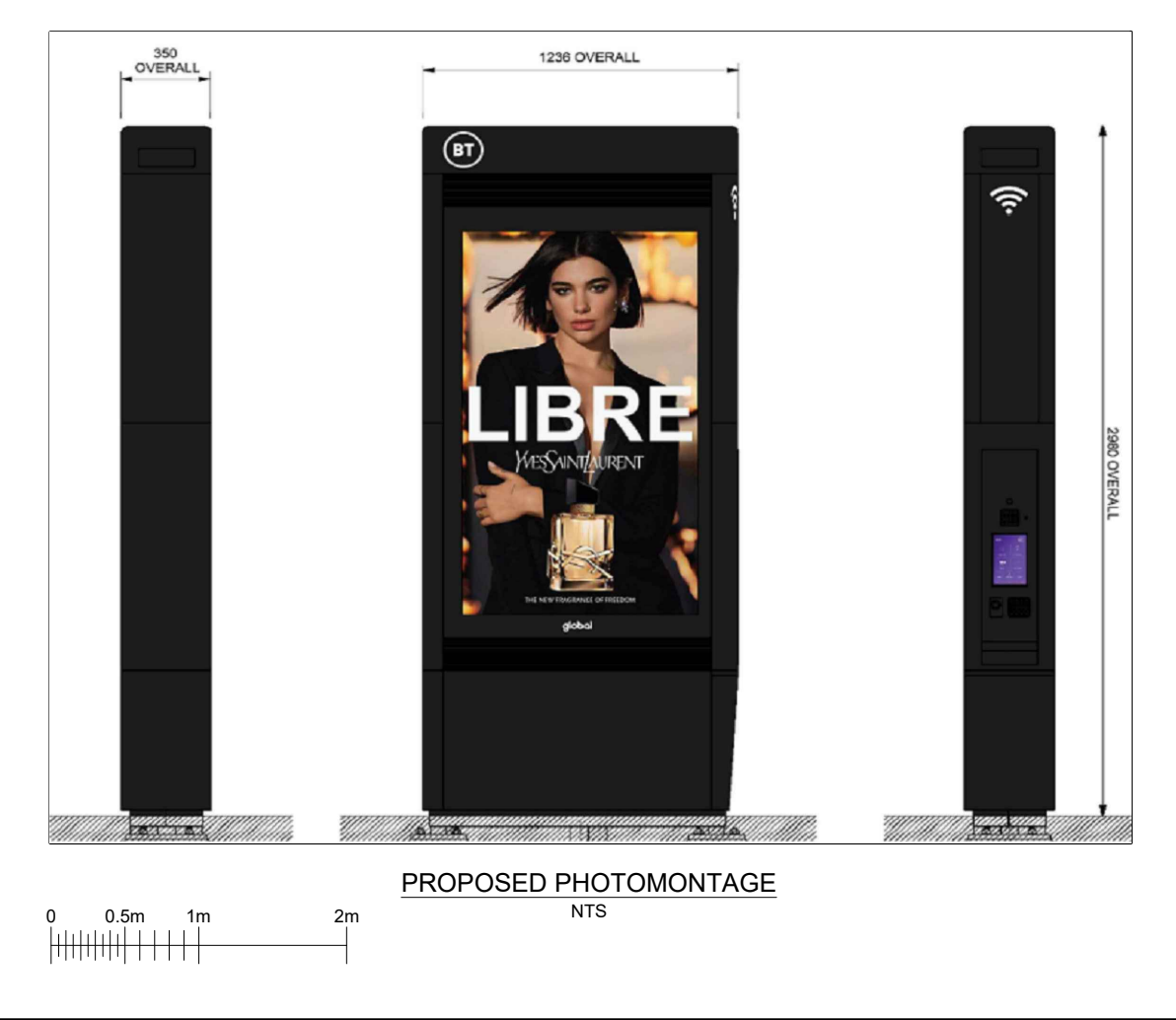
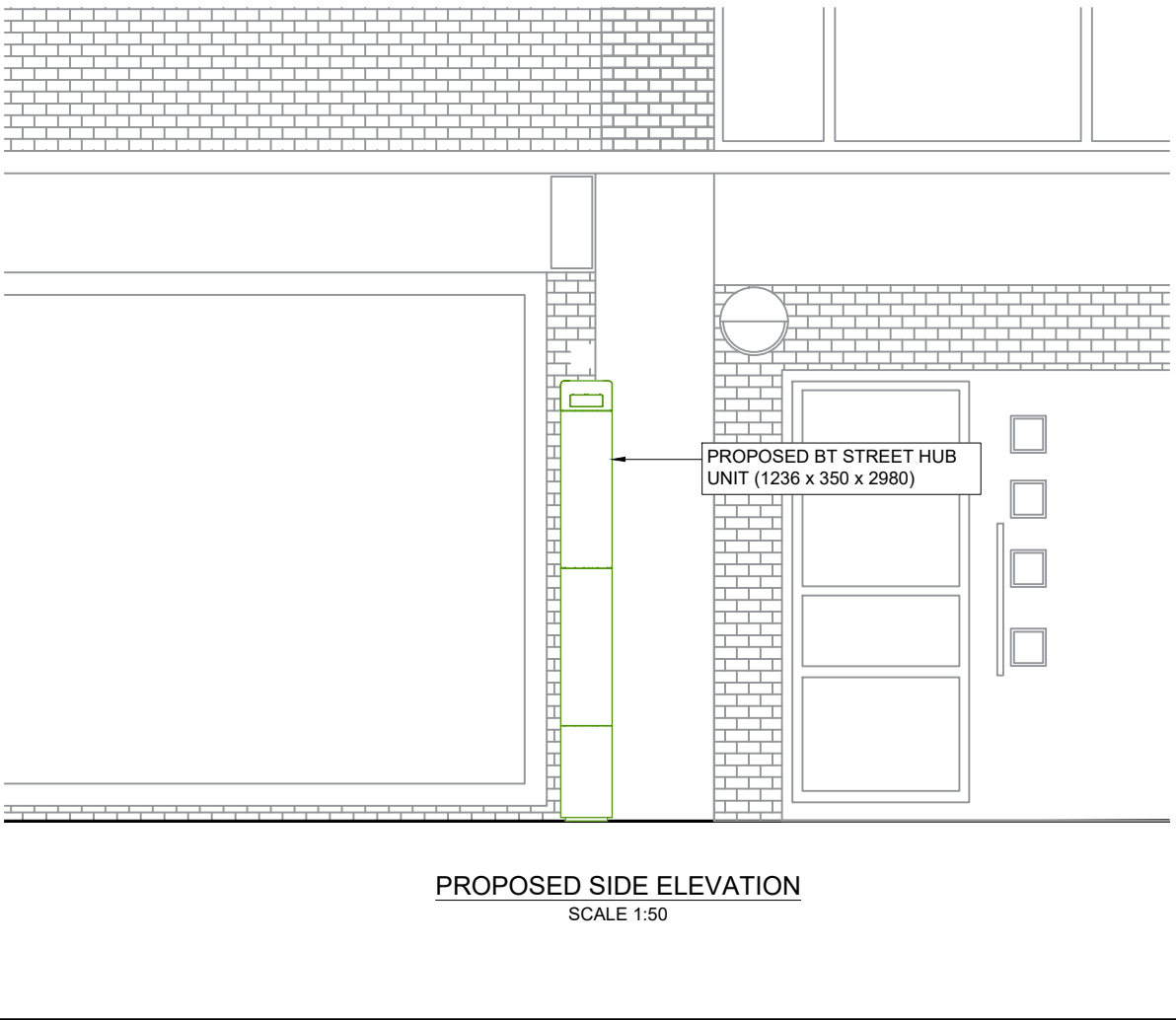
PROPOSED SITE PLAN

|          |       |            |            |
|----------|-------|------------|------------|
| Scale    | 1:100 | Date       | 26.05.2022 |
| Drawn By | MD    | Checked By | JE         |

|                |          |
|----------------|----------|
| Drawing Number | Revision |
| 002            | B        |



PROPOSED SITE PLAN  
SCALE 1:100



**GENERAL NOTES**

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

| Rev | Date     | Description                        | Drawn | Chkd |
|-----|----------|------------------------------------|-------|------|
| A   | 24.04.21 | Amend - New BT Streethub Structure | MD    | JE   |

#

MONO CONSULTANTS LIMITED  
70-76 Steam Packet House  
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t. 44 (0)161 839 8839  
www.monoconsultants.com



Drg Status  
PLANNING

Cell No. & Name  
MAN 031

Site Name & Address  
WHITWORTH STREET WEST  
(OS NO. 27)  
M1 5ND.

Drawing Title  
EXISTING AND PROPOSED  
ELEVATIONS

|                |      |            |            |
|----------------|------|------------|------------|
| Scale          | 1:50 | Date       | 24.04.2021 |
| Drawn By       | MD   | Checked By | JE         |
| Drawing Number | 003  | Revision   | A          |

## **APPENDIX 3**

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## **Town & Country Planning (Control of Advertisements) (England) Regulations 2007**

### **Advertisement Consent**

#### **Applicant**

Mr James Browne  
BT Telecommunications  
Pp 8.05  
Faraday Building  
1 Knightrider Street  
London  
EC4V 5BT

#### **Agent (if used)**

Mr Lewis Baldwin  
Mono Consultants  
Steam Packet House  
76 Cross Street  
Manchester  
M24 2JG

### **Part 1 – Particulars of the application/development**

---

**Proposal:** Installation of 1 freestanding double-sided BT Street Hub advertising unit (related planning application ref no.130419/FO/2021) following removal of 2no. telephone kiosks

**Location:** Outside The Hacienda, 21 Albion Street, Manchester, M1 5DA

**Date of application:** 23 August 2021

**Application number:** 130420/AOH/2021

### **Part 2 – Particulars of decision**

---

Manchester City Council gives notice that the development referred to in Part 1 has been **granted** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

### **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 to the approval.

### **Condition(s) attached to this decision**

---

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

#### Drawings

Proposed Site Plan MAN 032 Drawing No. 002 Revision A  
Existing and Proposed Elevations MAN 032 Drawing No. 003 Revision A  
Site Location Maps MAN 032 Drawing No. 001 Revision A  
Site Location Maps MAN 032 Drawing No. 001 Revision A  
Removal Kiosk Site Plans - MAN032

#### Documents

Street Hub Anti-Social Behaviour Management Plan  
CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")  
LAND REMEDIATION STATEMENT MAN032  
PROFESSIONAL LIGHTING GUIDE 05: The Brightness of Illuminated Advertisements  
Street Hubs Beyond connection: Supporting local councils with digital street communication  
Covering Letter.

All of the above drawings and documents received 14th May 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

- 3) (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.  
(b) No individual advertisements shall be displayed for duration of less than 10 seconds.  
(c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.  
(d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.  
(e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.  
(f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m<sup>2</sup> during non-daylight/ inclement weather.

Reason - In the interests of highway safety pursuant to policy SP1 and DM1 of the Core Strategy for the City of Manchester

4) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted to for approval in writing by the local planning authority, which for the avoidance of doubt should include:

1. Commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway.
2. A dilapidation survey which should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Development must be carried out in accordance with the approved construction management plan upon commencement of authorised works.

#### Reason

In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

5) a) The intensity of the illuminance of the advertisement shall be no greater than 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).

b) The luminance level of the digital sign shall 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 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch off

c) "The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements and the transition between successive images shall not include fading, swiping or other animated transition method.

d) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

e). The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays

f) Should a fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

6) a)The Communication apparatus hereby approved shall not use voice activated or handsfree technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and

approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained".

b) A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by MCC as Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter.

c) Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the details in Condition 2 a scheme for the reinstatement of pavements must be submitted to and approved in writing by the City Council as local planning authority before development commences.

Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Before the development hereby approved commences, a plan must be submitted to and approved in writing by the City Council as Local Planning Authority. The plan must demonstrate how the development will be maintained to ensure the agreed light levels and noise levels are maintained and not exceeded. The plan must include details of remote monitoring and control capability, how the operator is alerted if any fault is detected and details of what action is taken where a fault is identified or reported including response time to undertake repair. The plan must include details of proposed physical inspection and monitoring frequency.

Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

## **Informatives**

---

Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - [highwaylicenses@manchester.gov.uk](mailto:highwaylicenses@manchester.gov.uk)

Date: 16 June 2022

Signed:



Julie Roscoe  
Director of Planning, Building Control & Licensing

130420/AOH/2021

Page 5 of 7

## **Town & Country Planning Act 1990 (as amended)**

### **Planning Permission**

#### **Applicant**

Mr James Browne  
BT Telecommunications  
Pp 8.05  
Faraday Building  
1 Kightrider Street  
London  
EC4V 5BT

#### **Agent (if used)**

Mr Lewis Baldwin  
Mono Consultants  
Steam Packet House  
76 Cross Street  
Manchester  
M24 2JG

### **Part 1 – Particulars of the application/development**

---

**Proposal:** Installation of 1no. new 2.98m high freestanding double-sided BT Street Hub advertising unit following removal of 2no. telephone kiosks.

**Location:** Outside The Hacienda , 21 Albion Street, Manchester , M1 5DA

**Date of application:** 23 August 2021

**Application number:** 130419/FO/2021

### **Part 2 – Particulars of decision**

---

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

### **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 to the approval.

### **Condition(s) attached to this decision**

---

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:

Proposed Site Plan MAN 032 Drawing number 002 Rev A

Existing and Proposed Elevations MAN 032 Drawing number 003 Revision A

## Documents

Street Hub Anti-Social Behaviour Management Plan  
CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")  
Covering Letter  
LAND REMEDIATION STATEMENT MAN032  
PROFESSIONAL LIGHTING GUIDE 05: The Brightness of Illuminated Advertisements  
Street Hubs Beyond connection: Supporting local councils with digital street communication

All of the above drawings and documents received 14th May 2021

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

- 3) (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
- (b) No individual advertisements shall be displayed for duration of less than 10 seconds.
- (c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
- (d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
- (e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
- (f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m<sup>2</sup> during non-daylight/ inclement weather.

Reason - In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

- 4) a) The intensity of the illuminance of the advertisement shall be no greater than 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).
- b) The luminance level of the digital sign shall 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 600Cdm<sup>2</sup> during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch off
- c) "The advertisement shall display no special visual effects of any kind during the time that the advertisement is displayed or on transition between advertisements. The displayed image shall not include animated, flashing, scrolling, intermittent or video elements and the transition between successive images shall not include fading, swiping or other animated transition method.
- d) The minimum display time for each piece of content on the digital display screens shall be 10 seconds.

e). The interval between each piece of content on the digital display screens shall take place over a period no greater than one second; the complete screen shall change with no visual effects (including swiping or other animated transition methods) between displays

f) Should a fault be detected or reported with the screen or advertisement, the screen will be programmed to automatically switch to a blank screen with black background.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

5) a) The Communication apparatus hereby approved shall not use voice activated or handsfree technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained".

b) A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by MCC as Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter.

c) Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

Reason - In the interests of the amenities of the occupiers of nearby premises pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

6) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted to for approval in writing by the local planning authority, which for the avoidance of doubt should include:

1. Commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routeing both within the site and on the adjacent highway.

2. A dilapidation survey which should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Development must be carried out in accordance with the approved construction management plan upon commencement of authorised works.

Reason

In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the details in condition 2 and before development commences, a scheme for the reinstatement of pavements must be submitted to and approved in writing by the City Council as local planning authority before development commences.

Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

8) Before the development hereby approved commences, a plan must be submitted to and approved in writing by the City Council as Local Planning Authority. The plan must demonstrate how the development will be maintained to ensure the agreed light levels and noise levels are maintained and not exceeded. The plan must include details of remote monitoring and control capability, how the operator is alerted if any fault is detected and details of what action is taken where a fault is identified or reported including response time to undertake repair. The plan must include details of proposed physical inspection and monitoring frequency.

Reason

In the interests of visual amenity pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

## **Informatives**

---

### **Building Regulations 2010**

This permission does not grant approval under Building Regulations.

### **Street Naming & Numbering Requirements**

Manchester City Council is responsible for allocating street naming and numbering within Manchester for new developments or property conversions. Individuals or businesses are not permitted to allocate their own property numbers, building or street names.

If your development includes the creation of new dwellings (either new build or conversion of existing buildings), creation of new commercial properties or the subdivision of existing properties you must ensure that you request new or changes to addresses through us so they can be officially allocated and registered in accordance with the Public Health Act 1925 Sections 17-19 & Greater Manchester Act 1981 Section 22.

Failure to do this may result in difficulties for the developer/occupier when requiring services such as connections to utilities, phone lines and postal services and may delay your development.

You can apply online at the following address:

[http://www.manchester.gov.uk/info/100011/roads\\_parking\\_and\\_transport/1988/naming\\_and\\_numbering\\_of\\_houses\\_buildings\\_streets\\_and\\_roads/2](http://www.manchester.gov.uk/info/100011/roads_parking_and_transport/1988/naming_and_numbering_of_houses_buildings_streets_and_roads/2)

### **Mining Information**

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Please read the Standing Advice from the Coal Authority in Appendix A.

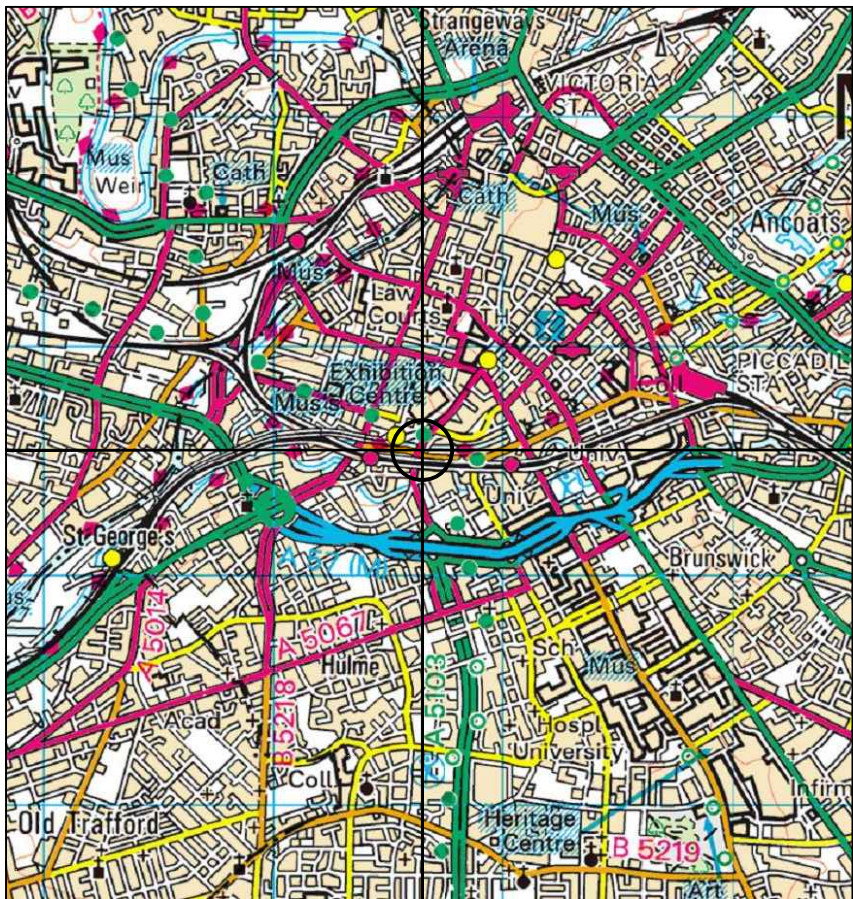
Any requirements for licensing, hoarding / scaffolding, skips and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highway Applications and Network Resilience teams via Email - [highwaylicenses@manchester.gov.uk](mailto:highwaylicenses@manchester.gov.uk)

Date: 16 June 2022

Signed: 

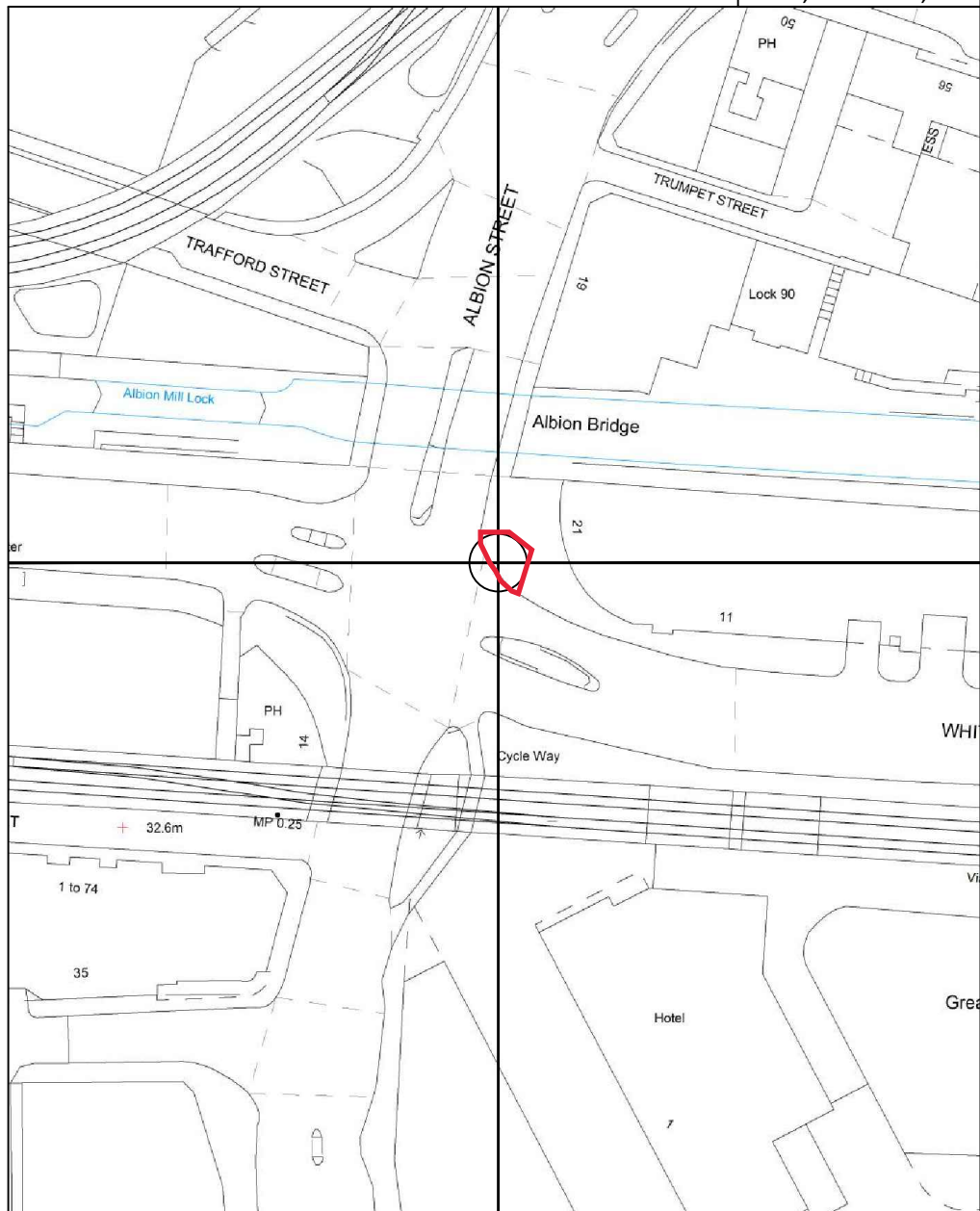
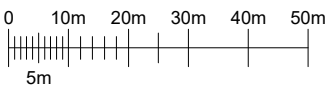
Julie Roscoe  
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA



**SITE LOCATION**  
SCALE 1:50000

Ordnance Survey map extract based upon Landranger map series with the permission of the controller of Her Majesty's Stationery Office.  
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**DETAILED SITE LOCATION**  
SCALE 1:1250

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**GENERAL NOTES**

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

| Rev | Date     | Description | Drawn | Chkd |
|-----|----------|-------------|-------|------|
| A   | 04.06.19 | FIRST ISSUE | ASE   | JE   |

**mono** # MONO CONSULTANTS LIMITED  
70-76 Steam Packet House  
Cross Street  
Manchester, M2 4JG  
t. 44 (0)161 839 8839  
www.monoconsultants.com

**InLinkUK** | **BT**

Drg Status  
**PLANNING**

Cell No. & Name

**MAN 032**

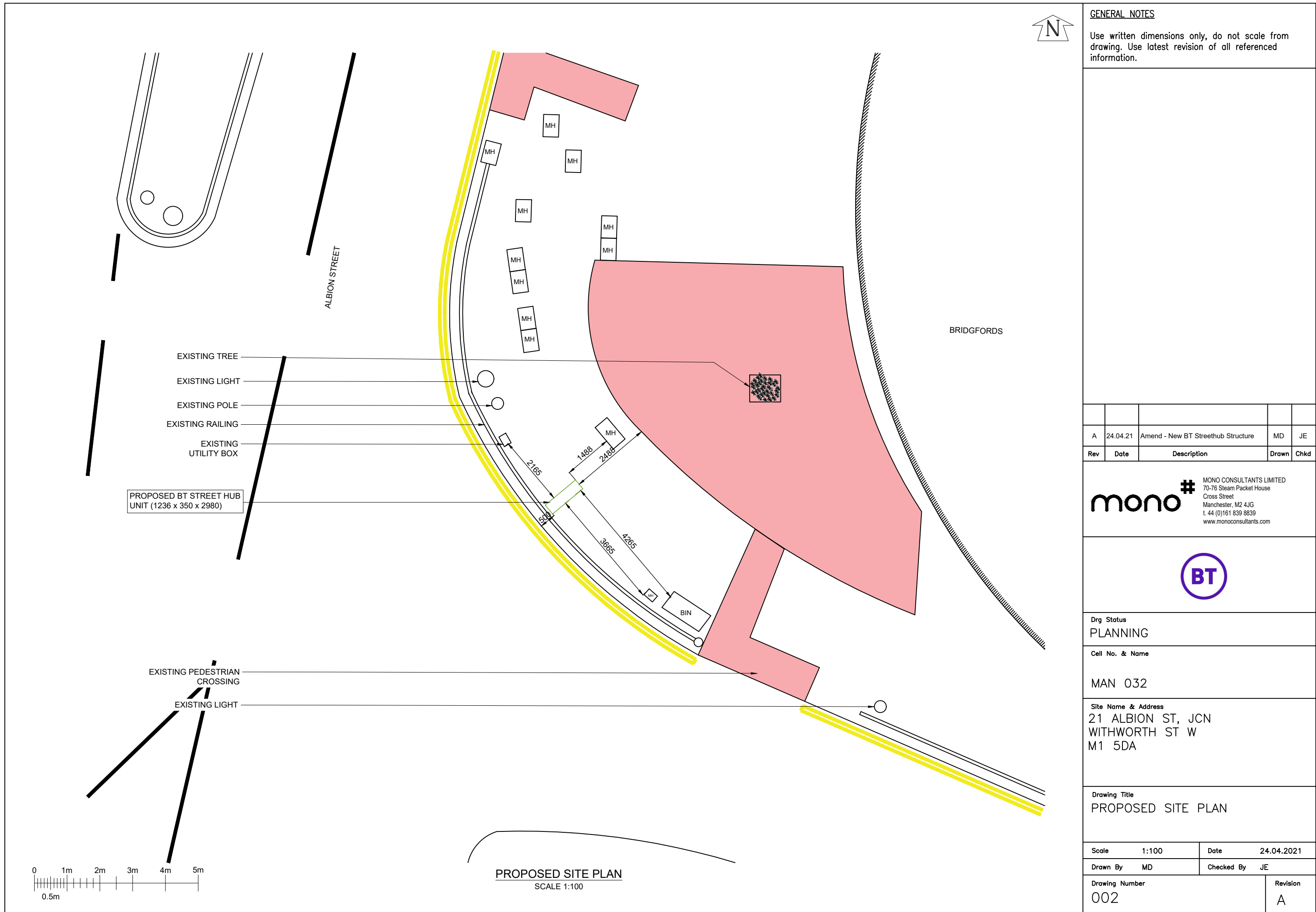
Site Name & Address  
**21 ALBION ST, JCN  
WITHWORTH ST W  
M1 5DA**

Drawing Title  
**SITE LOCATION MAPS**

Scale As Shown Date 04.06.19

Drawn By ASE Checked By JE

Drawing Number 001 Revision A



**GENERAL NOTES**

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

| Rev | Date     | Description                        | Drawn | Chkd |
|-----|----------|------------------------------------|-------|------|
| A   | 24.04.21 | Amend - New BT Streethub Structure | MD    | JE   |

#

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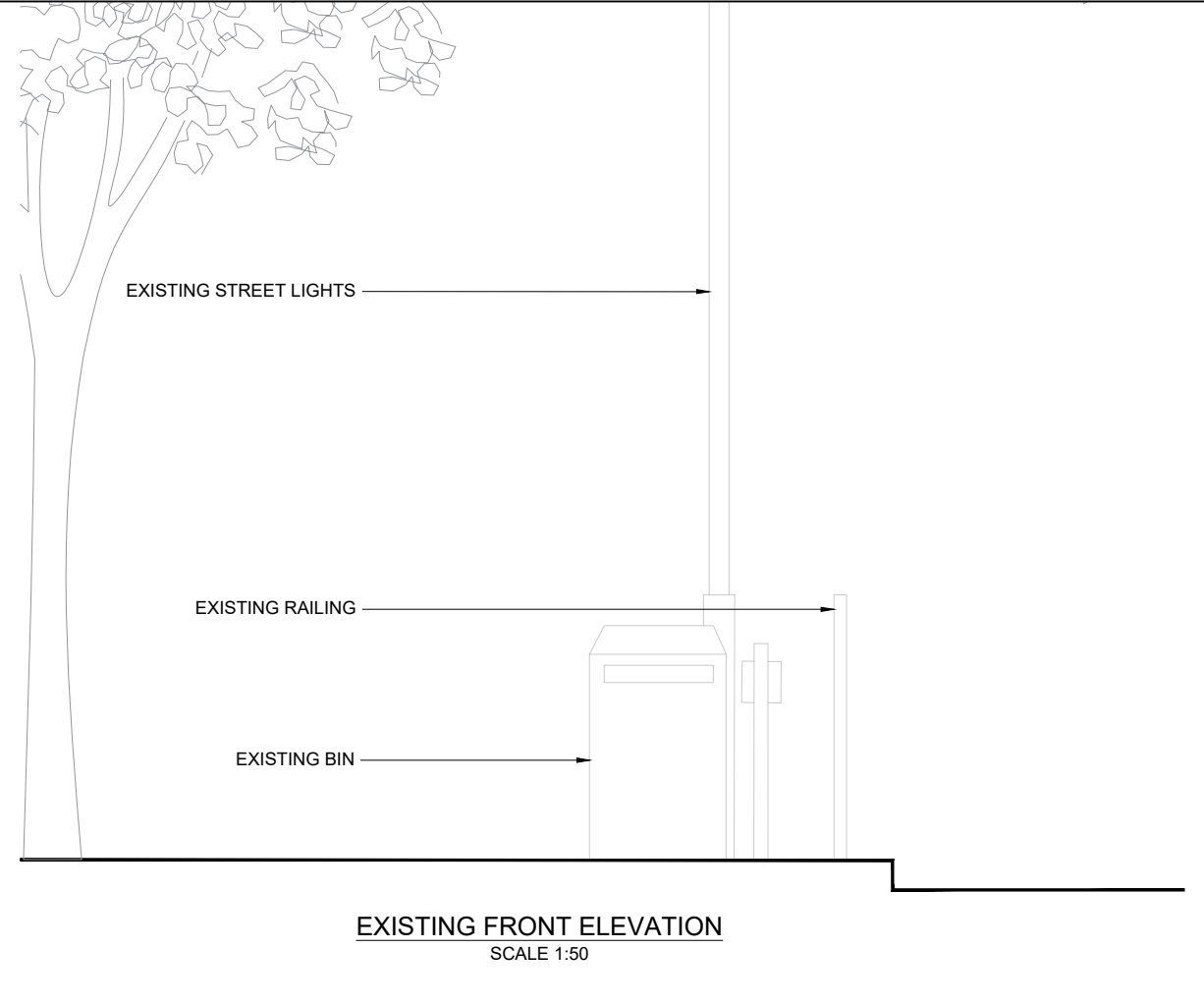
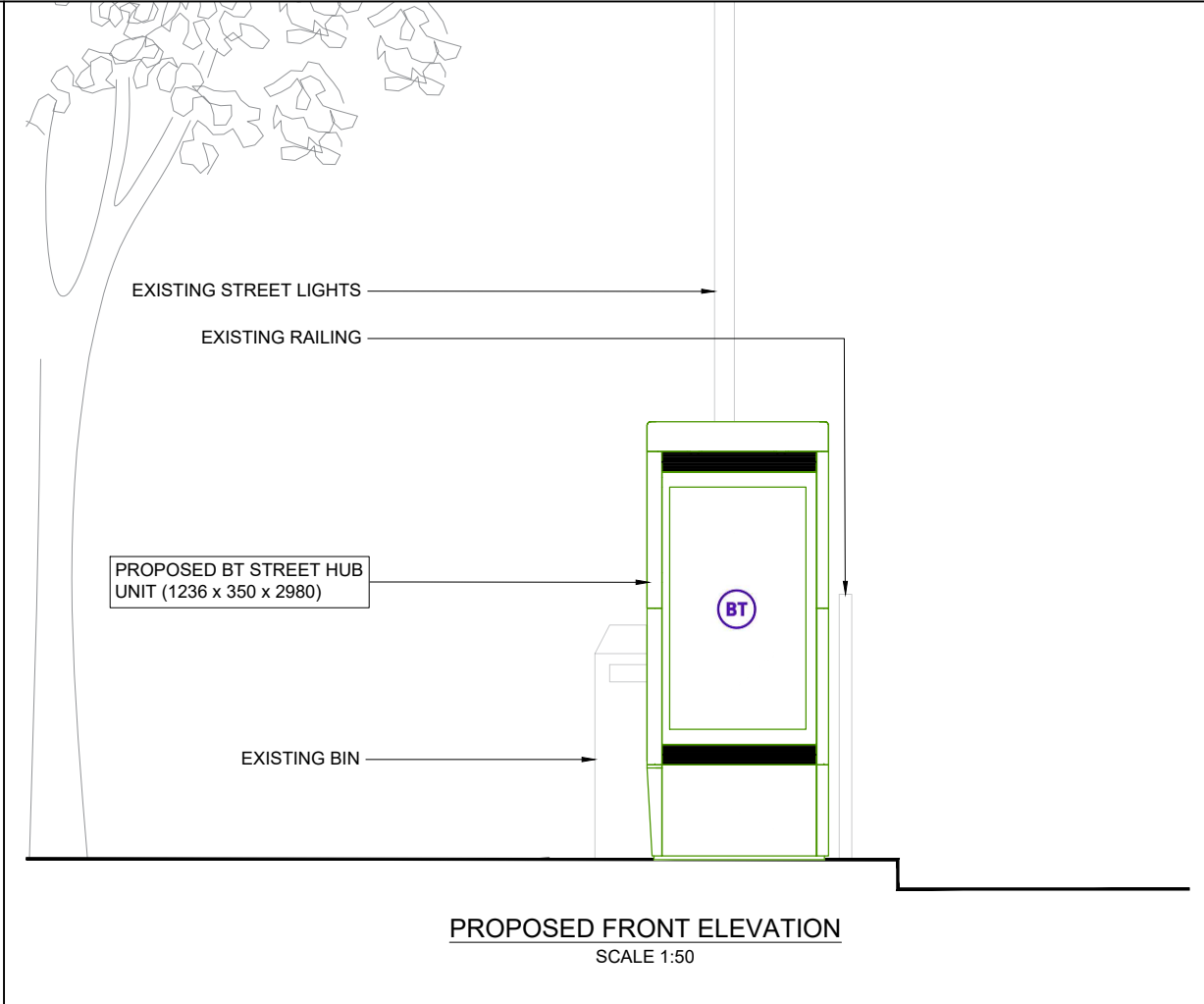
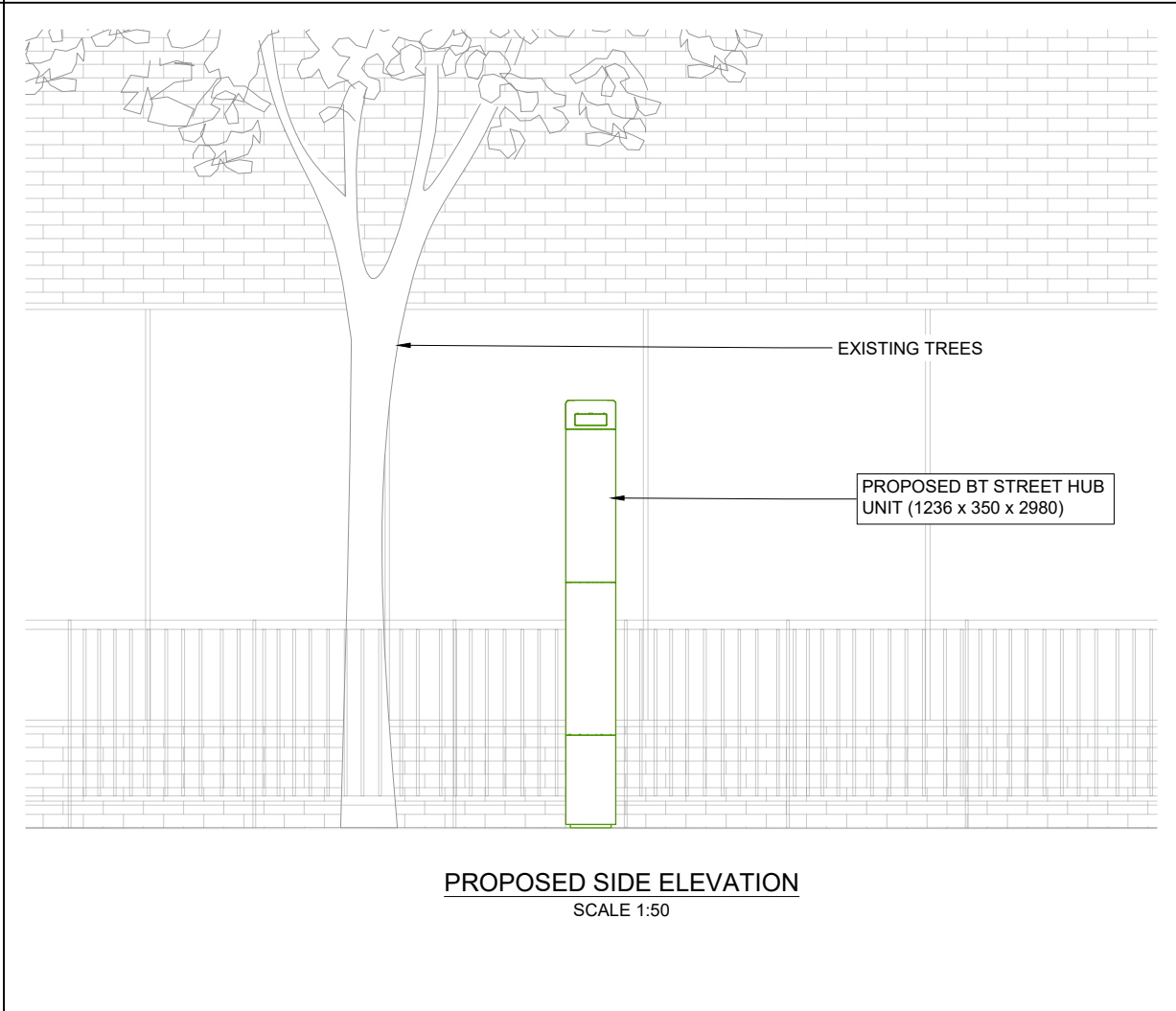


Drg Status  
**PLANNING**

Cell No. & Name  
**MAN 032**

Site Name & Address  
**21 ALBION ST, JCN  
WITHWORTH ST W  
M1 5DA**

Drawing Title  
**PROPOSED SITE PLAN**



**GENERAL NOTES**

Use written dimensions only, do not scale from drawing. Use latest revision of all referenced information.

| A   | 24.04.21 | Amend - New BT Streethub Structure | MD    | JE   |
|-----|----------|------------------------------------|-------|------|
| Rev | Date     | Description                        | Drawn | Chkd |

**mono** #

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Cross Street  
Manchester, M2 4JG  
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www.monoconsultants.com

**BT**

Drg Status  
**PLANNING**

Cell No. & Name  
**MAN 032**

Site Name & Address  
**21 ALBION ST, JCN  
WITHWORTH ST W  
M1 5DA**

Drawing Title  
**EXISTING AND PROPOSED  
ELEVATIONS**

|          |      |            |            |
|----------|------|------------|------------|
| Scale    | 1:50 | Date       | 24.04.2021 |
| Drawn By | MD   | Checked By | JE         |

|                              |                      |
|------------------------------|----------------------|
| Drawing Number<br><b>003</b> | Revision<br><b>A</b> |
|------------------------------|----------------------|

## **APPENDIX 4**

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## Appeal Decision

Site visit made on 9 January 2019

**by D J Barnes MBA BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> January 2019**

---

**Appeal Ref: APP/B4215/W/18/3192639**

**Public Highway Outside 15 Whitworth Street West, Manchester M1 5DA**

- 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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Maximus Networks Limited against the decision of Manchester City Council.
  - The application Ref 116313/TEL/2017, dated 18 May 2017, was refused by notice dated 5 July 2017.
  - The development proposed is the installation of a telephone kiosk.
- 

### Decision

1. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in respect of development by a telecommunications code system operator for the siting and appearance of a telephone kiosk on the public highway outside 15 Whitworth Street West, Manchester M1 5DA in accordance with the terms of the application Ref 18 May 2017, dated 116313/TEL/2017, and the plans submitted with it.

### Procedural Matters

2. The description of development is taken from the appeal form to provide certainty of the proposal subject to the appeal.
3. Since the appeal was lodged the revised National Planning Policy Framework (the Framework) has been published but does not raise any additional matters.
4. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed payphone kiosk (also known as a public call box) that falls within the permitted development rights of Schedule 2, Part 16, Class A, paragraph A.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), subject to the prior approval requirements under paragraph A.3. The appellant applied to the Council on that basis. The Council determined that prior approval was required and refused for the siting and appearance of the payphone kiosk.
5. The Council has made reference to several policies of the Adopted Core Strategy for the City of Manchester and the Unitary Development Plan for Manchester in its reasons for refusal. However, the principle of development is established by the GPDO and prior approval relating to paragraph A.3 of Schedule 2, Part 16, Class A of the GPDO includes no requirement that regard be had to the development plan. The provisions of the GPDO require the local

planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. Consequently, the appeal is not determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Nonetheless, the above mentioned policies, in so far as they are relevant to matters of siting and appearance, have been taken into account.

6. The Framework deals with supporting high quality communications infrastructure, including applications for prior approval, and requires that local planning authorities must determine applications on planning grounds. As the principle of development is established by the GPDO, considerations such as need for the payphone kiosk are not a relevant matter.
7. However, the Council has identified that the appeal site is close to a Listed Building. Statute requires that special regard is to be paid to the desirability of preserving Listed Buildings and their settings. The Council has also identified that the appeal site is close to a Conservation Area which is clarified in the evidence to be the Whitworth Street Conservation Area. The Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and such significance can be harmed or lost through development within their setting.

### **Main Issue**

8. The main issue is whether or not approval should be given in respect of the siting and appearance of the development, having regard to the character and appearance of the area and the effect upon highway and pedestrian safety.

### **Reasons**

#### *Character and Appearance*

9. The proposed kiosk would be a freestanding, 3-sided structure with panels of safety glass and a black steel frame. The design of the kiosk would allow accessibility for people with limited mobility, including wheelchair users. Solar panels on the roof would be used as the power source. Although the proposed kiosk would be utilitarian in appearance, the appeal scheme would have a relatively simple form, be open or have elements of glazing and appear a lightweight structure.
10. The appeal scheme would be erected within the footway adjacent to a contemporarily designed residential apartment building with a commercial unit at ground floor level (the Hacienda Apartments). The appeal site is adjacent to a busy traffic light controlled junction around which there are various items of street furniture, including railings, lamp posts, signs, rubbish bins, trees and the columns for the traffic lights. Although there are existing items of street furniture, the erection of the proposed kiosk would not give rise to a unacceptably cluttered appearance at this busy junction.
11. The design and lightweight appearance of the appeal scheme would complement the contemporarily designed neighbouring building. By reason of its design, its siting within the street furniture zone, the context of the neighbouring building and the busy nature of the junction, the appeal scheme would not be an unduly prominent or visually discordant structure within the

footway along the north side of the road nor the wider appearance of the streetscene.

12. From some locations along the road, the proposed kiosk would have the railway viaduct as a backdrop. This viaduct is a Listed Building comprising a brick built arched structure which extends along a considerable length of Whitworth Street West between the Oxford Road Railway Station and Albion Street. Adjacent to the appeal site, some of the original voids remain open with views towards a landscaped area and contemporarily designed buildings.
13. However, the separation distance between the appeal scheme and the viaduct, the busy character of the junction and other street furniture combine to ensure that the setting of the Listed Building would be preserved rather than harmed. The proposed kiosk would predominantly be seen within the context of, and visually related to, the adjoining contemporarily designed adjacent building rather than the viaduct. For the reasons given, it is concluded that the siting and appearance of the proposed kiosk would not cause unacceptable harm to the character and appearance of the area.

#### *Highway Safety*

14. At the time of the site visit, the pedestrian flows around the junction were not particularly heavy albeit it was noted there is a tram stop near-by which might result in greater flows at other times. The proposed kiosk would not be on a pedestrian desire route and was also not observed during the site visit to be a popular location for pedestrians to informally cross the road away from the defined crossing points at the junction. These are defined by the railings, change to the surfacing materials and the location of the traffic light columns. The appeal scheme would be sufficiently sited away from the crossing so as not to obstruct the views of drivers of vehicles or cyclists of pedestrians waiting to cross the road.
15. The proposed kiosk would be erected within the street furniture zone adjacent to the carriageway. By reason of siting and footprint, the appeal scheme would cause a narrowing of the footway when compared to other items of street furniture. However, there would remain a sufficient width of footway to enable the free flow of pedestrians and other footway users.
16. The traffic lights were observed during the site visit to both control the stopping of traffic and the crossing of pedestrians. There is no evidence to indicate that there is a particular highway safety concern associated with the operation of the traffic lights at the junction. When travelling east, drivers of vehicles and cyclists would still be able to see the lights rather than have their sightline interrupted. Accordingly, it is concluded that there would be no unacceptable harm caused to the safety of other highway users.

#### *Other Matters*

17. Concerns have been expressed regarding the prospect of outside panels of the proposed kiosk being used for advertisements. During the site visit it was observed that advertisements of varying types are a common feature of the immediate locality, including shopfronts. Nonetheless, the erection of a kiosk and the display of advertisements are distinct and separate matters requiring different applications. The appeal relates to the erection of a kiosk only and not any advertisement consent that may otherwise be required. This appeal

has, therefore been assessed on that basis and the matter of potential advertisements has not influenced the assessment made.

18. The Council claims that the proposed kiosk would lead to anti-social behaviour and fear of crime, including fly-posting and vandalism. Although there was an example noted of a vandalised telephone kiosk during the visit to this and other appeal sites, only a single example of a vandalised kiosk was observed with other kiosks being free of fly-posting, graffiti and vandalism. Other than this observed example, there is no other specific evidence or reason to consider that its presence would encourage crime or anti-social behaviour when taking into account that the design of the kiosk is not fully enclosed. The concerns of the Police relate to the materials proposed rather than the siting of the kiosk and its potential to be a focus for crime or anti-social behaviour. There is nearby street lighting and natural surveillance of the site, including the flow of pedestrians.

### **Conditions**

19. The grant of prior approval for the payphone kiosk is subject to the standard conditions set out in the GPDO, including an implementation timescale, removal of the structure/apparatus when it is no longer required for electronic telecommunications purposes and accordance with the details submitted with the application. No further conditions, including those suggested by the Council, are necessary to make the proposal acceptable.

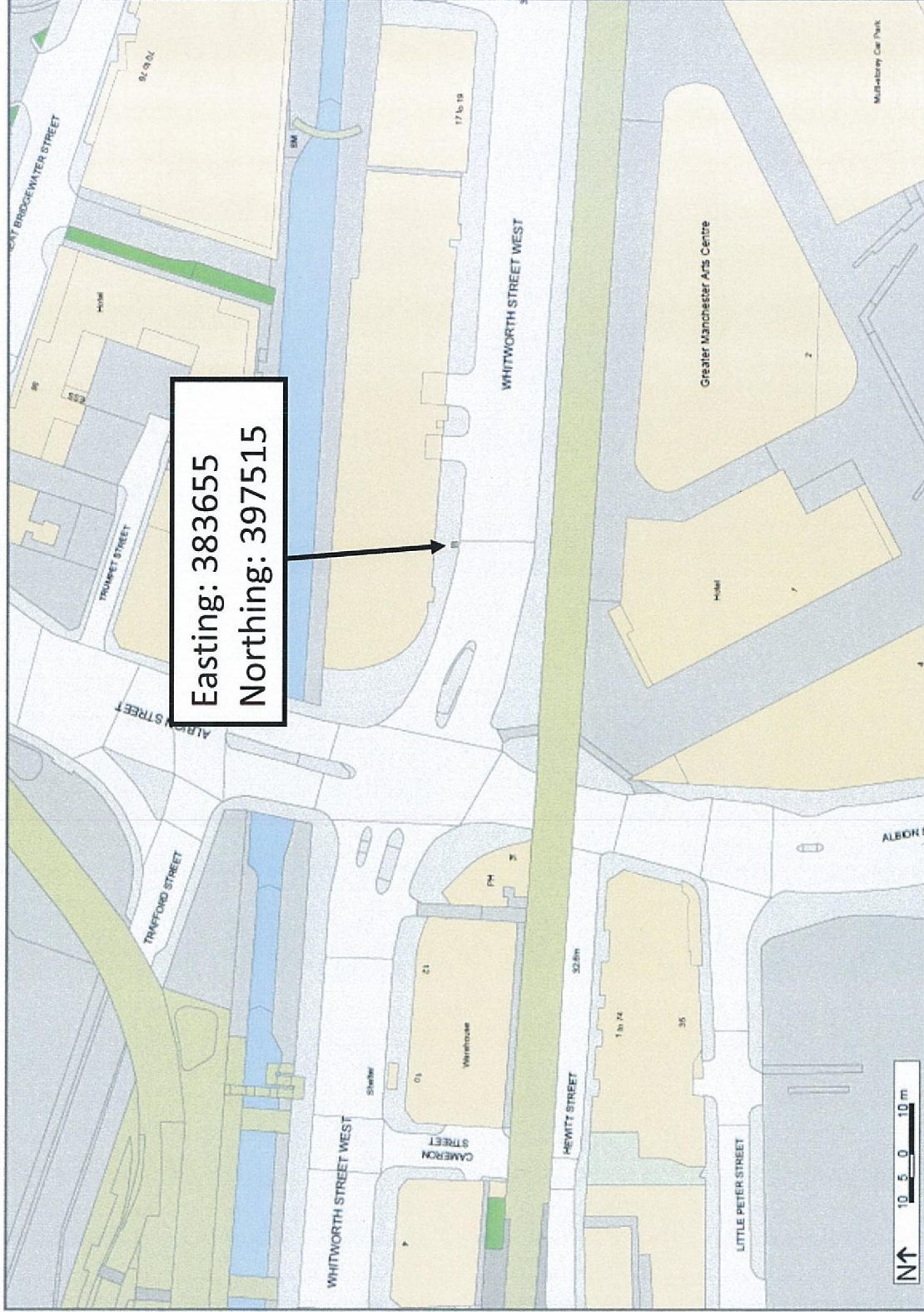
### **Conclusion**

20. For the reasons given above and having regard to all matters raised, it is concluded that the appeal should be allowed and prior approval granted subject to the standard conditions set out in Schedule 2, Part 16, Class A of the GPDO.

*D J Barnes*

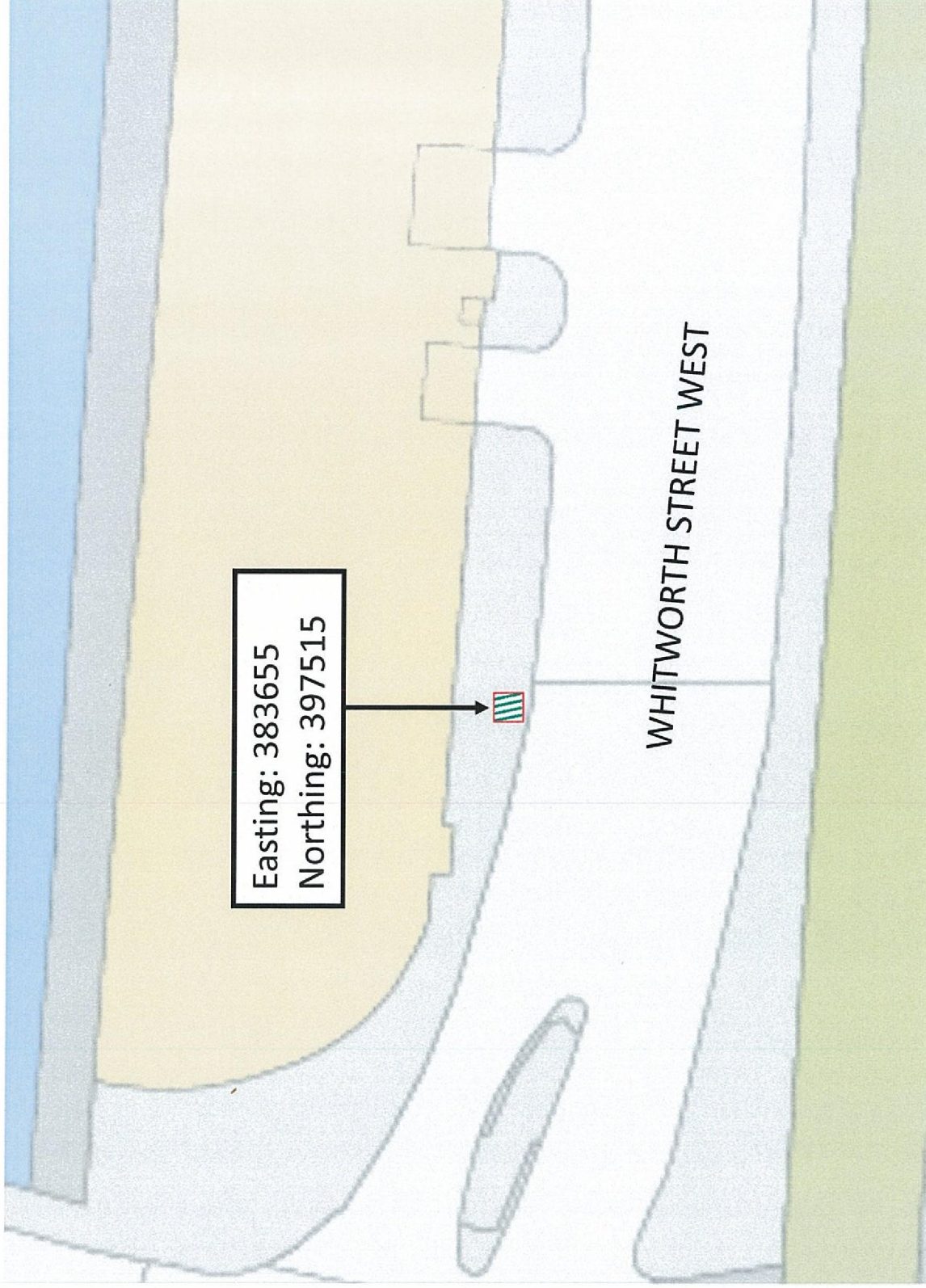
INSPECTOR

# 15 Whitworth Street West, Manchester M1 5DA [1:1250]



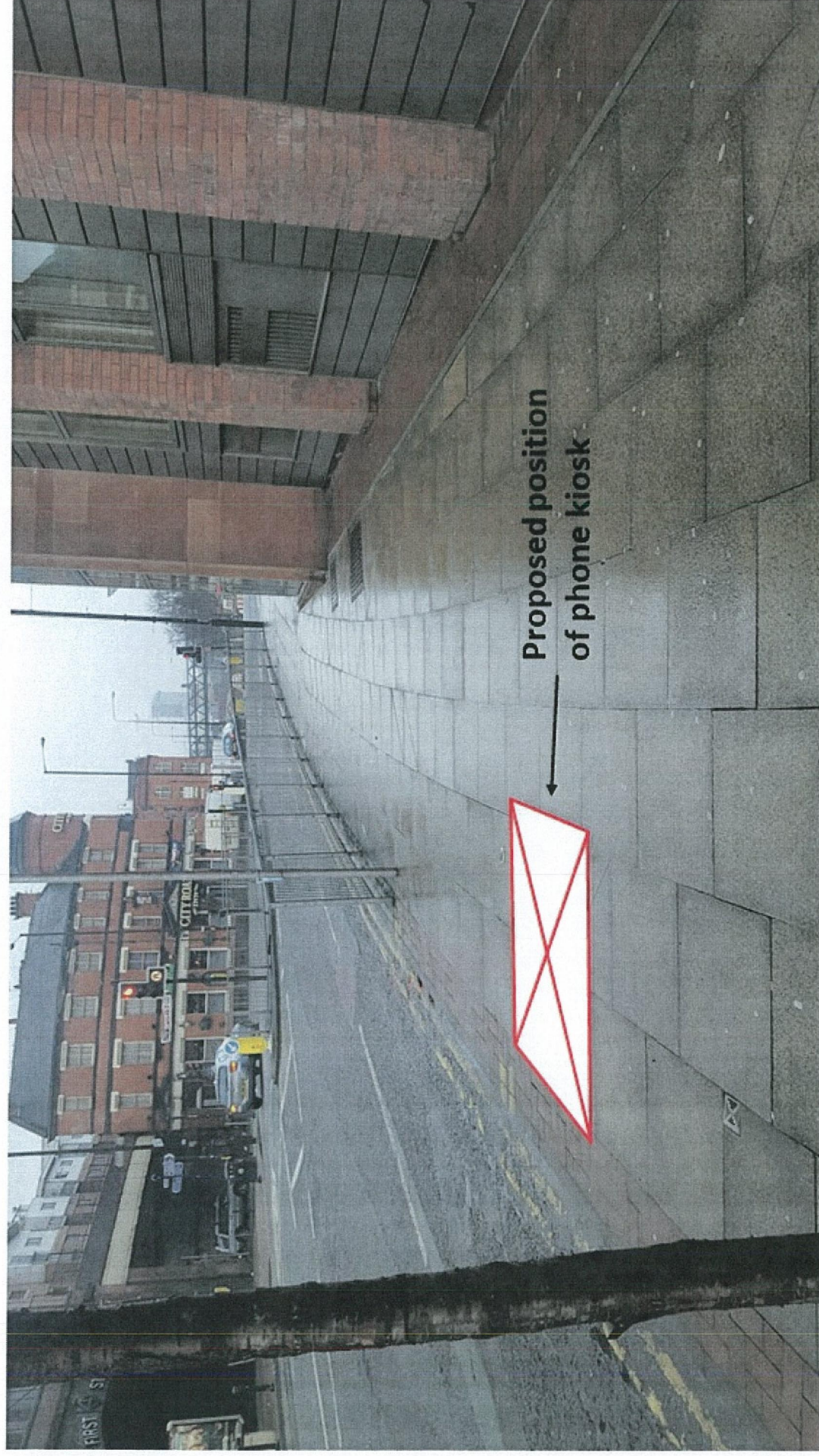
Maximus Networks Ltd

15 Whitworth Street West, Manchester M1 5DA [1:200]



Maximus Networks Ltd

pavement in front of 15 Whitworth Street West, Manchester M1 5DA



Maximus Networks Ltd