

Planning

Growth & Development

Delegated officer report for planning application

Application no. 139737/FO/2024

Date registered valid: 8 April 2024

Proposal: Removal and replacement of existing red telephone box with single black digital communications kiosk.

Address: Public Telephone Kiosk Outside 27 To 29 King Street West,
Manchester

Ward(s): Deansgate Ward

Applicant: Mr Ben Porte New World Payphones

Agent (if any):

Case officer: Jack Naven
Tel: 0161 219 2095
Email: jack.naven@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: **28th May 2024**

Application Details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 17 April 2024

Standard consultations:

Printed: 17 April 2024 Expired: 9 May 2024

Neighbour notifications

Printed: 17 April 2024 Expired: 9 May 2024

Site notice

Posted: 17 April 2024 Expired: 9 May 2024

Press advert

Published: 23 April 2024 Expired: 7 May 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Parsonage Gardens Conservation Area

Tree Preservation Order: Not applicable

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

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

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

The site is situated within Parsonage Gardens Conservation Area.

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

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

Description of Development

The application seeks planning permission for the removal and replacement of existing red telephone box with single black digital communications kiosk.

Related Applications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Consultations & Notification Responses

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

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

Greater Manchester Police - No comment.

Greater Manchester Pedestrian Society - No comment.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

The following policy and guidance is considered relevant to the consideration of this application:

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

EN1 (Design Principles and Strategic Character Areas) - advises that development provide opportunities for good design to enhance the overall image of the City should be fully realised and both reinforce and enhances the local character. It also advises that developer's will be expected to consider the City's heritage, including its listed buildings, conservation areas, archaeological remains and historic street pattern.

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

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

DM1 (Development Management) - which states that all development should have regard to a number of specific issues the following of which are relevant to this application and for which more detailed guidance may be given within a supplementary planning document:

- Impact on the surrounding areas in terms of the design, scale, and appearance of the proposed development.
- Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Refuse storage and collection.
- Vehicular access and car parking.

The National Design Guide (January 2021) illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

There are 10 characteristics of well-designed places within the National Design Guide which are listed below:

- Context – enhances the surroundings
- Identity – attractive and distinctive
- Built form – a coherent pattern of development
- Movement – accessible and easy to move around
- Nature – enhanced and optimised
- Public Spaces – safe, social, and inclusive
- Uses – mixed and integrated
- Homes and buildings – functional, healthy, and sustainable
- Resources – efficient and resilient
- Lifespan – made to last

The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (Adopted 2007)

This document provides guidance to help develop and enhance Manchester. In particular, the SPD seeks appropriate design, quality of public realm, facilities for disabled people (in accordance with Design for Access 2), pedestrians and cyclists. It also promotes a safer environment through Secured by Design principles, appropriate waste management measures and environmental sustainability.

Paragraph 2.7 states that Chapter 2 'Design' - outlines the City Council's expectations that all new developments should have a high standard of design making a positive contribution to the City's environment, and encourages "the most appropriate form of development to enliven neighbourhoods and sustain local facilities. The layout of the scheme and the design, scale, massing and orientation of its buildings should achieve a unified form which blends in with, and links to, adjacent areas.

Places for Everyone

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester.

Policy JP-P1 (Sustainable Places) states an aim to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the following key attributes that all development, wherever appropriate, should be distinctive, with a clear identity, visually stimulating, socially inclusive, resilient, adaptable, durable, resource efficient, safe, supported by critical infrastructure, functional and convenient, incorporating accessibility, legible easy to move around, well connected, comfortable and inviting, incorporating high quality and well managed green infrastructure and public realm, well served by local shops, services and amenities.

Policy JP-P2 (Heritage) states an aim to proactively manage and work with partners to positively conserve, sustain and enhance its historic environment and heritage assets and their settings. Opportunities will be pursued to aid the promotion, enjoyment, understanding and interpretation of heritage assets, as a means of maximising wider public benefits and reinforcing Greater Manchester's distinct identity and sense of place. The policy requires development proposals affecting a designated heritage asset (or an archaeological site of national importance) and a conservation area to conserve those elements which contribute to its significance including those identified in any conservation area appraisal as making a positive contribution to the area. Harm to such elements will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.

National Policy

Decisions should accord with the requirements of the **National Planning Policy Framework (2023)**, in particular to **Section 12 (Achieving Well-Designed Places)**, which states that:

"Development that is not well designed should be refused, specifically where it fails to reflect local design policies and government guidance on design. Developments should help to raise the standard of design more generally in an area and fit in with the overall form and layout of their surroundings" (NPPF paragraph 139).

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

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

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

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

The National Design Guide (January 2021) illustrates how well-designed places that are beautiful, enduring, and successful can be achieved in practice. It forms part of the

Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

There are 10 characteristics of well-designed places within the National Design Guide which are listed below:

- o Context - enhances the surroundings
- o Identity - attractive and distinctive
- o Built form - a coherent pattern of development
- o Movement - accessible and easy to move around
- o Nature - enhanced and optimised
- o Public Spaces - safe, social, and inclusive
- o Uses - mixed and integrated
- o Homes and buildings - functional, healthy, and sustainable
- o Resources - efficient and resilient
- o Lifespan - made to last

Other Legislation

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

Issues

Visual Amenity

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

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

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

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

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

and other works following demolition of existing buildings at 27-29 King Street West and 31-33 King Street West and link bridge from Carriage Works on Garden Lane / St Mary's Parsonage to 3 St Mary's Parsonage.

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

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

Access

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

Residential Amenity

Saved Policy DC17 of the Unitary Development Plan for Manchester (1995), the impact of telecommunications infrastructure on residential amenity. The buildings adjacent to the installation site are residential in nature and the kiosks could potentially be a source of disamenity to nearby occupiers. This could come from both noise associated with the telephone use owing to the unenclosed nature of the kiosks and light pollution from the digital screen which would be directly outside residential windows. These elements are of concern to Environmental Health, who requested both control of the digital display content and illuminance, together with a noise management plan for the kiosk. Subject to these being resolved satisfactorily, it is considered that there would be sufficient mitigation of any concerns regarding residential amenity.

Conclusion

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

Other Legislative Requirements

Equality Act 2010

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

Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations

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

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

Recommendation: Refuse

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. This included engaging in pre-application advice before the applications were submitted. Unfortunately, in this case, the issues with this proposal have led to a refusal determined within time.

Reasons for recommendation to refuse

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

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Pedestrians Society

34 Bridge Street, Manchester, M3 3BZ
Advertising Right BT Inlink Opposite 27 - 29, King Street West, Manchester, M3 2PN
Advertising Right Outside 18 - 22, Bridge Street, Manchester, M3 3BZ
Second Floor, 38 King Street West, Manchester, M3 2WZ
Third Floor, 38 King Street West, Manchester, M3 2WZ
Third Floor Newton Estates, 38 King Street West, Manchester, M3 2WZ
Basement And Ground Floor, 38 King Street West, Manchester, M3 2WZ
33 King Street West, Manchester, M3 2PW
38 King Street West, Manchester, M3 2WZ
First Floor, 38 King Street West, Manchester, M3 2WZ
6 - 7 Butter Lane, Manchester, M3 2PD
Betfred, Ground Floor, 38 King Street West, Manchester, M3 2WZ
27 - 29 King Street West, Manchester, M3 2PN
55 Bridge Street, Manchester, M3 3BQ
Basement Store, 27 - 29 King Street West, Manchester, M3 2PN

Appendix 2 – Planning constraints

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