

PLANNING DESIGN & HERITAGE STATEMENT

Town and Country Planning Act 1990

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

Manchester City Council

April 2024

INTRODUCTION

1. This statement is submitted in support of a dual application, for both planning permission¹ and express advertising consent², by New World Payphones (“NWP”)³.
2. Located in Manchester’s City Centre, the proposal is for the removal and replacement of the existing red telephone kiosk outside 27 – 29 King Street West with a new digital communications kiosk and ancillary advertisement.
3. The National Planning Policy Framework (“the Framework”) states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G)⁴.
4. The Code for Best Practice on Mobile Network Development in England (2022) states that local planning authorities should support the expansion of electronic communications networks and that there should be a presumption in favour of facilitating such development. Local planning authorities should not seek to prevent competition between different operators or question the need for new communications systems⁵.
5. NWP is an Electronic Communications Code Operator under the terms of the Telecommunications Act 1984 and has statutory powers enabling it to operate electronic communications apparatus within the highway for the purpose of its electronic communications network. As the second largest Operator in the UK, NWP operates an electronic communications network of circa 2000 telephone kiosks across the United Kingdom.
6. In recent years, NWP has set about consolidating, rationalising, and upgrading its estate by replacing the tired-looking telephone kiosk structures and outmoded telephony equipment with digital telecommunications infrastructure which better meets the needs of society. This is recognised as key to providing a more open and accessible public realm, as desired by the Council’s policy framework (and advice issued historically to developers/operators - below).

¹ Section 62 of the Town and Country Planning Act 1990

² Regulation 9 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007

³ See also the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

⁴ Paragraph 118 of the National Planning Policy Framework (December 2023)

⁵ Ibid. paragraph 122

7. Indeed, the proposal in this case forms part of a wider strategy to rationalise and upgrade its public communications network estate in Manchester's central area.
8. Neither the concept nor approach is alien to the Council, with identical strategies to remove, reduce and upgrade other existing networks being positively received by the Council, set out in historic pre-application advice⁶, and reflected in recent grants of consent for similar upgrades by BT⁷ at this very location. The advice issued to these parties and the decisions taken thereafter are therefore weighty material considerations and a useful framework in which this proposal can be considered.
9. Also significant is the Council's pre-application response to NWP's own strategy⁸ and the appeal decision granting planning consent for the new kiosk in 2018⁹. This consent was never implemented, but the proposed digital communications kiosk is nearly identical in appearance and operation; this is a significant and weighty material consideration *in its own right*.
10. It is for these reasons/decisions that the Council raised no objections in principle to the upgrade of the existing telephone box. It did, however, consider that the development of the adjoining site will have implications for the public realm, in which the application site sits:

"[A]ny 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."

11. Following the grant of both planning and listed building consent (demolition) for the adjoining buildings, there has been no headway on the discharge of conditions for matters reserved by condition under the terms of these consents. Planning decision making has, and always should, be based on the prevailing conditions – and NWP has gone so far as to factor in the proposed redevelopment. Nevertheless, the proposed communications kiosk would not prejudice the

⁶ Development Management Pre-Application Advice issued to JC Decaux/Infocus 16 July 2020

⁷ Appendix 1: Manchester planning refs. 130567/FO/2021 and 130568/AOH/2021

⁸ Response (email) dated 10 November 2023

⁹ Appendix 2: Appeal decision ref. APP/B4215/W/18/3195987 (via Manchester ref. 116828/TEL/2017)

redevelopment of the adjoining site, and its siting and operation is intended to complement it once works are complete.

12. The permissibility of the proposal before the Council is, therefore, established.

13. Accordingly, in addition to this Planning Design and Heritage Statement, the submission comprises the following documents and drawings:

- Application Form: Planning and Advertisement Consent
- Site Location Plan
- Site Plan
- Existing Kiosk Elevations
- Proposed Kiosk Elevations
- Proposed Kiosk (Photomontage) View
- New World Payphones Kiosk Specifications Document
- Management Plan
- Community Infrastructure Levy Form

14. The requisite fee of £871 will be submitted via the Planning Portal. Notice will also be served on the relevant highway authority.

TELEPHONE KIOSKS IN MANCHESTER

15. Prior to the Covid Pandemic, NWP set about consolidating and rationalising its estate in Manchester by removing 5 kiosks (on Mosely Street, Lower Mosely Street and 3 on Oxford Road). These were the result of engagement with the Council to facilitate highway improvements. Consequently, NWP's electronic communications network in Manchester currently consists of 8 kiosks at the following locations:

- o/s 1 Portland Street (double kiosk)
- opp 34 Charlotte Street
- Whitworth Street, junction of Sackville Street
- o/s The Ritz, Whitworth Street West
- o/s 1 Oxford Street
- **o/s 27-29 King Street West**
- o/s Mercure Hotel, Portland Street

16. The overall proposal would see those locations shaded grey (above) upgraded in-situ; those shaded yellow will be relocated to sites a short distance away, and; the site outside the Mercure Hotel (on Portland Street) will be removed entirely. A new communications kiosk is proposed on Oxford Road in a bid to ensure sufficient network coverage.

17. Added to the removal of the aforementioned 5 kiosks elsewhere in the centre, this latest tranche of applications would see the net removal of an additional kiosk reducing the overall number to 7 kiosks; an overall net reduction of 50% in the kiosk estate.

18. The existing red and black kiosks, which date back to the 1990's, are tired-looking structures and outmoded in terms of their telephony equipment. This kiosk type has also experienced historic problems including anti-social behaviour and lack of access for people with mobility impairments. These factors notwithstanding, the kiosks are in use, with most calls made to mobile and 0800 numbers, including the emergency services.

19. The new kiosks will be of an improved design, securing a tangible benefit to the public realm, and will offer enhanced electronic/digital communication services to the public. The upgrade and removal process will be part funded by revenues from advertising and the apparatus will serve as a hub for future upgrades and enhancements of communication networks as technology and societal needs advance.

THE PROPOSED KIOSK

20. The proposed replacement digital communications kiosks are for the purposes of NWP's electronic communications network. Each 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;
 - Location-based information (NFC, Bluetooth 4.0 LE); and
 - On the reverse side, a 1635mm (H) x 924mm (W) LCD display for advertising purposes, recessed behind toughened glass.
21. 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 eradicate anti-social behaviour.
22. The existing NWP Telephone Kiosk is box-shaped and enclosed, with a footprint measuring 0.89 square metres (sqm). It is 2430mm high, 948mm wide and 948mm deep. In comparison, the proposed kiosk has a footprint measuring 0.83 sqm, is 2459mm high (a difference of just 29mm), is 1115mm wide (167mm wider than the existing kiosk) and is 762mm deep (195mm less deep than the existing kiosk).
23. The reverse side of the kiosk would incorporate a 1635mm by 924mm integral digital display advertising panel. Phone kiosks have long been synonymous with advertising, used mainly to support the viability and maintenance of the network. Nevertheless, the advertising element is an integral part of the design and pivotal to the funding of the overall goal of rationalising the kiosk estate.
24. The advertisement display 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.
25. 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. 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; again, this is well within the limit prescribed by PLG05/23.

26. NWP accept that planning conditions will be necessary to ensure the development operates appropriately. Hence, the following conditions are advanced for consideration by planning officers and consultees in their assessment:

- a) The approved development shall operate in accordance with the approved documents and drawings (specified by the local planning authority).
- b) Express advertising consent is granted for a period of 5 years in accordance with the Regulations.
- c) 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" or any successor publication.
- d) The advertisement panel should have a default mechanism to freeze an advertisement in the event of any malfunction.
- e) The advertisement panel shall display only static images, at a frequency of once every ten seconds.

Tree Planting

27. In addition to kiosk removals, and as part of its environmental commitments, NWP has partnered with Trees for Cities, which is a global charitable organisation working to create greener cities internationally.

28. As part of this commitment, NWP offers to plant a tree in a location to be agreed with the Council for every kiosk proposed for upgrade. This could be secured by agreement under either Section 278 of the Highways Act 1980 or Section 106 of the Town and Country Planning Act 1990.

Council Communications

29. The advertisement display is intended not only for commercial use, but as a platform for a range of messages, to include information for local residents and visitors regarding local services, events and news.
30. Subject to agreement, therefore, the proposal includes an offer to the Council to make use of the advertisement display. One ten second slot in each hour, at no cost to the Council, can be made available.

Endorsement of Replacement Digital Communications Kiosks

31. The proposed communications kiosk represents an improvement on the existing telephone kiosk, both visually and functionally. This has been referenced in several decisions across the UK which also considered the replacement of the older dated telephone kiosks. In Hillingdon, one Inspector stated:

“the existing phone box, which would be replaced as part of the proposed advertisement, is a tired looking feature...the new kiosk would introduce a more appropriate, modern feature and in this respect, it would improve visual amenity”¹⁰.

32. Indeed, this is mirrored by a raft of similar decisions in the London Boroughs, where Inspectors have commented favourably on the design and integration of the kiosks with the street scene. In the Royal Borough of Kensington and Chelsea, where 19 new kiosks were permitted, one Inspector considered that the project:

“would not add to street clutter but rather would replace tired looking telephone kiosks with a modern one that would still retain a distinctly traditional and recognisable telephone kiosk in a black finish that would be compatible with the general street furniture in the area.”

33. Lastly, in Wakefield, the Council approved the rationalisation project in July 2019. In granting consent¹¹, the local planning authority stated that

“[t]he proposed kiosks will replace... telephone kiosks which have been in situ for some considerable time. The proposed kiosk will lessen the overall visual impact simply by reducing the overall built form. The appearance

¹⁰ Appeal Decision [Lead Case] Ref. APP/R5510/Z/16/3157043

¹¹ Wakefield Planning Reference 19/01082

will be more contemporary than the existing units with side windows and roof taking design cues from the original cast iron phone boxes which together with a matt black colour scheme would provide a more subtle appearance than those units currently in situ. Additionally, the two open sides would provide improved user safety and surveillance.”

34. NWP has therefore had great success in renewing and upgrading its estate, to the benefit of the public and the built environment. The merits of both the kiosk’s design and utility are widely recognised across the United Kingdom, operating in 49 local authorities.

NATIONAL AND LOCAL POLICY CONTEXT

National Planning Policy Framework

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
36. This is reiterated in the National Planning Policy Framework (December 2023), a material consideration in planning decisions in England, which states that the purpose of the planning system is to contribute to the achievement of sustainable development. More specific development-type guidance and advice (i.e. on advertisements and design) is set out in the accompanying Planning Practice Guidance (“the PPG”); this is considered below.
37. Part 6 of the Framework emphasises the role of the planning system in encouraging businesses to invest, innovate and adapt to changing market conditions. Part 8 considers how to promote healthy and safe communities. Part 10 covers the essential role high quality communications infrastructure has on the delivery of sustained economic growth and how the planning system should act to support this type of development. Part 12 advises on how to achieve well-designed places.
38. Paragraph 85 (Section 6) of the Framework states:
- “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future”.*
39. Paragraph 96 reminds us that “*planning policies and decisions should aim to achieve healthy, inclusive and safe places*” that “*are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*” (point b).
40. In creating and supporting high quality communications and systems, paragraph 118 of the Framework considers:

“Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and

decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments”

41. In doing so, paragraph 119 states that the use “*of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged*”. Paragraph 120 expands on this, stating that local planning authorities “*should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development*”.

42. As paragraph 122 confirms, therefore, local planning authorities “*must determine applications on planning grounds only. They should not seek to prevent competition between different operators [or] question the need for an electronic communications system*”.

43. In terms of design, to include the presence of advertisements, paragraph 141 of the Framework states:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

44. Where conservation areas and listed buildings are concerned, paragraph 200 also reminds decision makers [and applicants] that:

“[in] determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”.

Advertisement Control

45. The display of advertisements is subject to a separate consent process within the planning system¹². This is set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (hereafter known as the Regulations). Advertisements are controlled with reference to their effect on amenity and public safety only. Specific guidance relating to advertising developments and on the interpretation of the Regulations is contained within the PPG¹³.
46. The impact on visual amenity is assessed in light of the character of an area, which includes the nature and type of surrounding land uses and the existing built form within the particular locality where the proposed advertisement is to be displayed. It is the impact upon local character and any feature of interest that the proposed advertisement is appraised.
47. In terms of public safety, the principal consideration is whether the advertisement would prevent individuals passing the site from exercising the requisite care and attention for themselves and others. It is accepted that advertising is intended to be seen as it is a visible media, but it doesn't automatically follow that roadside advertisements are distracting. Advertising is often part of the fabric of city centres and busy routes where drivers and pedestrians have a high expectation of seeing commercial images and messaging.

The UK Digital Strategy

48. Published in March 2017, the Ministerial forward to the UK Digital Strategy states that the Government is committed to seeing the enormous potential of the digital sector, one of the UK's most important sectors, fulfilled and therefore the provision of a first-class digital infrastructure. The forward adds that this approach must go hand-in-hand with ensuring the benefits are felt across the economy, throughout society and in every corner of the country:

"Every individual and every business should have the skills and confidence to seize the opportunities of digital technology and have easy access to high-quality internet wherever they live, work, travel or learn."

"The Digital Strategy will deliver the first-class digital infrastructure and advanced skills base that businesses across the country need to be able to take advantage of digital tools. And it will close the digital divide - to ensure that everyone is able to access and use the digital services that

¹² Pursuant to Section 220 of the Town and Country Planning Act

¹³ Planning Practice Guidance – Advertisements (updated July 2019)

could help them manage their lives, progress at work, improve their health and wellbeing, and connect to friends and family.”

Local Planning Policy

49. The development plan comprises the saved policies of the Unitary Development Plan for the City of Manchester (“the UDP”) and the Manchester Core Strategy 2012 (“the CS”).
50. Saved Policies DC15 and DC17 of the UDP are concerned with advertisements and telecommunications development (respectively), and therefore relevant to this case. Policies DM1, EN1 and SP1 of the CS are concerned with protecting and enhancing the character of the locality, so also have relevance.
51. These are summarised below and understood to have underpinned the Council’s advice to other operators, such as BT, Infocus and JC Decaux. This advice (*available via the Council’s own website*) notes that identical proposals have not drawn objections from Highway Services and Environmental Health consultees, subject to conditions and controls inherent in the installations. This advice has informed the planning analysis overleaf.
52. Policy DC15 largely follows the Regulations’ requirement for control of advertisements to be exercised in the interests of amenity and public safety. It adds at DC15.2 that the Council will take account of the following criteria:
- i. developments of this kind should not harm the character or architectural features of a building, nor interfere with its proper use;
 - ii. they should be in scale with the locality and relate properly to the site on which they stand;
 - iii. they should be unobtrusive and should not intrude into residential neighbourhoods and areas of high amenity value;
 - iv. a proposal which would be injurious to public safety or adversely affect the flow of traffic, by reason of its position, size, or design will not be permitted.
53. It adds at DC15.3 that where the Council considers the proposed development to be acceptable in principle, conditions may be imposed in order to protect safety and amenity.

54. Policy DC17.1 states that applications for telecommunications developments will normally be approved if the Council can be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas. Wherever possible, the Council will expect the potential of existing buildings and masts, including the sharing of such facilities, to be fully explored before agreeing to additional separate development.

55. The relevant parts of CS Policy DM1 of the states that all development should have regard to the following issues:

- i. Appropriate siting, layout, scale, form, massing, materials and detail.
- ii. 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.
- iii. Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation.
- iv. Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- v. Community safety and crime prevention. Design for health.

56. Policy EN1 of the CS states that all development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the city should be fully realised, particularly on major radial and orbital road and rail routes.

PLANNING ASSESSMENT

57. In assessing the application, the traditional planning considerations apply¹⁴, as well as those set out in the Town and Country Planning (Control of Advertisements) (England) 2007. The latter reiterates that advertisements are to be controlled only with regard to their effect on amenity and public safety, and any other material considerations.
58. The site is within the Parsonage Gardens Conservation Area (“the CA”) as defined by the local policy framework. Any determination must therefore be mindful of the duties set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires, when determining proposals in conservation areas, that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. In advertisement applications, this is only insofar as it relates to amenity.
59. Taken as a whole, therefore, the main planning considerations are whether the proposed digital communications kiosk, by virtue of its design, siting and use, will preserve or enhance the character and setting of the wider street scene and safeguard pedestrian movement and safety.

Application Site, Surroundings and Material Considerations

60. The site is located within the City Centre and occupied by a single red telephone kiosk structure. The proposal would see its removal and replacement with a single digital communications kiosk (Site Plan refers). The longer side, featuring the advertisement display, would be perpendicular to the road and face west.
61. As befitting its status, the City Centre is a busy and vibrant commercial area. Street furniture is a common theme throughout, with bins, street columns, cycle racks, telephone boxes, freestanding advertisement units and bus shelters in the vicinity. Advertisements are prominent but mainly confined to street level with retailers, bus shelters and other network operators having internally illuminated facias or displays.

The Conservation Area

62. The application site occupies a fringe location in the CA, which is characterised by the different layers of C19+ commercial development which has developed on the medieval street pattern. Many buildings from the C19 are in good condition,

¹⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004

though the aforementioned land to the north (31 – 33 King Street West) will see the demolition of the historical buildings in favour of new premises.

63. As well as holding phone boxes, bins and bike racks, the street and nearby square has been filled with trees and benches, arranged to make the street an attractive space where people feel comfortable to pause and linger between shopping or alighting public transport.

64. Given the aforementioned consents, including the removal of heritage assets, it follows that the proposal before the Council would not result in any material or tangible harm to the setting of the CA. This is explored in greater detail below.

Material Considerations

65. As set out in the introduction (and enclosures) to this 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. In this regard, there are four significant material considerations, each dealt with in turn:

- i. The Council's Pre-Application Advice to other operators for identical strategies ("the 2020 Advice") – to be summarised below.
- ii. The grant of planning and advertisement consents for the nearby BT Hub and 2no integral digital displays (Appendix 1 refers).
- iii. The grant of planning consent on appeal for the proposed digital kiosk structure (Appendix 2 refers).
- iv. The Council's Pre-Application Advice to New World Payphones ("the NWP Advice") – summarised in the Introduction.

66. In its 2020 Advice to Infocus (and JC Decaux), the Council considered the overall reduction in kiosk numbers and upgrade of their network "*would likely serve to significantly declutter Manchester's streets and would also provide local businesses and residents with additional services and connectivity*". In this regard, NWP's strategy would achieve much the same outcome, and complement the "*Council's overarching objectives of ensuring an attractive, inclusive and high-quality City Centre environment for both businesses, residents and communities*".

67. 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 and include features and systems to ensure enforceability and secure the amenity and

safety of those in the locality. The Council has not indicated in its advice to NWP that its approach is unacceptable.

68. The grant of consent for the nearby BT Hub supports this view, demonstrating the permissibility of a larger/taller structure and greater number of advertisements compared to the NWP communication kiosk.
69. In its determination, the Council deemed its installation to be acceptable as visual amenity within the area would not be significantly harmed by the proposal by virtue of their siting and design. In safety terms, the advertisement was deemed acceptable provided restrictions apply to the screen such as no moving images to be displayed and appropriate levels of luminance. Consistency of approach and operation should equate, therefore, to consistency of determination.
70. Indeed, 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. This is particularly so, given that an appeal for the planning element of this very case has already been determined (and allowed) before. In that case, the Inspector states at paragraph 13:
- “The proposed kiosk would mainly be seen against the modern building on the junction of King Street West and St Mary’s Parsonage. Although a listed building is located close by at No’s 31 and 33 King Street West, this has modern shopfronts at ground floor level. Furthermore, given the slight angled front building line along this section of King Street West, I do not consider that the kiosk would be prominent in views of the listed building. The separation with the area of open space on the opposite side of the road, would also ensure that there would be no harm to the open characteristic of the Conservation Area.”
71. The Council raised no objection whatsoever to the proposed in-situ upgrade in its pre-application response. Nor should it, given that the new unit would have a better relationship with its surroundings, whilst its design would provide a good degree of natural surveillance and better accessibility. Compared with its contemporaries, the proposal would look, as well as operate like, the communications apparatus of previous years.
72. This is all evidence in favour of the dual application before the Council, demonstrating that the proposed digital communications kiosk is wholly appropriate and would offer tangible benefits on the existing situation.

73. It accords with the Framework's¹⁵ 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 equipment¹⁶ nor seek to prevent competition between different operators or question the need for an electronic communications system¹⁷.

The effect on the CA, design and appearance

74. Being part of the main retail frontage in the city centre and enclosed by shops and commercial uses, this section of King Street West has a vibrant commercial character from the numerous shop advertisements including facias, projecting signs and windows signs. Advertisements are thus an established (permitted and acceptable feature of the public realm.

75. The removal of the red metal and plastic phone box, which would be necessary for the development to be effective, would not harm the townscape of the street or the attractiveness of the public realm.

76. It is acknowledged that the digital communications kiosk would be marginally taller and wider in appearance. However, it would be slimmer than the current arrangement and occupy a smaller footprint. It would have slenderer 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 phone box it would replace.

77. 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.

78. 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.

¹⁵ National Planning Policy Framework (December 2023) Paragraph 119

¹⁶ Ibid. paragraph 120

¹⁷ Ibid. paragraph 122

79. Indeed, given the already bustling, commercial nature of King Street West, 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 of this section of the street, as well as the visual and townscape qualities of the street scene.
80. 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 telecommunication development is sited so that it does not adversely affect the character and appearance of the surrounding area and street scene.
81. 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. As such, there would be no harm to the character and appearance of the conservation area, which would otherwise be preserved by the proposal.

The Advertisement

82. The advertisement would be integrated into the kiosk structure, on the reverse side of the communication hub. It would display static advertisement images sequentially, and on rotation. 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.
83. The display would be integrated into a well-designed contemporary and slimline structure and complement the retail offer of the wider area. Hence, its effect on the wider locality would be appreciably limited, as reflected in other decisions for near-identical installations.
84. 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. It would comply with the necessary standards and conditions advanced (above) would ensure compliance. Consequently, the proposed advertisement would not detract from the amenity, character, or appearance of an overtly commercial area.
85. In safety terms, it is unlikely that an advertisement would compromise the safety of any passers-by. The kiosk structure would be aligned with other street furniture in this area and would not materially impinge on the space of the footway for pedestrians; in fact, it would improve on the existing situation.

86. Although it would show images on rotation, advertisements would contain no moving images, video or flashing images. Situated in a commercial area, where advertisements and illuminated features are common, it is unlikely that the proposal would result in any material distraction.
87. In these circumstances, the proposed advertisement would not constitute a potentially hazardous distraction to anyone exercising a reasonable standard of care for their own and others' safety.

SUMMARY AND CONCLUSION

88. Bearing the foregoing, it is considered that the proposal will bring about improvements in the public realm by removing tired and worn kiosks, and replacing them with modern communications systems, of a design and appearance which better reflects contemporary build and social standards.
89. This would accord with the general thrust of local policies, which aim to secure good design and benefits to the public realm. It would also accord with the Regulations' aim that the amenity and safety of those in the locality are safeguarded for the foreseeable future.
90. The application reflects the applicant's preferences. Should the Council wish to discuss any aspect of the scheme, New World Payphones would welcome the opportunity to address any concerns prior to determination.

NWP

APPENDIX 1

Town & Country Planning Act 1990 (as amended)

Planning Permission

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

Location: Outside 27 To 29 King Street West, Manchester, M3 2PN

Date of application: 23 August 2021

Application number: 130567/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

Existing and Proposed Elevations MAN 007 Drawing Number 003 Revision A
Site Location Maps MAN 007 Drawing number 001 Revision A
Site Location Maps MAN 007 Drawing number 001 Revision A
Removal Kiosk Site Plans - Ref MAN 007 Removal 1 - Tel No: 01618396732 / Address:
o/s 38 King Street West, Manchester
Removal Kiosk Site Plans - Ref MAN 007 Removal 2 - Tel No. 01618351173 / Address:
Chester Road, opposite Hulme Hall Road, Manchester

All of the above drawings received 27th May 2021

Proposed Site Plan MAN 007 Drawing Number 002 Revision B received via the email
from Josh Lee of 1st July 2022

Documents

Covering Letter
CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")
LAND REMEDIATION STATEMENT Ref: MAN 007
PROFESSIONAL LIGHTING GUIDE 05: The Brightness of Illuminated Advertisements
Street Hubs Beyond connection: Supporting local councils with digital street
communication
Street Hub Anti-Social Behaviour Management Plan

All of the above documents received 27th 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/m² 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
600Cdm² 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 600Cdm² 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

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

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 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 permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix A

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.130567/FO/2021) following removal of 2no. telephone kiosks

Location: Outside 27 To 29 King Street West, Manchester, M3 2PN

Date of application: 23 August 2021

Application number: 130568/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

Existing and Proposed Elevations MAN 007 Drawing Number 003 Revision A

Site Location Maps MAN 007 Drawing number 001 Revision A

Site Location Maps MAN 007 Drawing number 001 Revision A

Removal Kiosk Site Plans - Ref MAN 007 Removal 1 - Tel No: 01618396732 / Address: o/s 38 King Street West, Manchester

Removal Kiosk Site Plans - Ref MAN 007 Removal 2 - Tel No. 01618351173 / Address: Chester Road, opposite Hulme Hall Road, Manchester

All the above drawings received 27th May 2021

Proposed Site Plan MAN 007 Drawing Number 002 Revision B received via the email from Josh Lee of 1st July 2022

Documents

CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")

LAND REMEDIATION STATEMENT: Ref: MAN 007

PROFESSIONAL LIGHTING GUIDE 05: The Brightness of Illuminated Advertisements
Street Hubs Beyond connection Supporting local councils with digital street communication

Street Hub Anti-Social Behaviour Management Plan

All the above documents received 27th 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/m² 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 600Cdm² 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 600Cdm² 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 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. The Inspectorate will publish details of your appeal on the internet.

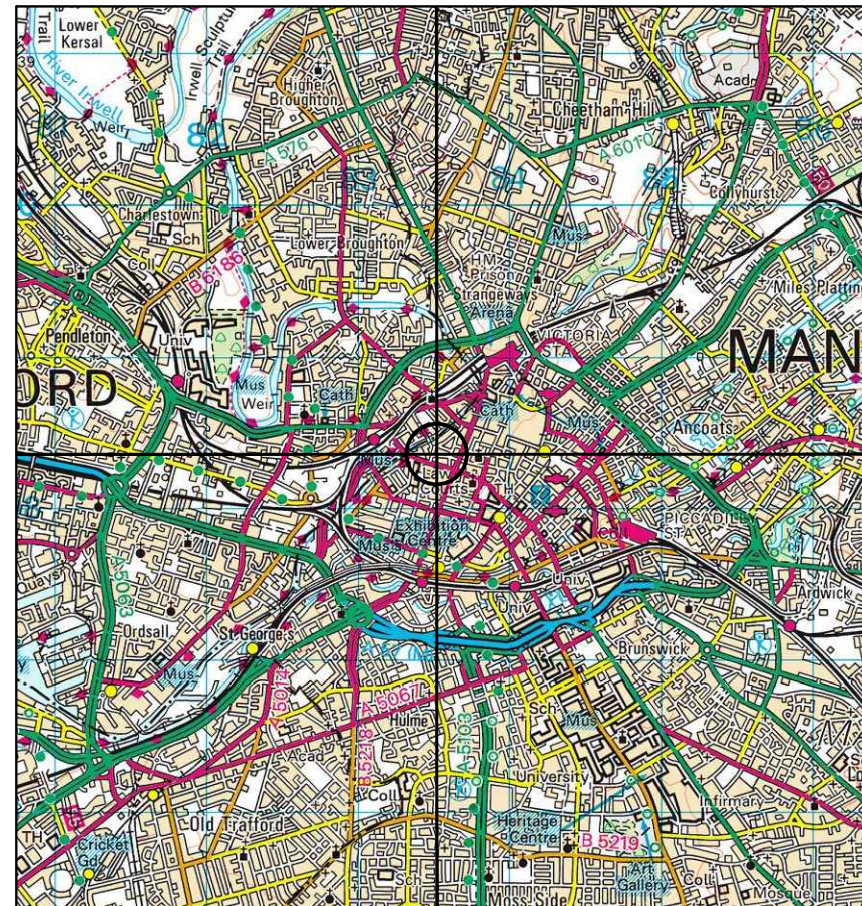
This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, 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.



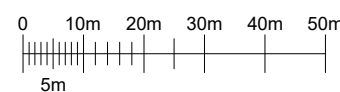
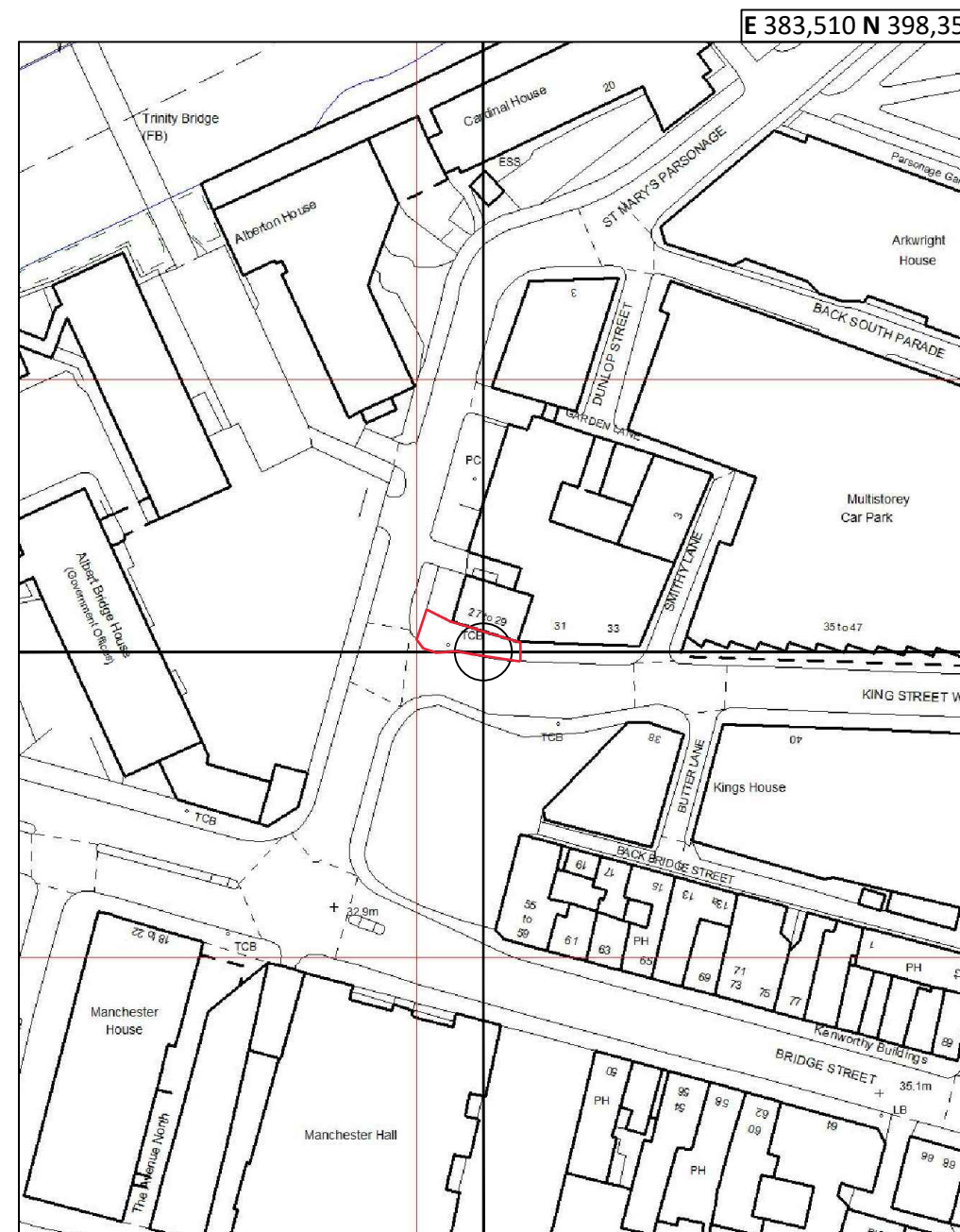
GENERAL NOTES

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



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.

Rev	Date	Description	Drawn	Chkd
A	30.04.21	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 007

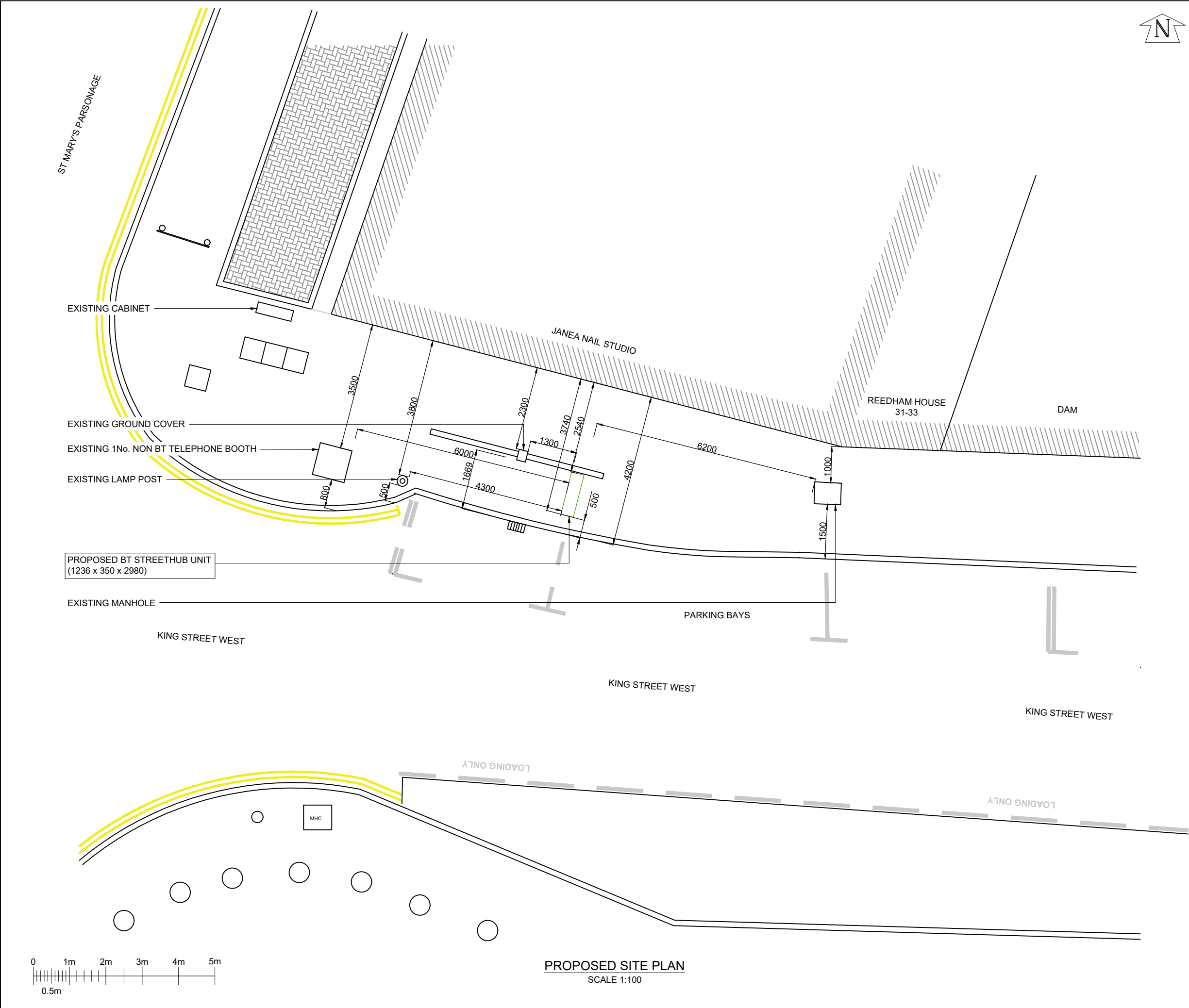
Site Name & Address

KING STREET WEST
(OS NO. 27-29,
NR JCN ST MARY'S PARSONAGE)
M3 2PN.

Drawing Title

SITE LOCATION MAPS

Scale	As Shown	Date	30.04.2021
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	01.07.22	Amend - New BT Streethub Structure	MD	JE
A	24.04.21	Amend - New BT Streethub Structure	MD	JE
Rev	Date	Description	Drawn	Chkd



Solutions for New Technologies



Drg Status
PLANNING

Cell No. & Name

MAN 007

Site Name & Address
KING STREET WEST
(OS NO. 27-29,
NR JCN ST MARY'S PARSONAGE)
M3 2PN.

Drawing Title
PROPOSED SITE PLAN

Scale	1:100	Date	01.07.2022
Drawn By	MD	Checked By	JE
Drawing Number	002	Revision	B

APPENDIX 2

Appeal Decision

Site visit made on 12 July 2018

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2018

Appeal Ref: APP/B4215/W/18/3195987

Telephone Kiosk outside 27-29 King Street West, Manchester, M3 2PN

- 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) Order 2015.
 - The appeal is made by Mr Matthew Coe (New World Payphones) against the decision of Manchester City Council.
 - The application Ref 116828/TEL/2017 dated 27 June 2017 was refused by notice dated 16 August 2017.
 - The development proposed is the installation of a telephone kiosk– replacement of existing kiosk with new design.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of a telephone kiosk – replacement of existing kiosk with new design at Telephone Kiosk outside 27-29 King Street West, Manchester, M3 2PN, in accordance with the terms of the application Ref 116828/TEL/2017, dated 27 June 2017, and the plans submitted with it.

Procedural Matters

2. I have taken the address of the appeal site from the appeal form as this more succinctly describes its location. 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) under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), subject to prior approval by the local planning authority of siting and appearance. 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 telephone kiosk subject to this appeal.
3. The Council have made reference to various development plan policies. 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. I, therefore, take account of the policies of the development plan and (any related guidance including a Supplementary

- Planning Document) in so far as they are a material consideration relevant to matters of siting and appearance.
4. The National Planning Policy Framework (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 telephone kiosk are not a relevant matter.
 5. The appeal site is located within the Parsonage Road Conservation Area, with a listed building also situated in the area. The statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act requires special regard to be paid to the desirability of preserving listed buildings and their settings. The Framework makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight attaches to the asset's conservation; the more important the asset, the greater that weight should be. Significance can be harmed through development within an asset's setting.
 6. Various concerns have been raised on the impact an advertisement on the kiosk would have. Whilst the Appellant states that the kiosk would incorporate a digital advertisement, the construction of a telephone kiosk and the display of advertisements are distinct and separate matters requiring different applications. The appeal relates to the construction of a kiosk only and not any advertisement consent that may otherwise be required. I have determined the appeal on that basis.
 7. Reference has been made to appeal decisions on other sites, but I am not aware of the full circumstances of those cases or the details of regeneration efforts and improvements to the environment taking place within the City Centre. I can confirm that I have considered this appeal on its own merits.

Main Issues

8. The main issues are 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, the setting of nearby heritage assets, and the effect upon highway and pedestrian safety.

Reasons

9. The appeal proposal is for a free standing telephone kiosk with dimensions of 1096mm by 762mm and a height of 2499mm. The Council have referenced slightly different dimensions from the submitted 'Specification Document'. However, the plan containing the elevations within this document gives the dimensions stated by the Appellant, which I have therefore utilised. The telephone kiosk would be constructed with a powder coated steel frame and safety glass or composite plastic material, with the roof utilising polycarbonate or other composite plastic material.
10. The proposed telephone kiosk would be situated on King Street West, on its junction with St Mary's Parsonage. The Conservation Area within which the site is located, contains a variety of large buildings that surround Parsonage

Gardens to the north-east of the site, although smaller scale buildings can be found in the vicinity around the appeal site. This variety as well as the areas of open space within the Conservation Area such as Parsonage Gardens, but also opposite the site, the area on the junction between King Street West, St Mary's Parsonage and Bridge Street, all contribute to the Conservation Area's special characteristics.

11. The proposal seeks to replace an existing kiosk on the appeal site, with another that would broadly have the same dimensions and as such, it would not feature as an incongruous structure in the streetscene. It would only have a slightly increased height over the existing structure and whilst the appeal site is on a highly visible corner location, it would not be any more prominent relative to the kiosk it would replace, or result in additional street clutter.
12. I note the concerns in relation to the framing and solid supports, but the kiosk would be largely open on two sides and I do not therefore consider it would have an unduly heavy appearance. The proposed black colour of the kiosk would also better relate to the existing black sign post and street light that are closest to the site, than the existing kiosk, together with its open form giving it a simple, modern design.
13. The proposed kiosk would mainly be seen against the modern building on the junction of King Street West and St Mary's Parsonage. Although a listed building is located close by at No's 31 and 33 King Street West, this has modern shopfronts at ground floor level. Furthermore, given the slight angled front building line along this section of King Street West, I do not consider that the kiosk would be prominent in views of the listed building. The separation with the the area of open space on the opposite side of the road, would also ensure that there would be no harm to the open characteristic of the Conservation Area.
14. I have considered the Council's concerns in relation to the siting and appearance of the proposal increasing crime and disorder in the area. The open design would however provide a good degree of natural surveillance that would not create an unsafe environment and would minimise anti-social behaviour. I note the concerns in relation to the lack of maintenance of existing phone kiosks and the potential for fly-posting, but I do not consider that, in terms of siting and appearance, that the kiosk would be harmful in terms of anti-social behaviour and crime.
15. The pavement where the appeal proposal is to be sited, was busy with pedestrians at the time of my visit and I was also able to see passing vehicular traffic on King Street West. The footway users were able to move unhindered and as the proposal seeks a replacement kiosk, where the width of the available footway would only be slightly reduced from the current position, it would not cause material harm to pedestrian movements. The sight lines would also not be unduly affected given the proposal replaces an existing kiosk, with a slightly reduced footprint and a more open design.
16. I, therefore, conclude on this appeal that the proposed kiosk with respect to its siting and appearance would not harm the character and appearance of the area including heritage assets or highway and pedestrian safety, which justifies the grant of prior approval.

Conditions

17. The grant of prior approval for the kiosk would be subject to the standard conditions set out in Schedule 2, Part 16, Class A of the GPDO. Those conditions include an implementation timescale, accordance with the details submitted and removal of the structure/apparatus when no longer required for electronic telecommunications purposes.

Conclusion

18. For the reasons given above and having regard to all matters raised, I conclude 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.

F Rafiq

INSPECTOR