MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	139727/FO/2024
Date registered valid:	8 April 2024
Proposal:	Installation of single black digital communications kiosk.
Address:	Pavement Outside 121 Oxford Road, Manchester, M1 7DU
Ward(s):	Hulme Ward
Applicant:	Mr Ben Porte New World Payphones
Agent (if any):	
Case officer:	Michael Pearson Tel: 0161 219 2735 Email: michael.pearson@manchester.gov.uk
Recommendation:	Refuse

Date of recommendation: 29/05/2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

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
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to a section of public footway to the front of no121 Oxford Road. The pavement is completed in tarmac and features no existing street furniture.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The application site lies along Oxford Road, an arterial A road that provides vehicular and pedestrian access to the heart of Manchester City Centre. The local area around the application site lies opposite All Saints Park and to the south of the section of Oxford Road that is bisected by the Mancunian Way. Built development is varied with terrace properties of varying age and design being present along the eastern side of Oxford Road, a high concentration of Grade II listed buildings is then present to the south and south-east, to the north-east there is a live planning permission for the erection of a 13 storey library building. The public footway lies adjacent to a cycle way and is then populated by various pieces of street furniture including lampposts, post boxes, public bins, street trees and cycle stands.

Description of development

The application seeks consent for the installation of a single digital communications kiosk. Said kiosk would feature a public phone and be open faced, with a privacy shield located along its

western facing side elevation. The kiosk would be coloured black and have a height of 2.459m, a width of 1.115m and a depth of 0.884m.

Planning History

139728/AOH/2024 - Installation of digital advertising display integrated within replacement digital communications kiosk – Application pending consideration.

112645/TEL/2016 - Prior Approval for the installation of a telephone kiosk – Refused August 2016.

Consultations & Notification Responses

Cadent Gas – No objection subject to an informative relating to Cadent Gas infrastructure.

Environmental Health – No objection subject to conditions relating to external lighting, external speakers and a maintenance management plan.

Greater Manchester Pedestrians Society – No objection received.

Greater Manchester Police – No objection.

Highways – Objection on the grounds the proposals would increase street clutter along the public footway. Footways within the City Centre are cluttered and there is a clear need to reduce the level of street furniture to allow for unobstructed footways.

Publicity – None received.

Policy

The Manchester Core Strategy – Development Plan Document 2012-2027 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC7 – Mixed Use Development
- Policy CC9 – Design and Heritage
- Policy CC10 – A Place for Everyone
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester – The following saved UDP Policies are of relevance to this application:

- Policy DC15 – Advertisements, Hoarding and Posters
- Policy DC17 – Telecommunications
- Policy DC19 – Listed Buildings

The Places for Everyone Plan – Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:

- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed and Beautiful Places
- Chapter 16 – Conserving the Historic Environment

Other Legislative Requirements
Planning (Listed Buildings and Conservation Areas) Act 1990

Issues

Principle of the Development

The application would see the installation of a digital kiosk on the public footway, for public use, within the City Centre. Due to the nature of the proposal, as a piece of telecommunications infrastructure, it is considered that its installation is considered to be acceptable in principle and is in accordance with Core Strategy Policies SP1 and DM1 subject to the matters discussed below.

Impact on Visual Amenity and neighbouring Heritage Assets

The proposal would see the installation of a digital kiosk on a vacant section of the public footway along Oxford Road. The application site was previously subject to a similar proposal submitted under application 112645/TEL/2016 for a telephone kiosk. The proposal was refused on the grounds of the proposal's unacceptable impact on local visual amenity and its contribution to cluttering the public footway. In a similar vein to that previously refused, the current submission is considered would have an unacceptable impact on local visual amenity. This is due to the design of the proposal incorporating illuminated digital screens and its massing being greater than that of more traditional phone boxes. It should be noted that the eastern side of Oxford Road is largely devoid of such kiosks, which would render the development if implemented to be an alien piece of development to the local street scene and one that fails to pay respects to its surroundings. Furthermore, since the refusal of the telephone kiosk proposed under application 112645/TEL/2016, the footway and neighbouring area are now subject to increased regeneration efforts such as the installation of street trees, public cycle paths and the approval of a new 13 storey library building opposite the site to the west, the installation of such a telecommunication kiosk is considered would undermine these efforts by the City Council to uplift the appearance of the neighbouring area, with the development being a largely redundant and insensitively designed piece of street furniture.

As previously noted within this report, a high number of Grade II listed buildings lie to the south of the application site. Due to the sizeable separation distance between said buildings and the application site, it is considered that the proposal is sufficiently distanced so as not to affect their setting.

The City Council highlight that a previous telephone box was situated to the south of the site to the front of no125 Oxford Road (Pictured below from 2016). The telephone box was considered to be a poorly sited piece of street furniture which cluttered the footway and poorly related to neighbouring development, being insensitively designed and coloured red. Furthermore, the telephone box gave the street scene an untidy appearance as it became host to propping up multiple a-boards belonging to the commercial properties along the eastern side of the road. The telephone box has since been removed in an effort to declutter this part of the footway. In light of this it is considered that the implementation of the proposed digital communications kiosk would see a return to a similar relationship, with the kiosk featuring a design that does not relate to the contemporary nature of neighbouring development, as well as being a solid, largely opaque and black piece of development that would impose a sense of confinement on the remaining

unobstructed part of the footway further undermining the recent improvement in the appearance of the local street scene.



Highways

As previously noted within this report, Highways state that the City Council is undertaking significant efforts to declutter footways and public realm in the City Centre. The footway along Oxford Road is heavily congested by pedestrians and is populated by various pieces of street furniture and clutter, this consists of advertisement a-boards that serve the commercial units along the eastern side of the road, bicycle stands, post boxes, public bins, lighting columns and street trees. As noted above, a telephone box was previously present to the south of the site to the front of no125 Oxford Road, said box saw a wide obstacle on the footway which pedestrians would have to avoid, and it is considered the implementation of the proposed development would see a return to a similar situation. As such, the City Council considered that the proposed development would undermine its concerted effort to reduce street clutter within the public realm and footways of the City Centre.

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, and in the case of permission 130413/FO/2021 saw a net removal of street clutter from the street scene. The proposal would see the installation of kiosk

on a currently clear section of paving and would not see the removal of any neighbouring street clutter, consequently, the proposed kiosk would undermine the City Council's strategy to reduce street clutter through the installation of additional and unconsidered clutter.

Access

The proposed kiosk would leave a 3074mm clearance on the footway between the proposed kiosk and the nearest building. Therefore, there would be sufficient room for those with prams and wheelchairs to pass unhindered. Thus, the proposal accords with the provisions of Core Strategy Policy CC10 and the National Planning Policy Framework in this regard.

Conclusion

In light of the above the proposal has been found to have an unacceptable impact on local visual amenity and highway safety. As such, the proposal has been found to be contrary to Core Strategy Policies SP1, EN1 and DM1, and the National Planning Policy Framework. The application is therefore recommended for refusal.

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

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

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

Recommendation: Refuse

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. In this

instance, it is considered there are no amendments that could be made to the proposal that would render it acceptable.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed kiosk, by virtue of its siting, scale, design, materiality, and appearance, would form an overly dominant, incongruous and visually intrusive feature within the street scene. In addition, the kiosk would also add to clutter, alongside other street furniture and fixtures, within a prominent location in the city centre. The proposal would have a negative effect upon current efforts by the City Council to de-clutter, regenerate, and improve the adopted highway within the City Centre environment in the interest of optimising the pedestrian environment and public realm. The proposal would therefore result in an unduly harmful impact on local visual amenity and the character of the street scene. The kiosk is therefore contrary to the provisions of policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and the provisions of the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Greater Manchester Pedestrians Society

Advice Centre, Sidney Street, Manchester, M1 7HB
Cafe, 107 Oxford Road, Manchester, M1 7DU
111 Oxford Road, Manchester, M1 7DU
Apartment 2, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 17, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 15, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 13, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 10, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
129 Oxford Road, Manchester, M1 7DY
First Floor, 127A Oxford Road, Manchester, M1 7DY
Flat 12, 117 Oxford Road, Manchester, M1 7DU
Flat 9, 117 Oxford Road, Manchester, M1 7DU
Flat 6, 117 Oxford Road, Manchester, M1 7DU
115B Oxford Road, Manchester, M1 7DU
115A Oxford Road, Manchester, M1 7DU
115 Oxford Road, Manchester, M1 7DU
Flat 14, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 12, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 10, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 7, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 5, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 2, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Top Flat, 129 Oxford Road, Manchester, M1 7DY
117 Oxford Road, Manchester, M1 7DU
Apartment 21, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 20, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 19, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 18, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 16, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 14, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 12, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 11, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 1, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Second Floor, 125 Oxford Road, Manchester, M1 7DU
Ground Floor, 125 Oxford Road, Manchester, M1 7DU
131 Oxford Road, Manchester, M1 7DY
All Saints Campus, Oxford Road, Manchester, M15 6BH
Apartment 9, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 8, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 7, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 6, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 5, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 4, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 3, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 23, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Apartment 22, The Eighth Day, 113 Oxford Road, Manchester, M1 7DU
Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY

127A Oxford Road, Manchester, M1 7DY
Flat 14, 117 Oxford Road, Manchester, M1 7DU
Flat 13, 117 Oxford Road, Manchester, M1 7DU
Flat 11, 117 Oxford Road, Manchester, M1 7DU
Flat 10, 117 Oxford Road, Manchester, M1 7DU
Second Floor, 127A Oxford Road, Manchester, M1 7DY
119 Oxford Road, Manchester, M1 7DU
Flat 8, 117 Oxford Road, Manchester, M1 7DU
Flat 7, 117 Oxford Road, Manchester, M1 7DU
Flat 5, 117 Oxford Road, Manchester, M1 7DU
Flat 4, 117 Oxford Road, Manchester, M1 7DU
Flat 3, 117 Oxford Road, Manchester, M1 7DU
Flat 2, 117 Oxford Road, Manchester, M1 7DU
Flat 1, 117 Oxford Road, Manchester, M1 7DU
135B Oxford Road, Manchester, M1 7DY
135A Oxford Road, Manchester, M1 7DY
127 Oxford Road, Manchester, M1 7DY
125 Oxford Road, Manchester, M1 7DU
123 Oxford Road, Manchester, M1 7DU
Flat 15, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 13, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 11, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 9, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 8, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 6, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 4, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 3, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY
Flat 1, Akhtar House, 129 - 135 Oxford Road, Manchester, M1 7DY

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
Area Team Boundary - Name: CENTRAL