PLANNING & DESIGN STATEMENT

Town and Country Planning Act 1990

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

Manchester City Council

April 2024

New World Payphones
33 Golden Square, London, W1F 9JT

NEW WORLD PAYPHONES

INTRODUCTION

1. This statement is submitted in support of a dual application, for both planning permission[1] and express advertising consent[2], 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 1 Oxford Street 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 systems[5].

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 advice[6], and reflected in recent grants of consent for similar upgrades by BT[7] and JC Decaux[8] on adjacent sites (on Oxford Street).

9. 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.

10. Also significant is the Council's pre-application response to NWP's own strategy[9]. The pre-application proposal was to upgrade the existing structure (as presented in this case) or relocate to a position on the opposite side of the Oxford Street. The Council raised no objection to the former option. Regarding the latter option, it stated:

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

11. Hence, the NWP have opted to upgrade the existing kiosk in situ.

12. An advertisement consent for the installation of the advertisement element was refused consent historically in 2016, though it is significant that the Council changed their position regarding the other installations in the immediate area for identical proposals afterwards (set out in the aforementioned enclosures).

13. These are significant material considerations given the circumstances, considered sufficient to warrant dissenting from that decision. This was certainly the view of an Inspector, made in similar circumstances and settings at Portland Street/Piccadilly and Charlotte Street[10] respectively.

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

[7] Appendix 1: Manchester planning refs. 119885/FO/2018 and 119886/AOH/2018 outside 15 Oxford Street

[8] Appendix 2: Manchester planning refs. 127652/FO/2020 and 127653/AOH/2020 Outside 31-33 Oxford Street

[9] Response (email) dated 10 November 2023

[10] Appendix 3: Appeal decisions APP/B4215/W/18/3195978 and APP/B4215/W/18/3195983 dated 8 November 2018

14. More recently, the Council permitted an additional freestanding double sided digital display outside 8 Oxford Road[11]. The permissibility of the proposal before the Council is, therefore, established.

15. Accordingly, in addition to this Planning and Design 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

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

[11] Appendix 4: Manchester planning ref. 130510/AOH/2021 and associated plans

TELEPHONE KIOSKS IN MANCHESTER

17. 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

18. 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.

19. 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.

20. 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.

21. 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

22. 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.

23. 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.

24. 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).

25. 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.

26. 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.

27. 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 cm/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.

28. 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

29. 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.

30. 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

31. 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.

32. 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

33. 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"*[12]*.*

34. 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."*

35. Lastly, in Wakefield, the Council approved the rationalisation project in July 2019. In granting consent[13], 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*

[12] Appeal Decision [Lead Case] Ref. APP/R5510/Z/16/3157043
[13] 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."

36. 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

37. 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.

38. 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.

39. 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.

40. 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*".

41. 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).

42. 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"

43. 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*".

44. 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*".

45. 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.*"

46. 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

47. The display of advertisements is subject to a separate consent process within the planning system[14]. 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 PPG[15].

48. 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.

49. 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

50. 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*

[14] Pursuant to Section 220 of the Town and Country Planning Act
[15] 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

51. 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").

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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

59. In assessing the application, the traditional planning considerations apply[16], 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.

60. The site is within the St Peter's Square 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.

61. 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

62. 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 southeast.

63. 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 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

64. 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, dispersed between older buildings. Its brief appraisal describes the area as "*one of civic grandeur*", with the most prominent building the

[16] Section 38(6) of the Planning and Compulsory Purchase Act 2004

Central Library to the north. Views of it to the north, along with the Square, are intersected by trees and columns part of the centre's tram network.

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

66. Peter House, outside which the site sits, is not listed, and the area is not devoid of signage or advertising, emphasised by the grant of the other (aforementioned) BT and JCD communications apparatus (which do not look like traditional telephone/comms apparatus), the former directly outside a listed building, with the latter within the conservation area(s). It follows that the proposal before the Council would not result in any material or tangible harm to the setting of the heritage assets. This is explored in greater detail below.

Material Considerations

67. 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 InLink kiosk and integral digital display (Appendix 1 refers).
    iii. The grant of planning and advertisement consents for the nearby JC Decaux Street Hub (Appendix 2 refers).
    iv. The grant of advertising consent for JC Decaux's freestanding double sided advertising unit (Appendix 4 refers).
    v. The Council's Pre-Application Advice to New World Payphones ("the NWP Advice") – summarised in the Introduction.

68. 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*".

69. 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 22 through 28 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.

70. The grant of consent for the nearby InLink installation (at Appendix 1) and the JC Decaux installation opposite (Appendix 2) support this view, demonstrating the permissibility of a larger/taller structure and larger advertisement compared to the NWP communication kiosk.

71. In its determination, the Council deemed "*the installation of a new* [JC Decaux] *'smart' kiosk in lieu of the existing telephone kiosks would be acceptable as visual amenity within the area would not be significantly harmed by the proposals by virtue of their siting and design*"[17]. In safety terms, the advertisement was deemed acceptable provided "*restrictions apply to the screen such as no moving images to be displayed and appropriate light settings*"[18]. Consistency of approach and operation should equate, therefore, to consistency of determination.

72. 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.

73. 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.

74. This is 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.

[17] Delegated Report of Manchester planning application ref. 127652/FO/2020
[18] Delegated Report of Manchester advertisement application ref. 127653/AOH/2020

75. It accords with the Framework's[19] desire to encourage the use of existing structures and sites for new electronic and digital communications (including wireless) and instructs Council's to not insist on minimum distances between communications equipment[20] nor seek to prevent competition between different operators or question the need for an electronic communications system[21].

The effect on the CA, design and appearance

76. Being part of the main retail frontage in the city centre and enclosed by shops and commercial uses on both sides, this section of Oxford Street has a vibrant commercial character from the numerous shop advertisements including facias, projecting signs and windows signs.

77. As set out above, advertisements on freestanding advert totems, phone boxes, bins, and way-finding totems are common. Despite the scale and breadth of the highway and the set back of the tall buildings, they nonetheless feature in the street scene, and are (a permitted and acceptable) part of the public realm.

78. The removal of the red metal and plastic phone boxes, 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.

79. 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.

80. 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.

81. Visually, the replacement's simple modern appearance, which integrates the design lineage of traditional telephone boxes with a contemporary twist, ensures it

[19] National Planning Policy Framework (December 2023) Paragraph 119
[20] Ibid. paragraph 120
[21] Ibid. paragraph 122

is an appropriate and aesthetically pleasing addition to the commercial street scene, in which it would be visually read.

82. Indeed, given the already bustling, commercial nature of Oxford Street, 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.

83. 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.

84. 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

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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

91. 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.

92. 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.

93. 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

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Neil Scoresby
British Telecommunications plc
81 Newgate Street
London
EC1A 7AJ

Agent (if used)

Mr Matt Swindles
InLinkUK
The MET Building
22 Percy Street
London
W1T 2BU

Part 1 – Particulars of the application/development

Proposal: Full planning permission for installation of 1no. 2.9m high InLink, following removal of 2no. KX100 telephone kiosks.

Location: Pavement Outside 15 Oxford Street, Manchester

Date of application: 1 May 2018

Application number: 119885/FO/2018

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:

The site location plan MNC-055-SP-V1, stamped as received by the Local Planning Authority on 1 May 2018

Drawing D0002, stamped as received by the Local Planning Authority on 1 May 2018

Drawing MNC-055-EP-V1, received by the Local Planning Authority on 1 May 2018

The Proposed Schedule of Operating Conditions, received via email from Matt Swindles of InLink on 2 May 2018

The email of 4 May 2018 from Jessica Tompkinson of InLink regarding the dimming times and sensors of the InLink

The submitted Design and Access Statement ref MNC-055, received by the Local Planning Authority on 1 May 2018

The Designs for Lighting report on Luminance Measurements InLink media screens, Revision A, dated February 2018, received via email on 9 May 2018

The InLinkUK Manchester Noise Management Plan, received via email from Jessica Tompkinson on 17 May 2018

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) The development hereby approved shall be removed from the land on which it is situated as soon as it is no longer required for the purposes of the approved development and the land shall be made good using materials which shall be submitted to and approved in writing by the City Council as Local Planning Authority before the removal of the InLink. The development shall be carried out in accordance with the approved details.

Reason - In order to safeguard the character and appearance of the local area and its setting, pursuant to saved Unitary Development Plan policy DC18.1 and Manchester Core Strategy policies SP1 and DM1.

4) The permission hereby granted is for the installation of 1 no. 2.9m high InLink structure, to be operated in accordance with the details set out in the submitted Planning, Design and Access Statement (ref - MNC-055) excluding the details within page 13 of the statement, and for no other purposes, including the installation and operation of any cameras.

Reason - Pursuant to Core Strategy Policies SP1 and DM1.

5) Before the development commences, a management, maintenance and operational strategy must be submitted to and approved in writing by the City Council as Local Planning Authority. The strategy must include details of: inspection regimes; repair and maintenance timescales and methodologies; upgrade strategy; data collection and protection measures; and a privacy impact statement. The development shall be carried out in accordance with the approved details.

Reason - Pursuant to Core Strategy Policies SP1 and DM1.

6) The pavement/land on which the existing telephone kiosk to be removed currently sits and on which the new InLink structure to be installed would be located (if different to

each other), shall be reinstated/made good following both the removal of the telephone kiosk and the installation of the InLink in accordance with a scheme that shall be submitted to and approved in writing by the City Council as Local Planning Authority before the development commences. The development shall be carried out in accordance with the approved details.
For the avoidance of doubt, the InLink hereby approved shall only be installed following the removal of the telephone kiosk which it would be replacing.

Reason - To ensure an acceptable development, pursuant to policies SP1 and DM1 of the Core Strategy.

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: 19 July 2018

Signed:

Julie Roscoe
Head of Planning, Building Control & Licensing

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

MANCHESTER CITY COUNCIL

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

Advertisement Consent

Applicant

Mr Neil Scoresby
British Telecommunications plc
81 Newgate Street
London
EC1A 7AJ

Agent (if used)

Mr Matt Swindles
InLinkUK
The MET Building
22 Percy Street
London
W1T 2BU

Part 1 – Particulars of the application/development

Proposal: Installation of 2no. digital LED display screens to associated InLink - (related planning application ref: 119885/FO/2018)

Location: Pavement Outside 15 Oxford Street, Manchester

Date of application: 1 May 2018

Application number: 119886/AOH/2018

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:

The site location plan MNC-055-SP-V1, stamped as received by the Local Planning Authority on 1 May 2018

Drawing D0002, stamped as received by the Local Planning Authority on 1 May 2018

Drawing MNC-055-EP-V1, received by the Local Planning Authority on 1 May 2018

The Proposed Schedule of Operating Conditions, received via email from Matt Swindles of InLink on 2 May 2018

The email of 4 May 2018 from Jessica Tompkinson of InLink regarding the dimming times and sensors of the InLink

The submitted Design and Access Statement ref MNC-055, received by the Local Planning Authority on 1 May 2018

The Designs for Lighting report on Luminance Measurements InLink media screens, Revision A, dated February 2018, received via email on 9 May 2018
The InLinkUK Manchester Noise Management Plan, received via email from Jessica Tompkinson on 17 May 2018

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) The digital advertising screens hereby approved shall be displayed only in accordance with the following:

(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 or traffic signals;
(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 imagesdisplayed on the panel;
(d) The light settings are changed throughout the day based on a timer and dusk/dawn timings with the night setting set to 326 cd/m2 and the display screen shall at all times comply with the Institute of Lighting Professionals Lighting Guide 05 -The Brightness of Illuminated Advertisements;
(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.

Reason - In the interests of pedestrian and highway safety, pursuant to saved policy DC15 of the Unitary Development Plan and policy DM1 of the Manchester Core Strategy Development Plan Document.

Informatives

There are no informatives attached to this decision.

Date: 19 July 2018

Signed:

Julie Roscoe
Head of Planning, Building Control & Licensing

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

Location Plan-MNC-055-Oxford St (OS No. 33-35 Jct St. James St)

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MNC-055-LP-V1

InLinkUK | BT

Site Plan

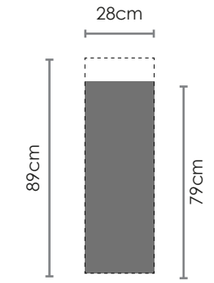
TO BE REMOVED: 1no. K100+ Telephone Kiosk

PROPOSED: InLink Unit

Site Location

Description:	Replacement of 1no. K100+ Telephone Kiosk with 1no. InLink Unit	Dwg:	Existing & Proposed Site Plan	Dwg. No:	MNC-055-SP-V1
Site:	Oxford St (OS No.33-35 Jct St. James St)	Date:	22 March 2018	Scale 1:200@A3	0m 4m 8m 12m 16m

Footprint



Scale 1:25@A3

Description:	Scale:	Dwg. No:
InLink Dimensions	1:25@A3	D0002 V3

APPENDIX 2

MANCHESTER CITY COUNCIL

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Nathan Still
JCDecaux UK Limited
991 Great West Road
Brentford
TW8 9DN

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Installation of 1no. 2.63m high public payphone unit including interactive public information screen following the removal of multiple associated existing telephone kiosk units and repositioning of existing cycle stands (associated advertisement consent application ref. 127653/AOH/2020)

Location: Pavement Outside 31-33 Oxford Street, Manchester, M1 4BH

Date of application: 3 August 2020

Application number: 127652/FO/2020

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 with the agreement of the Applicant.

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:

Location Plan Oxford Street Os 33-35, M1 4BH 1:200

Site Plan Oxford Street Os 33-35, M1 4BH 1:1250
Proposed Site Location Photo - Oxford Street Os 33-35
Application Document Part 1 Proposal Background and City Maps
Application Document Part 2 Hub Detail - New Sites
Application Document Part 3 Sustainability Aims and Achievements
Application Document Part 4 Pavement Remediation
Cover Letter (30 July 2020)
Letter response to sound & light comments (dated 1 September 2020)
Letter response to TfGM and GMP (DfS Team) (dated 16th September 2020)
Appendix B Suggested Conditions and Reasons
Appendix C Noise Level Report - Aug 2020

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN3, CC9, SP1 and DM1 of the City of Manchester Core Strategy and saved City of Manchester Unitary Development Plan policies DC17, DC19 and DC26.

3) Prior to the installation of the telecommunications kiosk unit hereby approved, all existing telecommunication kiosk units as identified on Plan A (Existing INFOCUS Locations) within the submitted document; Application Document Part 1 Proposal Background and City Maps, shall be entirely removed and the land reinstated to its former condition using the same paving materials as surround the existing kiosk site (maintaining any detail or pavement flows) to a standard to accord with the guidance in Department of Transport Specification document for the Reinstatement of Openings in Highways (4th Edition Feb 2019).

Reason - To ensure the wider public benefits of the proposal are delivered in the interests of visual amenity, pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy.

4) Notwithstanding the approved plans and documents as specified in condition 2, the telecommunications kiosk unit hereby approved shall be installed to a standard to accord with the submitted document; Application Document Part 4 Pavement Remediation.

For the avoidance of doubt:
(i) the existing pavement materials at the proposal site shall be retained where possible and appropriate;
(ii) Should the existing pavement materials be damaged during installation of the telecommunications kiosk unit, said damaged paving materials shall be wholly replaced with the same materials in size, texture, colour, and detail including matching the pavement flow as relevant, within two calendar months of said damage occurring; and
(iii) No temporary pavement remediation such as temporary tarmac shall be permitted during installation, unless the existing pavement material is tarmac.

Reasons - To ensure a high quality development that does not harm visual amenity, pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy.

5) Notwithstanding the approved plans and documents as specified in condition 2 and condition 6, prior to the first operation of the telecommunications kiosk unit hereby approved a management plan shall be submitted to and approved in writing by the City Council as local planning authority, in consultation with Greater Manchester Police and other relevant parties, concerning the use and operation of the free to use service and public information display associated with the unit. The telecommunications kiosk unit

shall be managed and operated in accordance with the approved management plan thereafter.

Reason - To ensure that the use of the associated communication apparatus is properly managed to prevent unlawful use, pursuant to policies SP1 and DM1 of the City of Manchester Core Strategy.

6) Notwithstanding the approved plans and documents as specified in condition 2 or condition 5, the telecommunications kiosk unit hereby approved shall not use voice activated or handsfree technology unless and until a Noise Management Plan (NMP) detailing the volume and sound levels have been submitted to and approved in writing by the City Council as local planning authority. The development shall be operated in accordance with the approved NMP thereafter.

Reason - In the interests of residential amenity, pursuant to policy DM1 of the City of Manchester Core Strategy and saved Unitary Development Plan policy DC26.

7) The development hereby approved shall be entirely removed from the land on which it is situated as soon as it is no longer maintained in reasonable working order or operated as a telecommunications service, and the land shall be made good using materials to match the surrounding pavement materials in size, texture, colour, and detail including matching the pavement flow as relevant, within two calendar months of the unit ceasing function.

Reason - In order to safeguard the character and appearance of the local area, pursuant to the City of Manchester Core Strategy policies SP1 and DM1.

8) Prior to the installation of the telecommunications kiosk unit hereby approved, a scheme to reposition the existing 3no. Sheffield cycle stands, as identified on the submitted Location Plan Oxford Street Os 33-35, M1 4BH 1:200, shall be submitted to and approved in writing by the City Council as local planning authority.

The hereby approved telecommunications kiosk unit shall not be installed and operational until the agreed scheme for repositioning the cycle stands has been fully implemented and said cycle stands are available for public use.

For the avoidance of doubt these works shall be undertaken and implemented through a S278 application.

Reason - To ensure existing public infrastructure, such as the cycle stands, are retained for public use in the general vicinity, pursuant to the City of Manchester Core Strategy policies SP1 and DM1.

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: 13 November 2020

Signed:

Julie Roscoe
Director of Planning, Building Control & Licensing

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

MANCHESTER CITY COUNCIL

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

Advertisement Consent

Applicant

Mr Nathan Still
JCDecaux UK Limited
991 Great West Road
Brentford
TW8 9DN

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: Installation of 86 inch LED advertisement display screen on the rear face of public payphone unit (associated planning application ref. 127652/FO/2020).

Location: Pavement Outside 31-33 Oxford Street, Manchester, M1 4BH

Date of application: 3 August 2020

Application number: 127653/AOH/2020

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 with the agreement of the applicant.

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:

Location Plan Oxford Street Os 33-35, M1 4BH 1:200
Site Plan Oxford Street Os 33-35, M1 4BH 1:1250
Proposed Site Location Photo - Oxford Street Os 33-35
Application Document Part 1 Proposal Background and City Maps
Application Document Part 2 Hub Detail - New Sites
Application Document Part 3 Sustainability Aims and Achievements
Application Document Part 4 Pavement Remediation
Cover Letter (30 July 2020)
Letter response to sound & light comments (dated 1 September 2020)
Letter response to TfGM and GMP (DfS Team) (dated 16th September 2020)
Appendix B Suggested Conditions and Reasons
Appendix C Noise Level Report - Aug 2020

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies EN3, CC9, SP1 and DM1 of the City of Manchester Core Strategy and saved policies DC15 and DC19 of the Unitary Development Plan for the City of Manchester.

3) Notwithstanding the approved plans and documents as specified in condition 2, the digital advertising screen hereby approved shall be displayed only in accordance with the following:

(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 or traffic signals;
(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) 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.

Reason - In the interests of pedestrian and highway safety, pursuant to policy DM1 of the City of Manchester Core Strategy and saved policy DC15 of the Unitary Development Plan for the City of Manchester.

4) Notwithstanding the approved plans and drawings as specified in condition 2, the proposed advertisements shall;
(a) be designed, installed and operated to control glare and overspill onto any nearby residential properties; and
(b) not exceed 600cd/m2 during non-daylight hours and inclement weather.

Reason - To ensure that the advertisements cause no harm to residential amenity and are designed and installed to a high quality standard with regard to visual amenity, pursuant to policies DM1 of the City of Manchester Core Strategy and saved policies DC15 of the Unitary Development Plan for the City of Manchester.

Informatives

There are no informatives attached to this decision.

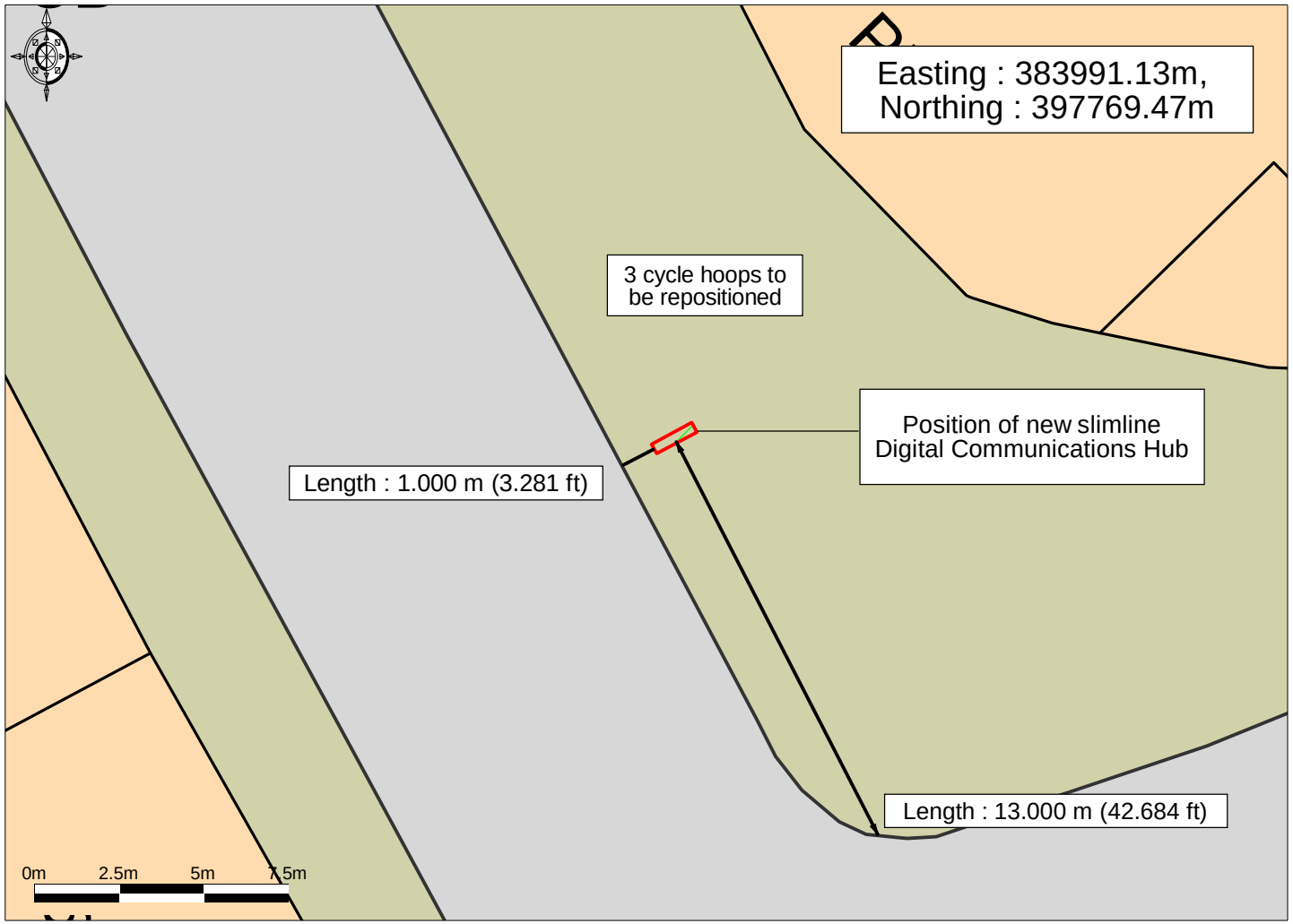
Date: 4 November 2020

Signed:

Julie Roscoe
Director of Planning, Building Control & Licensing

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

Oxford Street Os 33-35, M1 4BH 1:200



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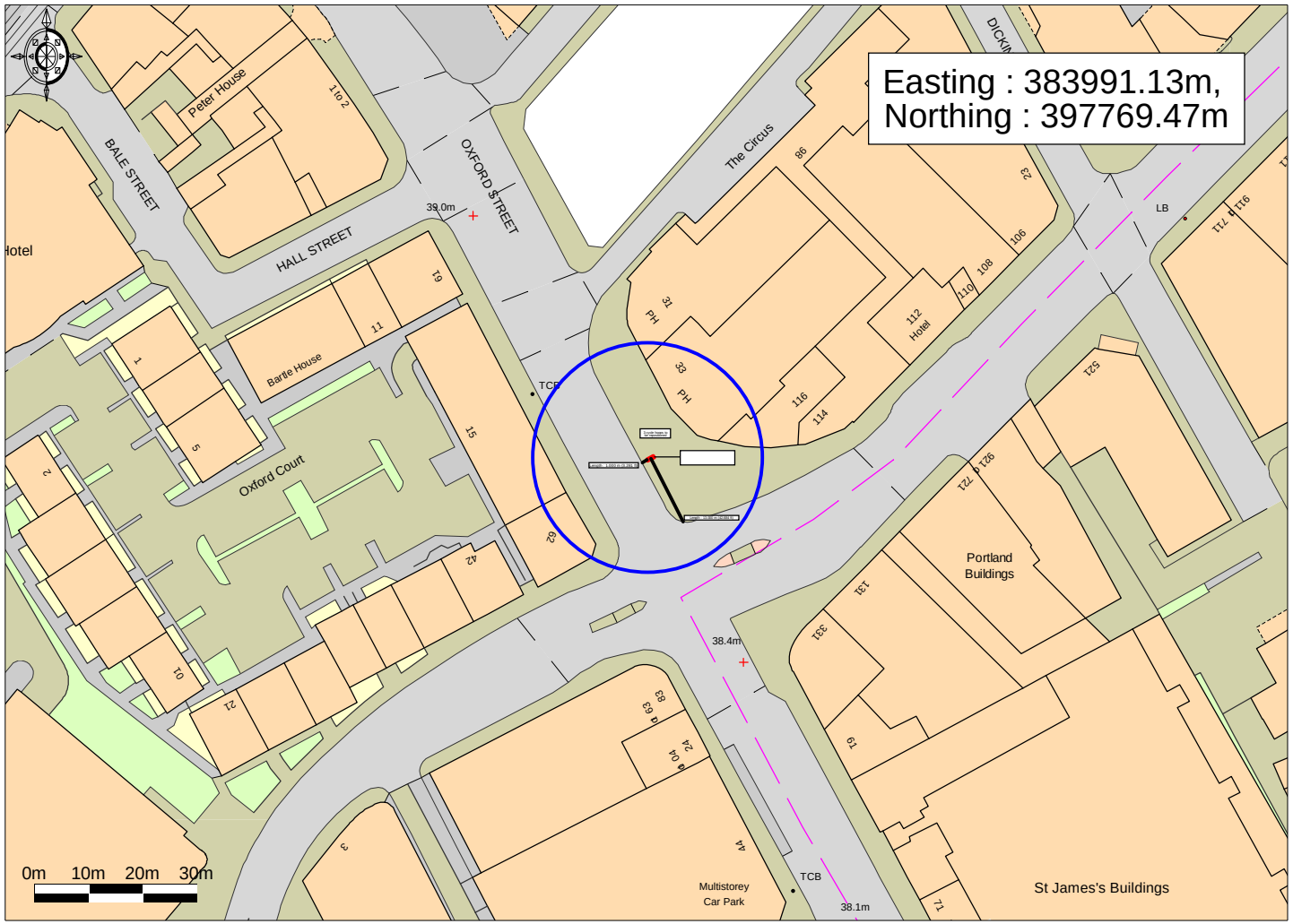
Infocus Public Networks

Oxford Street Os 33-35, M1 4BH 1:1250



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APPENDIX 3

The Planning Inspectorate

Appeal Decision

Site visits 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 A Ref: APP/B4215/W/18/3195978
Telephone Kiosk, o/s 1 Portland Street, Junction Piccadilly, Manchester, M1 2BX

- 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 116826/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.

Appeal B Ref: APP/B4215/W/18/3195983
Basement Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD

- 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 116827/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.

Decisions:

Appeal A

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, o/s 1 Portland Street, Junction Piccadilly, Manchester, M1 2BX in accordance with the terms of the application Ref 116826/TEL/2017, dated 27 June 2017, and the plans submitted with it.

Appeal B

2. 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 Basement Lindencourt House, 34 Charlotte Street, Manchester, M1 4FD in accordance with the terms of the application Ref 116827/TEL/2017, dated 27 June 2017, and the plans submitted with it.

Procedural Matters

3. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed payphone kiosk 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 kiosks subject to each of the two appeals.

4. 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.

5. 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.

6. A number of listed buildings are also situated in the vicinity of the appeal sites. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving listed buildings and their settings. Both appeal sites are also situated outside of, but close to Conservation Areas. 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.

7. Various concerns have been raised on the impact advertisements on the kiosks would have. Whilst the Appellant states that the kiosks subject of each appeal would incorporate a digital advertisement, the construction of telephone kiosks and the display of advertisements are distinct and separate matters requiring different applications. Appeals A and B relate to the construction of a kiosk only and not any advertisement consent that may otherwise be required. I have determined the appeals on that basis.

8. 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 these appeals on their own merits.

Main Issues

9. The main issues are whether or not approval should be given in respect of the siting and appearance of the developments, 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

10. The appeals relate to two free standing telephone kiosks that would consist of the same design. The dimensions given by the Appellant are 1096mm by 762mm and a height of 2499mm, with the Council stating they would be 1150mm by 750mm and a height of 2430mm. The dimensions are similar, and although the submitted 'Specification Document' does include the dimensions referenced by the Council, the plan containing the elevations within this document does give the dimensions stated by the Appellant, which I have therefore utilised.

11. The telephone kiosks would have some open sides and be constructed with a powder coated steel frame and safety glass or composite plastic material. The roof would have a curved form and be constructed in polycarbonate or other composite plastic material.

Appeal A

12. The telephone kiosk subject of this appeal would be situated on Piccadilly, close to the junction with Portland Street. The appeal site currently contains two kiosks which the proposal seeks to replace with a single kiosk. Reference has been made to the proposal being an unduly assertive and visually incongruous feature, but the proposal would result in a reduction in the number of kiosks. I note the prominent location of the proposal and was able to see that there are a number of bus shelters situated just to the north of the appeal site, which the proposal would be seen alongside. However, the proposed kiosk would not add clutter, but would result in less street furniture items than the existing position.

13. The Council have raised concerns on the proposal being a large structure with a rudimentary design. It would, however, have dimensions that are broadly similar to one of the existing kiosks that it seeks to replace, with only a small comparative increase in height. The curved roof and black powder coated finish of the proposed kiosk would also have a better relationship to the nearby bus shelters than the existing red telephone kiosks. I note 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.

14. Reference has been made to a number of listed buildings, but the nearest of these are located on the opposite side of Piccadilly. Given this separation, as well as the presence of other street furniture items closer to these listed buildings, I do not consider that there would be any undue harm to their setting. Similarly, the Stevenson Square Conservation Area is situated nearby, with the boundary running along the line of the vehicular carriageway on Piccadilly. For the reasons set out above, as well as the proposal representing a design improvement over the existing kiosks it is to replace, I find that there would be no harm to its setting.

15. Concern has been raised that the siting of the kiosk would provide increased opportunities for anti-social behaviour and crime. The open design of the

proposed kiosk would provide a good degree of natural surveillance, particularly given is location on Piccadilly and close to the junction with Portland Street. 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 of the proposed kiosk, that it would be harmful in terms of anti-social behaviour and crime.

16. The appeal site, whilst being in a busy area, including heavy pedestrian footfall, would see the replacement of the existing kiosks with a single kiosk, that would have a reduced footprint. The width of the proposal would also be similar to the existing kiosks, and I do not find that it would unduly impede pedestrians relative to the existing position.

17. The siting of the telephone kiosk affecting sight lines has also been identified as a concern. The kiosk would however be set away from the kerb, and would have an open design such that there would only be a limited effect on sight lines and be an improvement relative to the two existing kiosks. I therefore consider there would be no harmful effect on the safety of highway users arising from the proposal.

18. I, therefore, conclude that the proposed kiosk with respect to its siting and appearance would not harm the character and appearance of the area including the setting of heritage assets or highway and pedestrian safety, which justifies the grant of prior approval.

Appeal B

19. Appeal B is for a telephone kiosk on Charlotte Street, close to the junction with Faulkner Street. The Council make reference to the proposal adding to street clutter, but it is unclear why this would be the case, as the proposed kiosk would replace an existing telephone kiosk on the appeal site and would broadly have the same dimensions as it.

20. The Council have also identified concerns relating to the standard nature of the product, with a simple utilitarian design that has no relationship to the design of existing street furniture. In the vicinity of the appeal site, there are a number of existing street furniture items such as street signs and a street light. These are dark coloured slender structures, and I consider the proposed open design kiosk, with a black finish would have a better relationship to the existing street furniture items than the more enclosed, red coloured existing kiosk. It would not appear unduly heavy based on the submitted information and its simple design would give it a modern and functional appearance.

21. There are a number of listed buildings close to the appeal site, but these are on the opposite side of Charlotte Street. The site is also outside the George Street Conservation Area, with the boundary running along the line of the vehicular carriageway on Charlotte Street. Given this separation, the presence of the existing kiosk, as we as the tall commercial building that is situated adjacent to the site on this of Charlotte Street, I do not consider that there would be any harmful effect on the setting of the heritage assets.

22. 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.

23. The appeal site, whilst not being located adjacent to existing bus shelters is situated on a busy city centre street. Reference has been made to the high pedestrian footfall and high vehicular activity on Charlotte Street, but as the proposal would replace a similar existing kiosk, the width of the available footway would only marginally be reduced, such that it would not cause material harm to pedestrian movements.

24. The telephone kiosk would be positioned towards the edge of the pavement, but given its dimensions and open design, there would only be a limited effect on sight lines. I do not therefore consider the appeal development would give rise to unacceptable harm in this respect.

25. 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 the setting of heritage assets or highway and pedestrian safety, which justifies the grant of prior approval.

Conditions

26. The grant of prior approval for the kiosks 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

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

APPENDIX 4

MANCHESTER CITY COUNCIL

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

Advertisement Consent

Applicant

Mr Martin Stephens
JCDecaux
991 Great West Road
Brentford
Middlesex
TW8 9DN

Agent (if used)

Part 1 – Particulars of the application/development

Proposal: The replacement of 22 existing freestanding advertising units comprising 6 sheet advertising panels with 21 "Forum" CIP advertising units and 1 Smart City unit within the Outer City Centre (Group 5)

Location: 22 Locations Within The Manchester Outer City Centre, Manchester

Date of application: 22 July 2021

Application number: 130510/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

In assessing the merits of an application for planning permission officers will seek to work with the applicant in a positive and pro-active manner to seeking solutions to problems arising in relation to dealing with the application. Planning officers have worked with the applicant to overcome problems relating to amenity and safety.

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:

A01552 SITE 1 Lever Street M1 1AJ
A01552 SITE 2 Lever Street M1 1AJ
A01553 SITE 3 Whitworth Street M1 3BR
A01554 SITE 4 Fairfield Street adj 11A M1 3GW
A01555 SITE 5 Oxford Street M1 4BH
A01556 SITE 6 Great Bridgewater Street M1 5JF
A01557 SITE 7 Lower Mosley Street M1 5LE
A01558 SITE 8 Oxford Road M1 5NH
A01559 SITE 9 Whitworth Street West opp 14 M1 5NZ
A01560 SITE 10 Whitworth Street West M1 5WZ
A01561 SITE 11 Portland Street M1 6DW
A01562 SITE 12 Whitworth Street opp M1 6FT
A01563 SITE 13 Whitworth Street IFO M1 6LS
A01564 SITE 14 Whitworth Street IFO M1 6NF
A01565 SITE 15 Princess Street opp M1 7DL
A01566 SITE 16 Quay Street opp 23 M3 4AS
A01567 SITE 17 Deansgate M3 4HH
A01568 SITE 18 Bridgewater Viaduct, M3 4LA
A01569 SITE 19 Whitworth Street West, M3 4LG
A01570 SITE 20 Deansgate M3 4LQ
A01571 SITE Albion Street M15 4QJ
A01572 SITE 22 Whitworth Street West opp 341 M3 4LY

Pavement Remediation Document
Smart City CIP Unit Information document.
Sustainable Objectives document
Covering Letter 13 May 2021 by Martin Stephens

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) No works shall be undertaken to install the Advertising CIP Unit at Site 12 ref A01562 until further details on the precise location have been submitted and approved in writing by the City Council as Local Planning Authority.

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

Informatives

There are no informatives attached to this decision.

Date: 8 October 2021

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.

JCDecaux

MANCHESTER CITY COUNCIL

Roadside Advertising Estate

SITE 5 Oxford Street
M1 4BH

SITE MAPS AND VISUALS

A01555

JCDecaux

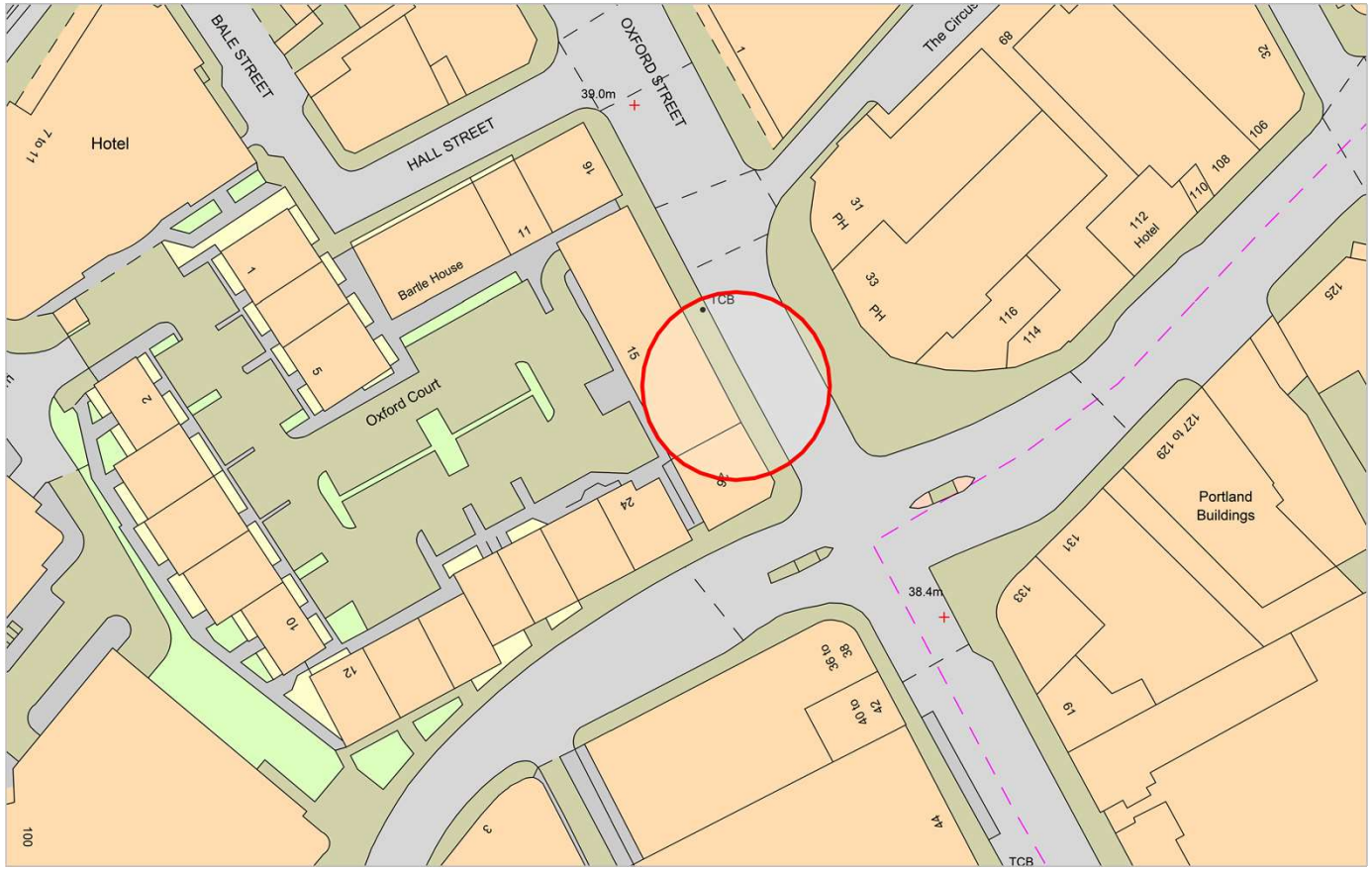
Site 5

Oxford Street

Manchester

E383976

N397768



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JCDecaux

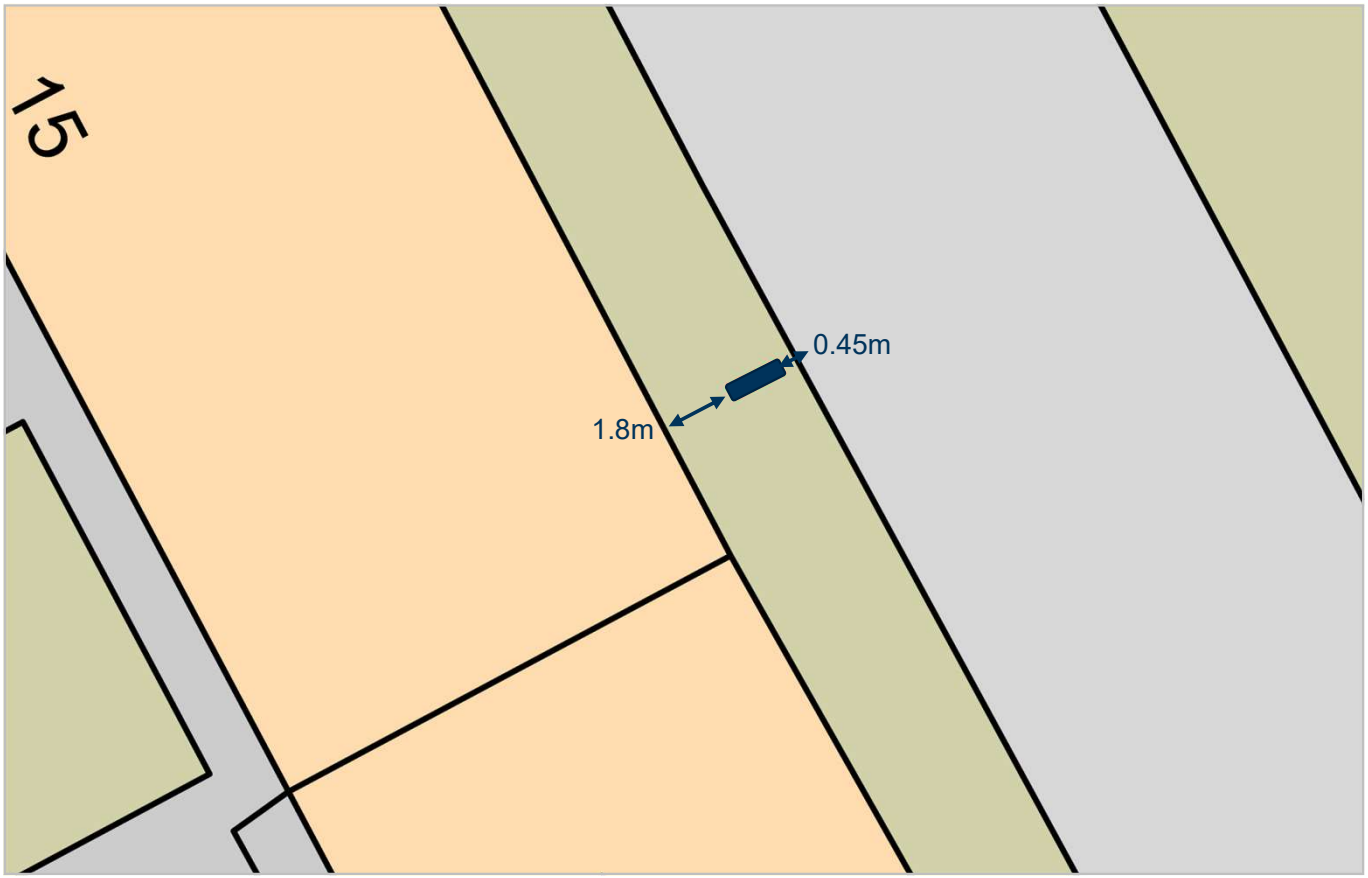
Site 5

Oxford Street

Manchester

E383976

N397768



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JCDecaux

Site 5

Oxford Street

Manchester

Existing North Facing View

Existing South Facing View

JCDecaux

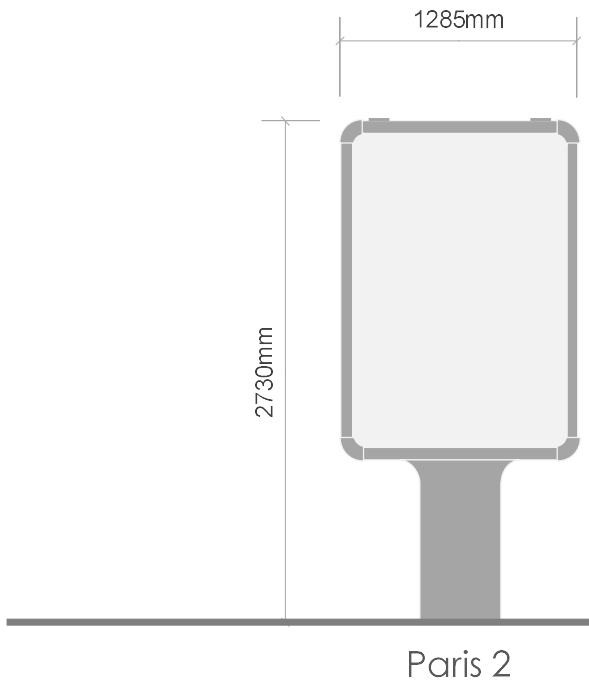
Site 5

Oxford Street

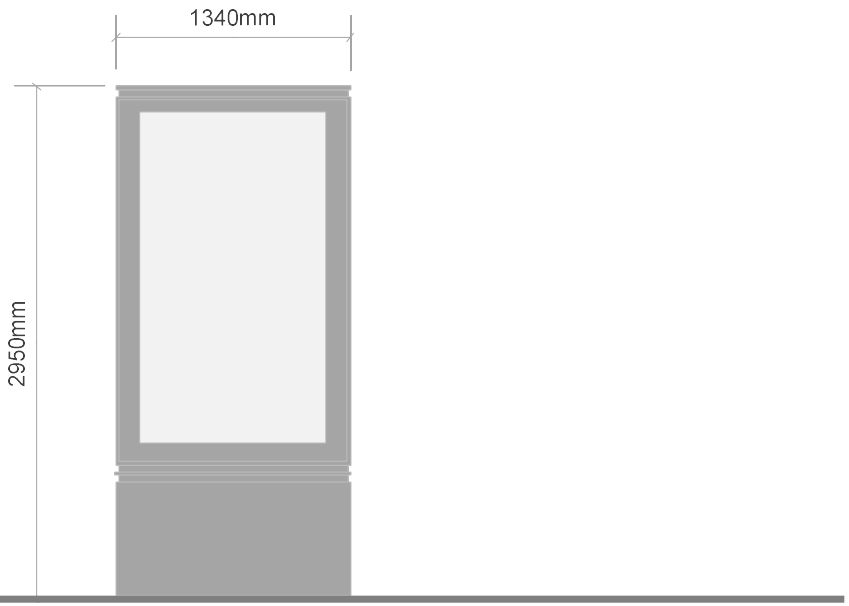
Manchester

Existing Paris 2

6 sheet CIP



Paris 2

Replacement

6 Sheet CIP