MANCHESTER CITY COUNCIL

# Planning

## Growth & Development

## Delegated officer report for planning application

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| **Application no.** | 136215/FO/2023 |
| **Date registered valid:** | 9 February 2023 |
| **Proposal:** | Installation of 1no. new BT Street Hub, incorporating 75" LCD advert screens plus the removal of associated BT kiosk(s) |
| **Address:** | Pavement O/S 64 Bury Old Road, Manchester, M8 5NW |
| **Ward(s):** | Crumpsall Ward |
| **Applicant:** | Mr James Browne BT Telecommunications Plc |
| **Agent (if any):** | Mr Josh Lee Solutions30 |
| **Case officer:** | Holly Wright<br>Tel: 0161 219 6381<br>Email: holly.wright@manchester.gov.uk |
| **Recommendation:** | Approve |
| **Date of recommendation:** | 04 April 2023 |

**Application details**

**Type of application:** Full Application Consent

**Development type:** Minor Other

**Date of site visit:** 03 March 2023

**Standard consultations:** Printed: 22 February 2023 Expired: 15 March 2023

**Neighbour notifications:** Printed: 22 February 2023 Expired: 15 March 2023

**Site notice:** Posted: 03 March 2023 Expired: 24 March 2023

**Press advert:** Published: 28 February 2023 Expired: 21 March 2023

**Departure from Development Plan:** No

**Environmental Statement:** Not required

**Description of site/building/area**

**Listed building:** Not applicable

**Conservation area:** Not applicable

**Tree Preservation Order:** Not applicable

The application relates to a portion of pavement located outside No.64 Bury Old Road in the Crumpsall ward of Manchester. The site is located along a busy high street outside the NatWest Bank in Cheetham Hill, where a strong commercial precedent already exists.




*Figure 1.* Proposed site of development.




*Figure 2.* Proposed site of development.

**Description of development**

The applicant is seeking permission for the installation of a new BT street hub, following the removal of two existing BT phone kiosks. Of the kiosks to be removed, one is located at the proposed site of development whilst the other is located outside No.98 Crumpsall Lane.

BT street hubs are free-standing structures featuring a fully accessible tablet interface and digital HD display screens on two sides. Overall, the dimensions of a BT street hub are: 2.98m in height, 1.236m in width (with a reduced, tapered base of 1.201m) and 0.35m in depth. The screens are to display commercial, community and council-based content at 10-second intervals with illuminance levels of 2500cd/m2. Displays are set to automatically dim at night to 600cd/m2, following daylight hours. Each unit will also feature a video camera above each screen as well as one built into the tablet.

Each BT Street hub aims to offer:

- Opportunities for advertisements
- Ultrafast public and encrypted Wi-Fi
- Access to public services
- Free phone calls
- Multiple accessibility options
- Secure power-only USB ports for rapid device charging
- Free phone calls
- Direct 999 call button
- Useful real-time information (including community and emergency awareness messaging)
- Environmental sensors to measure air quality, noise, traffic etc.
- Maps and wayfinding

The applicant's supporting information indicates that all street hubs are powered by 100% renewable carbon-free energy and are inspected weekly, cleaned bi-weekly and monitored 24/7. Their LED-backlit LCD screens consume approximately 60% less power than Cold Cathode Fluorescent Tubes whilst their screen filters reflect light and reduce the need for high power, noisy cooling systems. Through utilising industrial-grade components, the street hubs are able to operate at high temperatures, thus reducing the need for cooling. The supporting information states that noise emanating from the hubs should not exceed: 41dB at a distance of

3m during the day, 35dB at a distance of 3m during the night and operational volume should not exceed 60dB at a distance of 1m.

## Associated Applications

136216/AOH/2023 - Installation of 2no. digital 75" LCD display screens, one on each side of the associated Street Hub unit.

## Consultations & Notification Responses

Local residents, as per appendix 1 – no comments or objections received.

Environmental health made comments relating to light from digital display screens, noise from public pay phone / external speakers and the proposal's maintenance management plan as well as requesting a number of conditions to be attached to the decision notice.

Highways made the following comments and recommended a condition to be attached to the decision notice:

- MCC Highways request that the final positioning of apparatus being sufficient to maintain the minimum desirable clearance of 3m to any adjacent street furniture and a minimum clearance 450mm from the edge of the carriageway.
- The proposed luminance of the digital LCD display screens is noted as 2500cd/m2. This is not in line with the MCC recommended maximum of 600cd/m2 and should therefore be lowered.

Cadent Gas had no objection to the proposal, however requested that an informative condition be attached to the decision notice.

Salford City Council had no objection to the proposal.

## Policies

The following policies are considered relevant in the consideration of this application.

The Manchester Core Strategy – Development Plan Document 2012-2017 ("the Core Strategy") was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy DM1 – Development Management

The National Planning Policy Framework (NPPF, 2021)

- Chapter 7 – Ensuring the Vitality of Town Centres
- Chapter 12 – Achieving Well-Designed Places

Design for Access 2 (Dec 2003)

- Chapter 3 – Footways, Pathways and Access Routes
- Chapter 4 – Street Furniture
- Chapter 23 – Communication Systems

For reasons to be outlined below, it is considered that the proposal accords / conflicts with the principles of these policy documents.

## Issues

**Principle –** The principle of installing a BT street hub so as to provide opportunities for advertising as well as a range of services to the public (including free Wi-Fi, free phone calls, secure USB-port charging, useful real-time information, maps, and wayfinding) is acceptable, however consideration must be given to the proposal's impact upon existing levels of visual amenity, residential amenity, and public safety.

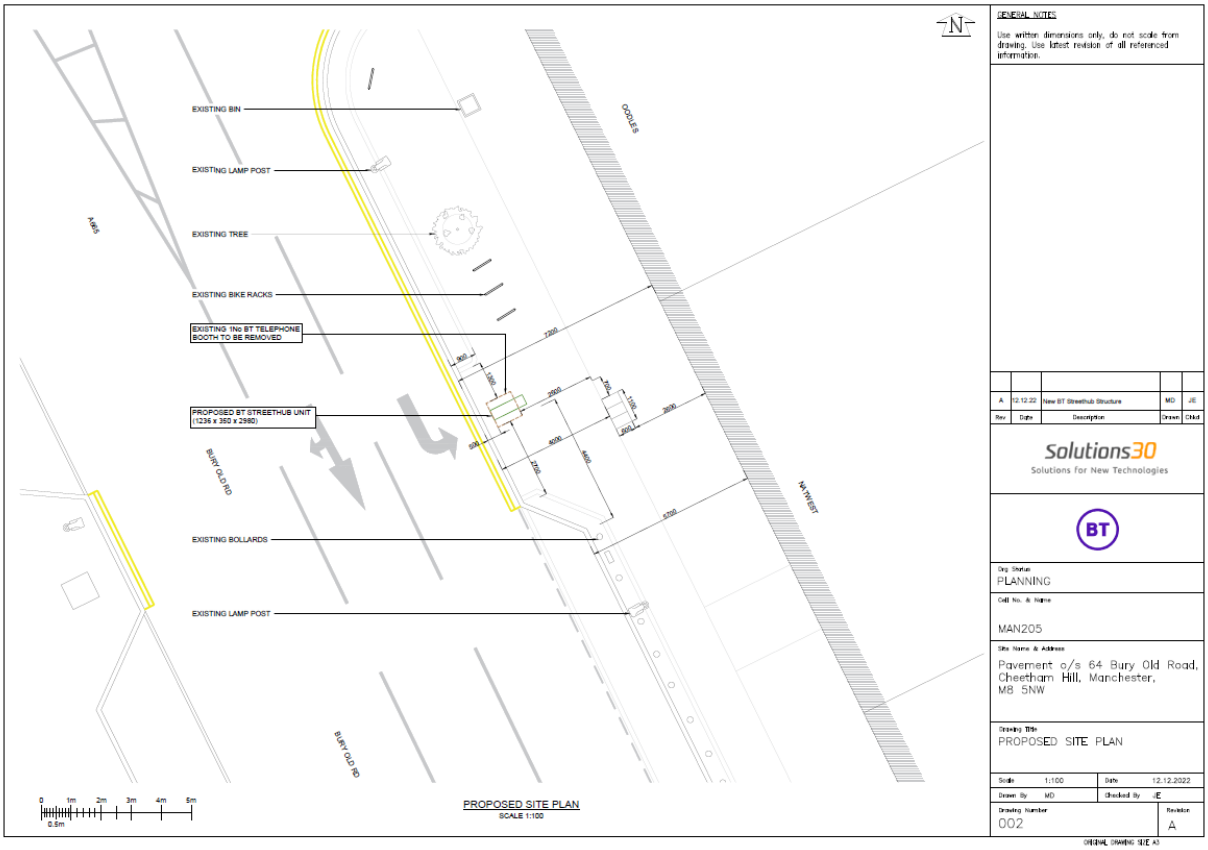



*Figure 3.* Proposed site plan, as submitted by the applicant's agent.

**Visual amenity –** The street hub would be located away from residential property, situated adjacent to Bury Old Road, outside No.64. The unit will be made of galvanised mild steel, with a powder coated external grade aluminium exterior. Displays will be made of tempered and toughed laminated glass. There will also be RF transparent compartments. The dimensions of the unit will be 2.98m in height, 1.236m in width and 0.35m in depth, whilst the dimensions of the advertisement/advertisement screens will be 1.67m in height, 0.95m in width and 0.35m in depth. The maximum height of any individual letters and symbols will be 0.12m (120cm) with various colours of text and images against a black background. The advertisement will be internally illuminated, with static illuminance levels of 2500cd/m².

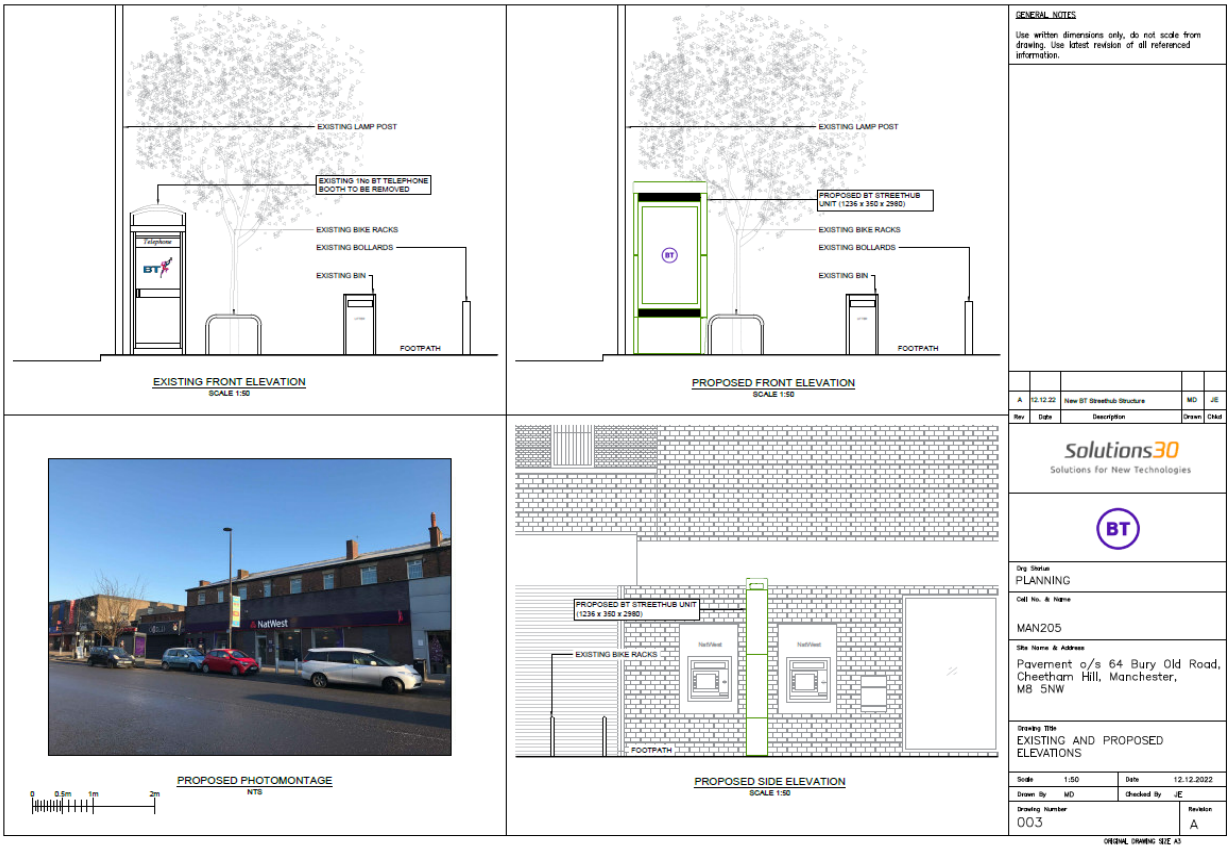



*Figure 2.* Existing and proposed elevations, as submitted by the applicant's agent.

Considering the characteristics of the unit, the proposal is not considered to harm the visual amenity of the area as it would be situated in an area where a commercial precedent already exists (I.e., along a busy high street in Cheetham Hill).

Moreover, part of this proposal includes the removal of two existing BT phone kiosks. These existing kiosks are outdated, tired, and neglected in appearance and so their replacement with an updated and more modern unit would arguably enhance the street scene and visual amenity of the area. Additionally, the fact that two existing kiosks would be removed, whilst only one would be replaced, would mean that visual clutter in this locale would be reduced as a result of the development.

The proposal is therefore considered to be acceptable as it would have a minimal impact upon the existing visual amenity, would be in-keeping with the commercial precedent of the area and, overall, would result in reduced visual clutter in this locale.

**Residential amenity –** The street hub would be situated within the footprint of the existing BT phone kiosk, towards the edge of the pavement and would allow for the retention of a 2.3m wide footway. This pavement width accords with the dimensions specified under chapter 3 of the

Design for Access 2 (2003) (of at least 2m) and is therefore considered acceptable as the unit would not act as a physical obstruction, reducing or limiting access for pedestrians and disabled users. Moreover, the street hub would occupy a footprint of 0.42m², whilst the removal of the two existing BT phone kiosks would return 1.58m² (per kiosk) of pavement to the public realm, thereby reducing physical clutter and street furniture.

One of the main features of a street hub unit is to provide free phone calls via a speaker and microphone system. Street hubs have been designed so that they create a 'sound cloud' for the person making a call with noise levels sufficient to make calls with background noise for the surroundings. Whilst this generates a reasonable conversational volume in proximity to the unit, it is intended to result in minimal to no noise being noticeable further away. The average volume settings are 65dB average at 3m distance from each street hub. Users may also choose to use headphones when making calls or using the tablet, which deactivates the speaker for the duration of their use.

The applicant has also provided a noise management plan which details how noise pollution and the unit's impact upon aural amenity would be managed. During daytime hours (7am-9pm), the unit would operate controllable volume levels. This would default to 50% at the start of any user activity during the day and can be increased and decreased based on the preferences of the user. During night-time hours (9pm-7am), the street hub would be governed so that the volume cannot be increased to greater than a maximum of 60% volume. Given these considerations, it is believed that the unit should not contribute to noise pollution that would exist to an unbearable degree, and thus, should not significantly harm the aural amenity of the area.

The street hub unit would also include an automated dimming feature, whereby screens would be automatically dimmed from daytime levels of 2500cd/m² to 600cd/m² between dusk and dawn. This accords with the guidelines set out by the Institute of Lighting Professionals in the 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements' and is thus considered acceptable as the units should not cause an unreasonable amount of light pollution during hours of darkness and should also not pose a significant threat or distraction to road users.

The proposal is therefore considered acceptable as it would not reduce the availability of pedestrianised footways to a significant degree and would employ strategies that would reduce and mitigate its impact upon aural amenity, noise, and light pollution.

**Public safety –** The proposal involves the removal of two existing BT phone kiosks, which are, at present, hubs for antisocial behaviour such as vandalism and substance abuse. Eliminating these enclosed areas and replacing them with a much more open and exposed unit should arguably reduce instances of antisocial behaviour as views of the site would be much less obscured.

The applicant has also provided an anti-social behaviour management plan whereby details of how these issues will be dealt with have been identified. This includes call restriction capabilities whereby phone calls and specific numbers are able to be blocked if they are identified as being misused for illegal activity. Other measures also include reduction of call volume, restriction of calls at specific times and restriction of calls to mobile devices. The applicant also states that communicating and liaising with emergency services and local authorities should ensure that actions are able to be taken in areas where the units are being misused. Moreover, as the unit will be constructed of galvanised mild steel with tempered and toughed laminated glass, it is believed that the unit will be robust enough to withstand instances of attempted vandalism.

The applicant has also provided details of a maintenance plan. Street hubs will be visited every two weeks for cleaning, during which the units will be checked for damage and functionality of the tablets and screens. In-field quality inspection teams will also be deployed every two weeks to perform checks for damage, graffiti, and black screens as well as functionality checks on the tablet to test calls, maps, 999 and USB-charging. Faults are also able to be detected through remote diagnostics (if the unit is offline, Wi-Fi shows alerts, tilt sensor activated, internal computers show alerts) or members of the public reporting. This strategy therefore mitigates concerns over vandalism and unit maintenance.

The applicant has also provided a certificate of conformity with ICNIRP public exposure guidelines.

The proposal is therefore considered acceptable as it does not raise significant concerns regarding public safety due to the elimination of existing BT phone kiosks, inclusion of an anti-social behaviour management plan and maintenance plan and its conformity with ICNIRP public exposure guidelines.

**Conclusion –** Given the above issues it is considered that the proposal is acceptable in terms of its impact upon visual amenity, residential amenity, and public safety as it accords with policies SP1 and DM1 of the Core Strategy, chapters 7 and 12 of the NPPF, and chapters 3, 4 and 23 of the Design for Access 2.

## 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:** Approve

**Article 35 Declaration**

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. No significant problems have arisen during the consideration of this application and the application has been determined in a timely manner, in accordance with the policies with the Development Plan.

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

1) The development must be begun not later than the expiration of three years beginning with the date of permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Act Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the drawings labelled 'Generic Drawing Elevations', 'Existing and Proposed Elevations', 'Site Location Maps' and 'Proposed Site Plan', stamped as received by the City Council as Local Planning Authority on the 9th February 2023.

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

3) a) The intensity of the illuminance of the advertisement shall be no greater than 600Cdm2 during hours of darkness and 2500Cdm2 during daylight hours to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015)

b) The luminance level of the digital sign shall be controlled by a light sensor to adjust the screen brightness to reflect the ambient levels during the daytime and set to a maximum brightness of 600Cdm2 during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch to a blank screen with black background.

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

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

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

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

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

4) a) The development hereby approved must be built and maintained at all times thereafter in accordance with the details specified within the document labelled 'Street Hubs Noise Management Plan', stamped as received by the City Council as Local Planning Authority on the 9th February 2023.

b) Once the unit has been installed, a verification report will be required to include sound testing to confirm compliance with the agreed noise limit submitted to for approval in writing by the City Council as Local Planning Authority.

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

5) The development hereby approved must be built and maintained at all times thereafter in accordance with the details specified within the document labelled 'Street Hubs maintenance plan', stamped as received by the City Council as Local Planning Authority on the 9th February 2023.

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

6) Prior to the installation of the hereby approved BT Street Hub, the BT telephone kiosks, as specified in the document labelled 'BT Street Hub - Manchester - Removal Kiosk Site Plans', stamped as received by the City Council as Local Planning Authority on the 9th February 2023, shall be removed.

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

**Informatives**

1) Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting: cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on: www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

**Appendix 1 – List of consultees & neighbours notified**

Highway Services
Environmental Health
Salford City Council

Flat 12, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Flat 13, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Flat 14, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Flat 15, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Flat 17, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Flat 18, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Flat 19, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Recording Studio Rear Of 62 Bury Old Road, Manchester, M8 5BN
70 Bury Old Road, Manchester, M8 5BN
Flat 11, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
62 Bury Old Road, Manchester, M8 5BN
72 Bury Old Road, Manchester, M8 5BN
Flat 10, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN
Flat 16, King Edwards Buildings, Bury Old Road, Manchester, M8 5BN

**Appendix 2 – Planning constraints**

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Article 4 Direction - North Manchester PD Restriction - Class B1(a) To C3
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: NORTH AREA