

Planning

Growth & Development

Delegated officer report for planning application

Application no. 130425/FO/2021

Date registered valid: 23 August 2021

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

Address: Pavement Outside 399-401 Oxford Road, Manchester, M13 9BL,

Ward(s): Deansgate Ward

Applicant: Mr James Browne BT Telecommunications Pp 8.05, Faraday Building, 1 Knightrider Street, London, EC4V 5BT

Agent (if any): Mr Lewis Baldwin Mono Consultants Steam Packet House, 76 Cross Street, Manchester, M24 2JG

Case officer: Gerry Reilly
Tel: 0161 234 4163
Email: gerry.reilly@manchester.gov.uk

Recommendation: Approve

Date of recommendation: 17 June 2022

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 7 September 2021

Expired: 28 September 2021

Neighbour notifications

Printed: 7 September 2021

Expired: 28 September 2021

Site notice

Posted: 7 September 2021

Expired: 28 September 2021

Press advert

Published: 14 September 2021

Expired: 5 October 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

Description of development

Consultations & Notification Responses

The application has been advertised in the Manchester Evening News as an application affecting a right of way. A site notice was displayed and the occupiers of nearby properties have been notified

No representations have been received as a result of this publicity

Highway Services - The BT Street Hub unit retains sufficient footway clearance (as depicted on drawing Site Location Maps Man019 No002C) and therefore does not obstruct pedestrian movement including buggies and restricted mobility/wheelchair users.

The unit does not obstruct vehicle or pedestrian sight lines and does provide adequate clearance from the carriageway.

Highways support the application subject to TfGM cycle hub proposals.

Environmental Health - have recommended conditions controlling LIGHT FROM DIGITAL DISPLAY SCREENS, NOISE FROM PUBLIC PAY PHONE / EXTERNAL SPEAKER and a Maintenance Management Plan

Strategic Development Team - CCG&I have no objections to the removal of these BT phone boxes. Can you please ensure that BT submit details of the making good to the pavements following removal, for your approval.

Ward Councillors - No response to the consultation

Greater Manchester Police - Having reviewed the proposals, consideration should now be given to the placement and location of the proposed unit. Pedestrian flow across the various locations of the proposed applications are high and during busy periods could potentially create pinch points and funnel passers-by into close proximity with street furniture, outdoor seating and ATMs, potentially providing opportunities for criminals to exploit. It is therefore highly recommended that the proposed unit is relocated away from being immediately adjacent to any other street furniture or obstruction.

We would also advise consideration to be given to the potential of the unit to attract or increase incidents of anti-social behaviour and loitering in these high footfall areas. A strategy to disable the unit if required in extreme circumstances (e.g. previous examples may include the Manchester riots and some incidents of extreme anti-social behaviour) should also be considered.

We would also comment that the security of the proposed unit is carefully considered. The proposed unit should be constructed to a robust and adequate standard and should also be securely fixed and vandal-resistant.

Transport For Greater Manchester - As a result of the installation and removal works the affected footway will need to be reinstated in accordance with Manchester City Council (MCC) standards and specifications.

The Site Plan demonstrates that the apparatus will be installed 0.9 metres from the edge of the carriageway. TfGM would refer to the Local Highway Authority (LHA) to confirm if this is a satisfactory distance from the highway in terms of the risk of vehicle strike and sightline visibility.

A minimum footway width of 2 metres (where the apparatus is positioned) needs to be retained to ensure pedestrian movements are unimpeded. The Site Plan submitted denotes that a footway width of circa 3.78 metres will be retained past the apparatus, which is therefore acceptable.

Sightline visibility for vehicles, cyclists and pedestrians needs to be maintained and should not be impinged upon by the siting of the apparatus.

Servicing arrangements associated with the apparatus should not impact upon the highway and result in traffic conflicts. Service vehicles should park appropriately and should not use bus lay-bys or footways.

A Construction Traffic Management plan should be employed as part of the proposals to reduce any likely impacts.

In terms of the proposed luminance of the LED screens, the application forms submitted alongside each application confirm that the luminance will not exceed 2500cd/m². This should

be checked against recommendations contained within the Institute of Lighting Professionals Lighting Guide Technical Report 5.

Additionally, the LED screens should not feature any moving images.

Greater Manchester Ecology Unit - There are no ecological issues associated with this development. No further ecological information or measures are required.

Greater Manchester Pedestrians Society - No response to the consultation

Counter Terrorism Policing North West - Before applications are approved it would be good practice to identify whether the proposed fixtures could be situated to assist in the protection of the general public in these publicly accessible areas.

This mitigation could be introduced by the strategic placement of any street furniture in order to reduce gaps wider than 1.2m.

Although not a rated obstruction (i.e. a PAS or IWA rated vehicle barrier) they could act as a deterrent to any hostile person driving a vehicle intent on using it as a weapon against members of the public.

Furthermore any consideration of the placement of the BT Hubs for this use, could assist in any future projects that the City Centre Security Group chaired by Kevin Gillham consider, especially from a budgetary perspective.

Issues

Human Rights Act 1998 considerations

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

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

Recommendation: Approve

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) 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 this permission.

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

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings

Existing and Proposed Elevations MAN 019 Drawing 003 Revision C
Site Location Maps MAN 019 Drawing 001 Revision C
Site Location Maps MAN 019 Drawing 001 Revision C
Removal Kiosk Site Plans - Ref MAN019

Documents

Covering Letter including Planning, Design and Access Statement
CONFORMITY WITH ICNIRP PUBLIC EXPOSURE GUIDELINES ("ICNIRP")
LAND REMEDIATION STATEMENT Ref: MAN 019
PROFESSIONAL LIGHTING GUIDE 05: The Brightness of Illuminated Advertisements
Street Hub Anti-Social Behaviour Management Plan
Street Hubs Beyond connection: Supporting local councils with digital street communication

All of the above drawings and documents received by the City Council as local planning authority on 14th May 2021

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

- 3) (a) No individual advertisements displayed on the LED panel shall contain moving images, animation, video or full motion images or any images that resemble road signs, traffic lights or traffic signs.
(b) No individual advertisements shall be displayed for duration of less than 10 seconds.
(c) Controls shall be in place to ensure smooth uninterrupted transition of images displayed on the panel.
(d) The display panel shall be fitted with a light sensor, designed to adjust the brightness to changes in ambient light levels.
(e) A mechanism shall be in place so that if the installation breaks down, it defaults to a black screen to avoid any flashing error messages or pixilation.
(f) The maximum luminance level of the advertisements displayed on the panel should not exceed 600 cd/m² during non-daylight/ inclement weather.

Reason - In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester

- 4) a) The intensity of the illuminance of the advertisement shall be no greater than 600Cdm² during hours of darkness to accord with the recommendations of the ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015).
b) The luminance level of the digital sign shall be controlled by a light sensor to adjust the screen brightness to reflect the ambient levels during the daytime and set to a maximum brightness of 600Cdm² during hours of darkness to accord with the recommendations of the

ILP publication 'PLG05 The Brightness of Illuminated Advertisements' (2015). In the event of breakdown or malfunction the screen will automatically switch off

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

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

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

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

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

5) a) The Communication apparatus hereby approved shall not use voice activated or handsfree technology unless and until a Noise Management Plan (NMP) detailing the control measures including volume and sound levels have been submitted and approved by the LPA. The agreed levels set out within the NMP shall thereafter be permanently maintained".

b) A noise assessment and noise management plan shall be submitted to determine the noise level of the speaker associated with the equipment and agreed by MCC as Local Planning Authority. Once the noise levels have been agreed, the levels will be included within the NMP and shall be complied with thereafter.

c) Once the NMP has been agreed and the unit installed, a verification report will be required to include sound testing to confirm compliance with agreed noise limit.

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

6) Prior to the commencement of the development hereby approved, a detailed construction management plan outlining working practices during development shall be submitted to for approval in writing by the local planning authority, which for the avoidance of doubt should include:

1. Commentary on types and frequency of vehicular demands together with evidence (including appropriate swept-path assessment) of satisfactory routing both within the site and on the adjacent highway.

2. A dilapidation survey which should include photographs and commentary on the condition of carriageway / footways on construction vehicle routes surrounding the site.

Development must be carried out in accordance with the approved construction management plan upon commencement of authorised works.

Reason

In the interests of highway safety pursuant to policies SP1 and DM1 of the Core Strategy for the City of Manchester.

7) Notwithstanding the details in condition 2 and before development commences, a scheme for the reinstatement of pavements must be submitted to and approved in writing by the City Council as local planning authority before development commences.

Reason

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

8) Before the development hereby approved commences, a plan must be submitted to and approved in writing by the City Council as Local Planning Authority. The plan must demonstrate how the development will be maintained to ensure the agreed light levels and noise levels are maintained and not exceeded. The plan must include details of remote monitoring and control capability, how the operator is alerted if any fault is detected and details of what action is taken where a fault is identified or reported including response time to undertake repair. The plan must include details of proposed physical inspection and monitoring frequency.

Reason

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

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Strategic Development Team
Greater Manchester Police
Transport For Greater Manchester
Greater Manchester Ecology Unit
Greater Manchester Pedestrians Society
Counter Terrorism Policing North West (CTPNW)

Horniman House, 399 - 401 Oxford Road, Manchester, M13 9BL
Costa Coffee, Horniman House, 399 - 401 Oxford Road, Manchester, M13 9BL
Sainsburys, Horniman House, 399 - 401 Oxford Road, Manchester, M13 9BL
403 - 409 Oxford Road, Manchester, M13 9WG
Flat 313, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 310, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 308, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 305, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 303, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 203, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 113, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 111, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 108, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 106, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 104, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 101, Horniman House, 66 Grafton Street, Manchester, M13 9NT
397 Oxford Road, Manchester, M13 9BL
391 - 395 Oxford Road, Manchester, M13 9BL
Flat 312, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 311, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 309, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 307, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 306, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 304, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 302, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 301, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 213, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 212, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 211, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 210, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 209, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 208, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 207, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 206, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 205, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 204, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 202, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 201, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 112, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 110, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 109, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 107, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 105, Horniman House, 66 Grafton Street, Manchester, M13 9NT

Flat 103, Horniman House, 66 Grafton Street, Manchester, M13 9NT
Flat 102, Horniman House, 66 Grafton Street, Manchester, M13 9NT

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3

Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M

Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA

Susceptible to Surf Water Flood (Less) -

Susceptible to Surf Water Flood (Less) -

Area Team Boundary - Name: CITY1