



Appeal Decisions

Site visit made on 16 January 2025

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2025

Appeal A Ref: APP/B4215/W/24/3348073

Opposite basement of Lindencourt House, 34 Charlotte Street, Manchester M1 4FD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Porte (New World Payphones) against the decision of Manchester City Council.
 - The application Ref is 139689/FO/2024.
 - The development proposed is described as 'removal and replacement of existing red telephone kiosk with single black digital communications kiosk and ancillary advertisement'.
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Appeal B Ref: APP/B4215/Z/24/3348074

Opposite basement of Lindencourt House, 34 Charlotte Street, Manchester M1 4FD

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Ben Porte (New World Payphones) against the decision of Manchester City Council.
 - The application Ref is 139690/AOH/2024.
 - The advertisement proposed is described as 'removal and replacement of existing red telephone kiosk with single black digital communications kiosk and ancillary advertisement'.
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Decisions

Appeal A Ref: APP/B4215/W/24/3348073

1. The appeal is allowed and planning permission is granted for the removal and replacement of the existing red telephone kiosk with a single black digital communications kiosk, opposite the basement of Lindencourt House, 34 Charlotte Street, Manchester M1 4FD in accordance with the application Ref: 139689/FO/2024, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Promap site location plan, New World Payphones perspective views, and drawing numbers PY4056/001, PY4056/005 and PY4419-051-002.
 - 3) Prior to the kiosk being brought into use, a Noise Management Plan detailing volume control measures shall be submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved plan.

- 4) Prior to the kiosk being brought into use, a management plan shall be submitted to, and approved in writing by, the local planning authority to demonstrate how the unit will be maintained to ensure agreed noise and light levels are maintained and not exceeded, including details of remote monitoring and control, 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 times. The kiosk shall thereafter be managed in accordance with the approved plan.

Appeal B Ref: APP/B4215/Z/24/3348074

2. The appeal is dismissed.

Application for costs

3. An application for costs was made by Mr Ben Porte (New World Payphones) against Manchester City Council. This is the subject of a separate decision.

Background and Procedural Matters

4. The proposal before me is part of New World Payphones' stated strategy to rationalise and upgrade its estate in Manchester. I am dealing with appeals relating to kiosks with ancillary advertisements at six other locations in the city, but have dealt with each on its particular merits.
5. I refer to the different cases as Appeal A and Appeal B. I have dealt with each appeal on its individual merits, but to avoid duplication both proposals are considered together in this decision. Both appeals concern the same proposal for a kiosk. Notwithstanding the descriptions in my banner, which are taken from the application forms, Appeal A seeks planning permission for the kiosk itself, whereas Appeal B seeks advertisement consent for the digital display on one of its faces.
6. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 set out that powers shall be exercised only in the interests of amenity and public safety, taking into account the provisions of the development plan, in so far as they are material; and any other relevant factors.
7. In accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the 1990 Act'), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas, including their setting. This applies in respect of the consideration of whether to grant planning permission (Appeal A), and to advertisement applications and appeals (Appeal B) in so far as it relates to the consideration of amenity.
8. Having regard to s66(1) of the 1990 Act, the duty to have special regard to preserving a listed building or its setting does not apply to applications for advertisement consent (Appeal B), although factors relevant to amenity include the presence of features of historic, architectural, cultural or similar interest.
9. In relation to Appeal B, the Council has raised no dispute on the matter of public safety. Based on the evidence provided, and from what I have seen during my visit, I am satisfied that there is no substantive issue in this respect. Therefore, the proposal under Appeal B has been assessed solely in relation to amenity.
10. Finally, I have had regard to the latest version of the National Planning Policy Framework, which was published in December 2024 ('Framework').

Main Issues

11. The main issue in Appeal A is:

- the effect on the proposal on the character and appearance of the area, including on the setting of the George Street Conservation Area, and the setting of listed buildings.

The main issue in Appeal B is:

- the effect of the proposal on visual amenity.

Reasons

Appeal A

Character and appearance

12. The site is located on Charlotte Street, where uses include hotel accommodation, offices, education and health facilities, along with some uses associated with an evening-time economy. Notwithstanding those activities, its general character and ambiance is less overtly commercial compared to the busy nearby thoroughfare of Portland Street. The buildings generally comprise a fairly eclectic mix of modern development, with more historic structures, including former warehouses.
13. The south-western side of Charlotte Street and the area beyond, falls within the George Street Conservation Area. Opposite the appeal site is Lindencourt House, which is tall former textile merchants' warehouse, dating from 1855, and which is Grade II listed. Slightly further away, Fraser House, on the corner with Portland Street, is another former warehouse, of a similar scale and era, and which is similarly listed. Both structures appeared to be undergoing renovations at the time of my visit, and the Council refers to significant investment in the area.
14. The scheme involves the replacement of the red telephone box on the site with a kiosk in the same location. As set out at paragraph 4 of the appellant's statement, and as detailed on the location plan, a telephone box which is located outside the Mercure Hotel on Portland Street is also proposed to be removed.
15. The proposed kiosk would be sited between a road sign and a lamp post, with motor cycle parking, bollards and bike hire facilities further along this side of Charlotte Road to the south-east, and beyond them a BT kiosk close to the junction with Portland Street. The proposed kiosk would be marginally taller than the existing box on the site, and it would be slightly wider, but less deep. Its partially open or glazed sides would limit its perceived bulk.
16. Consequently, although the Council has demonstrated with photographs that the amount of street furniture along this stretch of the pavement has increased in recent years, the proposed kiosk would not appear as an imposing or dominant feature, and there would not be a significant change to the amount of clutter in this part of the streetscene.
17. The Council states that the proposal would also undermine its broader efforts to de-clutter and regenerate the public realm across the city centre, as summarised in the comments from its Neighbourhood Team and Growth and Development Directorate in the appendices of its statement. However, as I understand it, the Street

Furniture Guidance Strategy to which the latter refers has not yet been published or endorsed as a planning strategy. Consequently, I have given it very little weight. In any event, whilst the box on Portland Street is located in a different streetscene, if removed, it would contribute to that stated aim.

18. The kiosk's black powder-coated steel finish would give it a restrained, but contemporary appearance, which would respect the design and character of the tall, modern buildings on this side of the road, and the colour of some nearby street furniture. Given its siting on the opposite side of the road from Lindencourt House and Fraser House, along with its fairly simple style and modest proportions, the proposed kiosk would not harm the setting of those buildings, and it would not appear at odds with the character of the adjacent George Street Conservation Area. Thus, it would not harm the setting of designated heritage assets, and the statutory tests would be met. My conclusions on this matter echo those of a previous Inspector who allowed a replacement kiosk on this site in 2018 ('previous appeal')¹.
19. Amongst other things, and in general terms, policies EN 1, EN 3, SP 1, CC 9 and DM 1 of the Manchester Core Strategy 2012 ('MCS') and policies DC18 and DC19 of the Manchester Unitary Development Plan 1995 ('MUDP') seek good design which has regard to local character, and which preserves or enhances heritage assets such as conservation areas and listed buildings, including their setting.
20. For the above reasons, the proposal would not conflict with their approach, nor with the Framework's stance in sections 12 and 16 regarding the need for development to be sympathetic to local character and history, and to give great weight to the conservation of designated heritage assets and to avoid harm to their significance unless there is clear and convincing justification.

Appeal B

Visual amenity

21. The Planning Practice Guidance ('PPG') sets out that in assessing amenity, the local characteristics of the neighbourhood should be considered and if, for example, the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would need to consider whether it is in scale and in keeping with those features².
22. Unlike the telephone box which would be removed from this site which does not feature an advertisement, the proposed kiosk would have a digital display. At just over 1.6 metre x 0.9 metre that display would cover most of the kiosk's south-eastern face. Its static images would change once every 10 seconds.
23. Although there is an existing BT display on the corner with Portland Street, the character along that highway is notably different compared to here, and I did not observe any similar digital displays to this one along this section of this streetscene. I also observed that advertising on the buildings along this stretch of Charlotte Street is typically fairly restrained.
24. Given its siting perpendicular to the road, the proposed display would be prominent approaching along Charlotte Street from the south-east, where its illuminated,

¹ APP/B4215/W/18/3195983

² ID: 18b-079-20140306

frequently changing content would draw the eye. In that context, the proposed display would appear incongruous and out of place with its less overtly commercial surroundings. It would also detract from the setting of Lindencourt House, with its ornate architectural features. For similar reasons, it would harm the setting of the George Street Conservation Area.

25. I have noted the appellant's dissatisfaction with the Council's handling of the application, which he considers was at odds with its pre-application advice. However, I have dealt with the scheme before me on its merits. The previous appeal concerned solely the kiosk, and the Inspector was clear that the display of advertisements was a distinct and separate matter. Having regard to its setting, the character of nearby buildings, and the few advertisements in the area, the proposed illuminated digital display would harm the visual amenity of the area.
26. In reaching my decision, I have had regard to decisions referred to by the principal parties involving digital displays elsewhere in the city, but I have considered this appeal proposal in this location on its merits. I have also taken into account MCS policies EN 1, EN 3, SP 1, CC 9 and DM 1, and MUDP Policies DC15, DC18 and DC19. Whilst not determinative, in so far as they seek to protect amenity, they are material in this case. As I have concluded that the proposal would harm visual amenity, it would not accord with their approach, or with the stance at paragraph 141 of the Framework which sets out that the quality and character of places can suffer when advertisements are poorly sited and designed.

Conditions and Conclusions

Appeal A

27. I have considered suggested conditions against the Framework's tests, making minor adjustments in the interests of clarity and precision. I have imposed the standard time limit for commencement and, in the interests of certainty, a condition citing the approved drawings.
28. My condition No 3 is necessary in order to control noise emissions from the kiosk, in the interests of the character of the area. As part of the planning application, a Management Plan was submitted detailing, amongst other things, weekly physical inspections, cleaning and maintenance checks, and measures to control anti-social behaviour. However, it does not detail how the remote management system referred to in the Specification Document would operate, or what the response times would be. My condition No 4, which is imposed in the interests of the character and appearance of the area, therefore requires the submission of a management plan, and requires the kiosk to be maintained in accordance with it.
29. For the above reasons, the scheme would not harm the character and appearance of the area, and the appeal is allowed.

Appeal B

30. Whilst the proposed advertisement would be acceptable in terms of public safety, it would have a harmful effect on visual amenity. The appeal is therefore dismissed.

Chris Couper

INSPECTOR