

Application Number/s: 132578/FO/2021

Applicant: Legal & General Assurance (Pensions Management Ltd)

Agent: Savills

Location: Piccadilly Gardens (Pavilion), Manchester, M1 1AF

Proposal: Alterations (including partial demolition) of pavilion structure within Piccadilly Gardens

Ward: Piccadilly

Description of Site and Surrounding Area

The application relates to a pavilion-style structure within Piccadilly Gardens. Piccadilly Gardens is a major public open space within Manchester City Centre, bounded by Mosley Street to the west, Parker Street to the south, Portland Street to the east and Piccadilly to the north. The square is partially built upon, with an office building (No.1 Piccadilly Gardens) located to the southeast corner of the square. The application specifically relates to 'The Pavilion' feature towards the southern boundary of the gardens.

Description of Proposal

The application seeks permission for alterations (including partial demolition) of the pavilion structure, consisting of:

- Removal of central roof section to create two separate pavilions
- Extension of paving to connect pathways with matching finishes
- New structural columns to match glazing in colour (black)
- Existing glazing, grilles and wall panelling to be refinished in black colour
- Introduction of soffit lighting to perimeter of shopfronts
- Installation of new metal sculpture with lighting to be mounted to wall surface at high level. Painted etched pattern to existing concrete surface at low level with coloured resin inserts to specific existing formwork tie holes

Publicity LBC

Site Notice/s Posted and Dates: Posted 11/02/22, Expired 04/03/22

Press Adverts Published and Dates: None Required

Neighbour Notification: Notified on 09/02/202

Representations Received: 3* (*1 submitted twice so only two individual objectors).

Support: 0

Neutral: 0

Objects: 3

- Query as to whether a tender process was followed
- Concerns regarding creative proposal and lack of consultation with public
- Query as to whether design agency are going to be responsible for the proposed wider Piccadilly Gardens redevelopment
- Comment that the proposal does not go far enough and more of Piccadilly Gardens should be redeveloped

Consultations

Consultees that provided comments:

Transport for Greater Manchester

- No objection in principle
- Concerns relating to pedestrian desire lines and history of accidents in this location between trams and pedestrians
- Concerns relating to the potential brightness/glare/distraction of proposed lighting
- Proximity of development site to Metrolink and resulting potential interaction with Metrolink equipment

Highway Services

- No objection in principle
- Raised concern that development is close to Metrolink, so TfGM should be consulted
- Recommendation that all public realm designs and materials are agreed with MCC's Capital Programmes and Property team prior to site works beginning. Will also need to consult with MCC's Lead Local Flood Authority (LLFA) and street lighting team to discuss proposals.
- Recommended limits of lighting luminosity levels and need for projection over license if applicable.
- S278 Agreement may be required (if applicable).
- Commented that events/event management in Piccadilly Gardens may be affected by the proposed works
- Requested CMP condition.
- Requested highway dilapidation survey condition.

Lead Local Flood Authority (LLFA/Flood Risk)

- Recommendation of surface water drainage layout condition.

Environmental Health

- Recommended condition relating to lighting intensity/brightness/luminosity
- Recommended condition relating to potential ground contamination

Greater Manchester Ecology Unit (GMEU)

- Requested informative be added in relation to general ecology concerns and considerations.

City Co

- City Co did not respond directly to the consultation. However, the applicant provided a letter confirming City Co's support for the scheme, relating to improvements around antisocial behaviour issues and townscape issues.

Urban Design & Conservation

- No objection to the scheme in principle. However, noted some concerns regarding the attention to detail or missing details. A set of amended plans were received in response and conditions recommended, which the applicant agreed to.

Consultees that did not provide comment*

- Parks and Events
- Strategic Development Team
- Ward Councillors
- Corporate Property Services
- Greater Manchester Police (GMP)
- Greater Manchester Pedestrians Society
- City Centre Regeneration

*The above consultees were consulted on 09 February 2022. Following no comments, they were re-consulted on 18 March 2022 with a final deadline for comment set for 28 March 2022.

Consideration Against Policies

- Footpath Protection (22)

In considering development proposals, the Council will have regard to the effect on existing pedestrian routes and will not normally allow development which would result in unacceptable inconvenience to local pedestrian movement.

In this instance, the proposed development would involve the modest rerouting of pedestrians across the area of Piccadilly Gardens proposed for amendment under this application. The alterations to pedestrian routing would be acceptable and not cause any notable inconvenience.

Core Strategy Policies:

- Spatial Principles (SP 1)

The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity. The city centre is covered by regeneration areas and strategic regeneration frameworks. The city's network of open spaces will provide all residents with good access to recreation opportunities, with parks particularly important and access to these resources to be improved.

Development in all parts of the city should make a positive contribution to neighbourhoods of choice including by creating well designed spaces, making positive contributions to health, safety and wellbeing of residents, consider the needs of all

members of the community and protect and enhance the built and natural environment.

Piccadilly Gardens is within the Retail Core Regeneration Area. It is not considered that this scheme, given its scale, would impact on the wider regeneration framework of the area. The development would not lead to material impact to the accessibility to the open space/wider Piccadilly Gardens, with modest improvements to access from the south boundary of Piccadilly Gardens through improvements to footpaths.

The proposed development would remove a section of the pavilion and lead to this area of Piccadilly Gardens having improved accessibility and openness, contributing to actual or perceived safety and the enhancement of character. Piccadilly Gardens will remain accessible to all members of the community. The proposed artwork, lighting and alterations to materials would improve the design characteristics of the pavilion and add character to Piccadilly Gardens and the local area. As such, the development accords with Policy SP1 of the Core Strategy.

- Visitors – Tourism, Culture and Leisure (CC 4)

The City Centre will be the focus for culture and leisure in the city region. Proposals to improve the appearance, use and accessibility of all cultural and visitor attractions and associated facilities will be supported.

The proposed alterations to the Piccadilly Gardens Pavilion, including associated improvements to its appearance and display of artwork/light art is appropriate and accords with the aims of Core Strategy Policy CC 4.

- A Place for Everyone (CC 10)

The City Centre will develop as a location which appeals to a wide variety of residents and visitors. Developments that promote this objective, particularly through high standards of accessibility to buildings and open spaces in the City Centre will be supported.

The proposed scheme would modestly improve accessibility and actual or perceived safety around the south area of Piccadilly Gardens, proximate to the Piccadilly Gardens bus transport hub. As such, the proposal increases accessibility to open spaces within the City Centre in accordance with Core Strategy policy CC 10.

- Design Principles and Strategic Character Areas (EN 1)

All development within Manchester will be expected to follow the principles of good urban design (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability, diversity). Developers will be expected to consider the city's heritage and continue the rich pattern of activity within the core area. Wherever possible, the opportunity should be realised to enhance existing and provide new areas of meaningful open space, and the maintenance and improvement of the City's permeability should be considered in all proposals.

The proposed alterations to the Piccadilly Gardens Pavilion, though modest in scale, will have meaningful impact on the quality of the public realm and allow for increased ease in movement and legibility in the open space of Piccadilly Gardens. The public

artwork/light art will improve the character and quality of the public realm in this highly trafficked area. As such, the proposal accords with policy EN 1 of the Core Strategy.

- Development Management (DM 1)

All development should have regard to a variety of specific issues, including:

- Appropriate siting, layout, scale, form, massing, materials and details.
- 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.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes. Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- The use of alternatives to peat-based products in landscaping/gardens within development schemes.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

The proposed removal of the roof that adjoins the two separate parts of the pavilion is to be removed. This would create two entirely separate and smaller pavilion buildings. This change is not considered harmful to the overall design and appearance of the structures of Piccadilly Gardens. Full details of materials proposed can be provided as an additional information/materials condition.

The proposed artistic lighting scheme will require careful consideration and control, particularly due to its close proximity to the tramway to the south of Piccadilly Gardens and when considering the potential for glare/light overspill in this area, particularly given the high number of pedestrians in this area. An appropriate condition to control this shall be included, ensuring that full details of lighting, brightness and potential/actual impact is provided.

The proposed through-route between the two pavilion buildings will remain relatively unaltered, with footpaths reinstated or remaining in place. The open space will remain accessible to all people, including those in wheelchairs. The opening up in the area improves visibility and has the potential to decrease the chance or opportunity for crime to take place.

It is considered that the proposal generally accords with the issues identified within Core Strategy policy DM1 and is acceptable.

National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied. Applications should be determined in accordance with the development plan, unless material considerations indicated otherwise. The NPPF is considered a material consideration.

The overarching purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development within the planning system has three objectives, which are interdependent and consist of economic, social and environmental sustainability objectives. So that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay.

- Decision-making (4)

LPAs should approach decisions on proposed development in a positive and creative way, including by proactively working with applicants to secure sustainable development and engaging in pre-application discussion. In this instance, there was pre-application advice given, which led to the amendment or additional information being provided (front-loading).

LPAs should consider whether otherwise unacceptable development or proposals that do not have information available/it is not possible to provide until a later date could be made acceptable through appropriate use of planning conditions. Planning conditions shall only be used where they are necessary, relevant, enforceable, precise and reasonable in other aspects. It is considered that a number of appropriate planning conditions can be added to any approval to secure details of further information, which would make the development proposed acceptable.

- Promoting healthy and safe communities (8)

Planning decisions should aim to achieve healthy, inclusive and safe spaces. Social interaction should be encouraged, and places should be made to be safe, accessible and contribute to the prevention or reduction of crime, disorder and the fear of crime. To provide the social, recreational and cultural facilities and services communities need, decisions should plan positively for the provision and use of shared spaces, open spaces and other services to enhance the sustainability of communities.

Planning decisions should promote community safety by anticipating and addressing possible malicious threats, such as the covered, darker areas and lack of lighting in some areas around the south area of Piccadilly Gardens.

The proposed alterations to the Piccadilly Gardens Pavilion will promote actual or perceived safety in this area, by opening lines of sight and providing increased lighting and accessibility/legibility in the area. As such, the proposal accords with Section 8 of the NPPF.

- Achieving well-designed spaces (12)

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Planning decisions should ensure that developments function well and add quality to the area over the long term, are visually attractive and result in good architecture, are sympathetic to local character, establish a strong sense of place and create places that are safe, inclusive and accessible.

The proposals are only modest in their scale and scope. However, they make incremental improvements to an area of Piccadilly Gardens. The improvements, including display of public art, are likely to be long lasting. It is noted that there are plans in place to regenerate the entirety of Piccadilly Gardens in time. However, these plans have not come to fruition and are not based in planning policy, so do not make a material consideration to this scheme in this instance. The scheme would retain Piccadilly Garden's strong sense of place and be promote public safety and accessibility.

Additional Comments

Although there are listed structures within Piccadilly Gardens, none of the structures/monuments are particularly proximate to the proposed scheme. The scale of the proposed scheme is not considered such that it would have any undue affect on their setting. The area is also not within any of Manchester's Conservation Areas.

Objections were raised against the proposal. However, it is not considered that the objections represented material planning considerations in this instance. The owner of the Pavilion, the applicant and agent are all private companies. As such, there is no need for the Local Authority to follow any tendering process in this instance.

A comment was also made in relation to future proposals for wider redevelopment of Piccadilly Gardens. This particular application is not related to the wider redevelopment and comment cannot be made on a future scheme that has not yet been submitted.

Conclusion

Upon consideration of relevant planning policies within Manchester's Core Strategy, saved policies from Manchester's Unitary Development Plan and material considerations, including from guidance within the NPPF, it is considered that the proposal represents sustainable development.

RECOMMENDATION:

That planning permission be granted subject to the following planning conditions:

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 (Drawing (90)001, undated) - Received 23 December 2021
- Existing and Proposed Site Plan (Drawing (90)003, undated) - Received 19 April 2022
- Existing and Proposed Roof Plan (Drawing (90)002 Revision A dated 19 April 2022) - Received 19 April 2022
- Existing and Proposed Elevations (Drawing (90)400, undated) - Received 19 April 2022
- Demolition Plan (Drawing (10)200 Revision A dated 19 April 2022) - Received 19 April 2022
- Isoline Lux Plot Layout (Drawing 201860-00-(63)1001 dated 16 December 2021) - Received 23 December 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. No development that is hereby approved shall commence unless and until a schedule of materials (including samples and specifications of all materials including lighting details and the metal artwork installation to be used/applied on/to all external elevations of the development) have been submitted to and approved in writing by the City Council as local planning authority.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

4. No development that is hereby approved shall commence unless and until a one square metre concrete sample panel is sourced and the proposed cutting techniques to be used on the concrete to the Piccadilly Gardens pavilion structure are used on the concrete sample panel. Upon completion of the cutting techniques, the sample panel shall be made available for the City Council as local planning authority for review. In addition, a method statement, photographic record and video record shall be kept during the cutting.

Reason – To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Core Strategy.

5. Notwithstanding the details shown in the approved documents and detailed in condition 2 of this decision, full and final details of the following shall be

submitted and approved in writing prior to any works to those elements commencing on site:

- a) full details of the proposed soffit lighting, including product details and data sheet and fixing details
- b) Method statement as to the cleaning techniques to be used (including any cleaning products) and photographic evidence of an approximately one square metre section of concrete cleaned prior to the cleaning of the rest of the concrete
- c) Full details of the proposed sculpture and lighting solution/s to the pavilion wall/s, including product details and data sheet, detail of etched pattern to existing concrete and resin inserts to existing formwork tie holes.
- d) Full details and method of the making good of any concrete edges upon the completion of the removal of concrete as approved.

Reason: To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of visual amenity of the area within which the site, in accordance with policies SP1 and DM1 of Manchester's Core Strategy.

6. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) with detailed method statements of construction and risk assessments, has been submitted to, and approved in writing by the Manchester City Council. The approved CMP shall include agreed safe methods of working adjacent to the Metrolink Hazard Zone and shall be adhered to throughout the construction period. The CMP shall provide for: -

- the retention of 24hr unhindered access to the trackside equipment cabinets and chambers for the low voltage power, signalling and communications cables for Metrolink both during construction and once operational.
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- construction and demolition methods to be used; including the use of cranes (which must not oversail the tramway);
- the erection and maintenance of security hoarding or scaffolding if applicable; please note it is possible that this may require an electrical isolation of the Metrolink overhead wires
- measures to control the emission of dust and dirt during construction.
- Details of any phasing and quantification / classification of vehicular activity associated with the planned development, including commentary on types of vehicle and frequency of vehicular demands along swept-path assessment where relevant.
- Routing of pedestrians during the demolition and construction phase of the scheme

Reason: In interest of highway safety, the safe operation of the Metrolink tram system and amenity, in accordance with saved Manchester Unitary Development Plan policy DC26.1, Manchester Core Strategy policies DM1 and SP1.

7. Prior to the commencement of above-ground construction works, a full condition survey of the carriageways/footways on construction vehicle routes surrounding the site shall be undertaken and submitted to the City Council as local planning authority. When all construction/fit-out works are complete, the same carriageways/footways shall be re-surveyed and the results submitted to the City Council as Local Planning Authority for assessment. Should any damage have occurred to the carriageways/footways, they shall be repaired and reinstated in accordance with a scheme that shall first be submitted to and approved in writing by the City Council as Local Planning Authority. The necessary costs for this repair and/or reinstatement shall be met by the applicant.

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

8. a) Before the use hereby approved commences, external lighting shall be designed and installed in accordance with a scheme approved in writing by the City Council as local planning authority so as to control glare and overspill onto nearby residential properties.

b) Prior to occupation of the development a verification report will be required to validate that the work undertaken throughout the development conforms to the recommendations and requirements in the approved light consultant's report. The report shall also undertake post completion testing to confirm that acceptable criteria have been met (including consideration to overspill/glare to operators of trams using the Metrolink network proximate to the site). Any instances of non-conformity with the recommendations in the report shall be detailed along with any measures required to ensure compliance with the criteria.

Reason - To safeguard the amenities of the occupiers of nearby properties and in the interests of highway safety and the safety of the Metrolink light rail system, in accordance with Manchester Core Strategy policies SP1 and DM1.

9. In the event that ground contamination, groundwater contamination and/or ground gas are encountered on site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until a report detailing what measures, if any, are required to remediate the land (the Remediation Strategy), is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the agreed Remediation Strategy. If no

contamination is found, then a post-completion report shall be submitted to evidence this.

Reason - To ensure that the presence of or the potential for any contaminated land and/or groundwater is detected and appropriate remedial action is taken in the interests of public safety. Pursuant to policy EN18 of the Manchester Core Strategy.