

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138764/AO/2023		
Date registered valid:	12 December 2023		
Proposal:	Retention of 2 no. illuminated fascia sign.		
Address:	Ground Floor, 1 Piccadilly Gardens, Manchester, M1 1RG		
Ward(s):	Piccadilly		Ward
Applicant:	Mr Adeel Hassan A Cima Foods Ltd T/A Don Tacos		
Agent (if any):			
Case officer:	Jack		
	Tel:	0161	219
	Email:	jack.naven@manchester.gov.uk	
			Naven 2095
Recommendation:	Refused		
Date of recommendation:	29 January 2024		

Application Details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit: 21 December 2023

Standard consultations:

Printed: 14 December 2023

Expired: 7 January 2024

Neighbour notifications

Printed: 14 December 2023

Expired: 7 January 2024

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of Site/Area

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

The site in question refers to one of the commercial units in 1 Piccadilly Gardens, which is a modern building constructed in a red brick grid pattern with glazing. A specific design feature of the building is the double height brick columns along the bottom section which frame the glazing at first floor and ground floor level in a 'goal post' style pattern. The ground floor section of the building is set back behind the brick columns and this serves to further emphasise the design feature.

The commercial unit in question sits on the corner of where Portland Street meets Parker Street. The Piccadilly Gardens Metrolink station and accompanying rail line sit between the unit in question and Parker Street.

Description of Development

The development seeks the retention of 2 no. illuminated fascia sign.

Related Applications

109810/AO/2015/C2 - Retrospective application for the display of 3 no. internally illuminated fascia signs and 2 no. internally illuminated star signs at Units G1B And G2, 1 Piccadilly Gardens, Manchester, M1 1RG (Unit currently occupied by Pret a Manger).

Split Decision - November 2015 (Fascia elements refused).

This was subsequently appealed in January 2016 under appeal number **APP/B4215/Z/16/3142415**. This appeal was **Dismissed** in March 2016.

111962/AO/2016/C2 - Display of 1 no. internally illuminated fascia sign and 2 no. non-illuminated fascia signs to replace the existing fascia signs on the Portland Street elevation at Units G1B And G2, 1 Piccadilly Gardens, Manchester, M1 1RG (Unit currently occupied by Pret a Manger).

Approved - June 2016.

111409/AO/2016/C2 - Advertisement consent for the display of one internally illuminated fascia sign to replace an existing fascia sign, one window vinyl to replace an existing vinyl, one internally illuminated menu box and one retractable canvas canopy with branding at 1 Piccadilly Gardens, Manchester, M1 1RG (Unit currently occupied by Shoryu Ramen).

Approved - May 2016.

126213/AO/2020 - Replacement of lettering on 2 signs at northern end of Pizza Express, 1 Piccadilly Gardens. (Unit currently occupied by Pizza Express).

Approved - April 2020.

131649/AO/2021 - 2 sets of illuminated text on rails and 1 internally illuminated menu at Ground Floor Unit B, 1 Piccadilly Gardens, M1 1RG (Unit currently occupied by Ask Italian).

Approved - November 2021.

135356/AO/2022 - Installation of 3 no. internally illuminated fascia signs at 1 Piccadilly Gardens, Manchester, M1 1RG (Unit currently occupied by Doctor Scooter).

Approved - December 2022.

137201/AO/2023 - Installation of 4 x internally illuminated fascia signs, 3 x internally illuminated projection signs and signage to canopy at Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG (Unit currently occupied by Popeyes Louisiana Chicken).

Split Decision - November 2023 (4 no. internally illuminated individual letter signs approved).

Consultations & Notification Responses

Highway Services - Confirmed that the proposed signage complies with carriageway clearance requirements, that the proposed sign does not extend over the adopted highway and as such, a Projection over License will not be required. Also confirmed that luminance levels were acceptable and that a condition be added to control luminance levels.

Environmental Health - Recommended that a condition be added to control luminance levels.

Transport For Greater Manchester - Recommended that a condition be added concerning working safely near the Metrolink.

Publicity - Neighbour notification letters were sent to surrounding properties. A site notice and local press advert were also produced. At the time of writing this report, no representations have been received because of this publicity.

Policy

Town and Country Planning (Control of Advertisements) Regulations 2007

The Local planning authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account—

(a) the provisions of the development plan, so far as they are material; and

(b) any other relevant factors.

(2) Without prejudice to the generality of paragraph (1)(b)—

(a) factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest;

(b) factors relevant to public safety include—

(i) the safety of persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(ii) whether the display of the advertisement in question is likely to obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;

(iii) whether the display of the advertisement in question is likely to hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(3) In taking account of factors relevant to amenity, the local planning authority may, if it thinks fit, disregard any advertisement that is being displayed.

(4) Unless it appears to the local planning authority to be required in the interests of amenity or public safety, an express consent for the display of advertisements shall not contain any limitation or restriction relating to the subject matter, content or design of what is to be displayed.

The Adopted Core Strategy for the City of Manchester

Adopted on 11th July 2012 and the Key Development Plan Document in the Local Development Framework. It states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents.

The following policies within the Core Strategy are considered relevant:

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

The Unitary Development Plan for the City of Manchester

DC14.1 (Shops and Related Signs) In determining applications relating to these premises for shop fronts, security grilles, advertisement signs, canopies and awnings, the Council will seek to ensure that proposals are in keeping with the character of the building and adjoining buildings, of adjoining shopfronts, where appropriate, and of the area within which the premises are located.

DC14.5 (Shops and Related Signs) The Advertisement Regulations require that applications for shop signs be considered only in the interests of amenity and public safety. In determining such applications, the Council will adopt the following policies. The policies relevant to this application are:

- A. In the interests of amenity,
 - a. signs should not normally be positioned other than at fascia level.
 - b. signs should respect the architectural form of buildings and shop frontages.
 - c. where no obvious fascia level exists, signs above shopfronts should be in keeping with the scale of the frontage of the building and in particular should not fill the gap between ground floor shop windows and first floor windows.
 - d. projecting box signs, or any other type of sign which projects significantly beyond the shopfront, should line up with the associated fascia board. Where this is not the case, such proposals will not be permitted.
 - e. On listed buildings and on buildings within Conservation Areas, signs consisting of individually mounted letters will be preferred to box fascia signs.

Saved Policy DC18.1 (Conservation Areas) states that the Council will seek to preserve and enhance the character of its designated conservation areas by carefully considering issues including the effect of signs and advertisements.

Saved Policy DC19.1 (Listed Buildings) advises that in determining applications for listed building consent the Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protecting their general setting. The City Council will:

- Not permit any external or internal alteration or addition to a listed building where in its opinion, there would be an adverse effect on its architectural or historic character.

Other Legislation

Sections 16, 66 and 74 of the Listed Buildings and Conservation Areas Act 1990 requires that special consideration is given to the preservation of the significant fabric and setting of listed buildings and conservation areas.

National Policy

Decisions should accord with the requirements of the **NPPF** in particular and to **section 16 (Conserving and Enhancing the Historic Environment)** and **Paragraph 136** which 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.

It is a fundamental requirement of the NPPF that planning proposals contribute to the achievement of "sustainable development". In order to meet this key planning objective, in this

instance, the development should sustain and contribute to the stimulation of a thriving historic environment.

Issues

Principle

The main issues for consideration relate to the acceptability of the proposal in terms of its impact upon Visual Amenity as well as its impact upon Public Safety. The main policies that relate to the assessment of the proposal are the National Planning Policy Framework, in particular Section 7 (Requiring Good Design) and Core Strategy policies DM1 (Development Management) and SP1 (Spatial Principles) and the Saved Policies contained within the Unitary Development Plan for Manchester in particular policy DC14 (Shop fronts and Related Signs).

Visual Amenity

1 Piccadilly Gardens is a modern building constructed in a red brick grid pattern with glazing. A specific design feature of the building is the double height brick columns along the bottom section which frame the glazing at first floor and ground floor level in a 'goal post' style pattern. The ground floor section of the building is set back behind the brick columns and this serves to further emphasise the design feature.

The Council's Guide to development in Manchester' Supplementary Planning Document and Planning Guidance (Adopted April 2007) (SPD) describes how Victorian and Edwardian architectural styles are dominant architectural styles within the city centre. Most of the buildings constructed during this period exhibit similar design features which include the subdivision of elevations and vertically proportioned windows with deeply recessed glazing. This is reflected in the appearance of the Grade II Listed buildings opposite the appeal site, Magnum House and the Portland Thistle Hotel and other historic buildings in proximity.

The SPD goes on to state that these historic design features have been re-used in a contemporary manner in recent years allowing new buildings to sit comfortably with their Victorian and Edwardian neighbours. The appeal building is an example of this design approach, with the architectural features complementary to the features designed above, both positively enhancing the appearance of the building itself and the character of area through a modern interpretation of the notable design features of the more historic buildings close to it.

As displayed, the fascia signs run the entire width of the feature brick columns, obscuring the overlarge glazed sections that sit behind them. As a consequence, the signs appear as solid horizontal bands that span the width of the ground floor openings. This has the effect of dividing the double height space in two and disrupting the vertical emphasis of this part of the building.



Elevation Proposed to be Retained

As a result, the fascia signs significantly detract from the appearance of the building and does not make a positive contribution to the visual amenity of the area. The design of the building makes a positive contribution to the appearance of the street scene, the fascia signs would also fail to preserve the setting of the Listed Buildings opposite.

Being within a busy, commercial city centre area, there are other signs and advertisements displayed close to the site. However, other fascia signs displayed on the building at ground floor level have been mounted centrally between the brick columns and designed so as to maintain a gap between the brick columns and the glazing behind the signs. This approach has ensured that the feature glazed double height openings of the appeal building at ground floor level are maintained such that no harm to visual amenity has occurred as a result.

If the fascia signs were to be pulled in from the adjacent columns by 30cm or more to allow the visual openings at ground floor level to be read, in line with the signage strategy for the building, then they would be considered approvable. The canopy would also sit well within the opening.

The units currently occupied by Shoryu Ramen, Pizza Express, Ask Italian, Popeyes Chicken, and Doctor Scooter have all received advertisement consent for either individual letter signage on the rails, or fascia signs that have been designed so that they would be set in from the structural columns in line with the signage strategy for the building, as set out in the Piccadilly Partnership Design Guide.



Example of Approved Fascia Signage at 1 Piccadilly Gardens

Please see the related applications section further up the officers' report for the full details of all these advertisement consents.

Whilst the signage in place at the unit currently occupied by Pret a Manger does not comply with this, this signage was refused in November 2015 and the subsequent appeal dismissed in March 2016. An application was then approved in 2016 for fascia signage set in for the columns, as this was approved in June 2016. This has not been implemented to date, but it still should be noted that the fascia signage currently in place is not authorised.

The fascia signage at the neighbouring unit at Vegan Shack is also not authorised, no advertisement consent has been submitted for this.

Given the above, it is considered that the proposed signage would not be in keeping with the architectural features of the building and would have a detrimental impact on visual amenity. The proposal is therefore considered to be harmful to the visual amenity of the host building itself, as well as the surrounding area.

Public Safety

The proposed signage would not have a detrimental impact on public safety. Manchester City Council's Highway Services and Environmental Health have confirmed that in terms of luminance and in terms of positioning in relation to the highway, the signage would not be a distraction to road users or pedestrians.

Transport for Greater Manchester did request that should the City Council be minded to approve, that a condition be added regarding working safely near the Metrolink, for the installation of the signage.

Conclusion

It is considered that for the reasons listed above, the proposed signage would have a detrimental impact on visual amenity and should therefore be refused.

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 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: Refuse

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

1) The 2 no fascia signs are considered to be unacceptable due to their size and design, as they relate poorly to the architectural features of the building on which they are located, are not in keeping with the other advertisements on the building, do not comply with the One Piccadilly Signage Guidelines, and are unduly obtrusive on the building. They are thereby detrimental to the visual amenity of both the building and the surrounding street scene, on a major route within the City Centre, and would therefore undermine the regeneration that has taken place in the Piccadilly area, and have a detrimental impact on the settings of nearby listed buildings.

For these reasons the fascia signs are contrary to policies SP1 (Spatial Principles), CC9 (Design and Heritage), EN1 (Design Principles and Strategic Character Areas), EN3 (Heritage) and DM1 (Development Management) of the Core Strategy of the City of Manchester; saved Policies E3.3 (Environmental Improvement and Protection), DC14 (Shop Fronts and Related Signs) and DC 19.1 (Listed Buildings) of the Unitary Development Plan for the City of Manchester; to Central Government advice contained within Section 7 (Requiring Good Design)

and Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework; and to the guidance given in the Piccadilly Partnership Design Guide Commercial Frontages and the One Piccadilly Signage Guidelines.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester

Advertising Right Opposite 1, Portland Street, Manchester, M1 1RG
Sixth Floor, 9 Portland Street, Manchester, M1 3BE
Ask Italian, Ground Floor Unit B, 1 Piccadilly Gardens, Manchester, M1 1RG
BYRON, Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, 9 Portland Street, Manchester, M1 3BE
Fifth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor Unit E2, 1 Piccadilly Gardens, Manchester, M1 1RG
Sixth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit 2, Piccadilly Gardens, Manchester, M1 1AF
BARBURRITO, Ground Floor Unit D1 To D2, 1 Piccadilly Gardens, Manchester, M1 1RG
Ninth Floor, Westminster House, 11 Portland Street, Manchester, M1 3BH
Fourth Floor, Westminster House, 11 Portland Street, Manchester, M60 1HY
Third Floor, Westminster House, 11 Portland Street, Manchester, M60 1HY
Third Floor, 9 Portland Street, Manchester, M1 3BE
Gourmet Society, Fifth Floor, 9 Portland Street, Manchester, M1 3BE
Seventh Floor, Westminster House, 11 Portland Street, Manchester, M1 3HU
Edwards, Westminster House, 11 Portland Street, Manchester, M1 3HU
First Floor, Westminster House, 11 Portland Street, Manchester, M1 3PL
Fifth Floor, Westminster House, 11 Portland Street, Manchester, M1 3HU
First And Second Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Piccadilly Bus Station, Piccadilly, Manchester, M1 4AJ
Second Floor, 9 Portland Street, Manchester, M1 3BE
New College Group, Ground And First Floor, 9 Portland Street, Manchester, M1 3BE
Ground Floor Unit F, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
PIZZAEXPRESS, Ground Floor Units C1 And D3, 1 Piccadilly Gardens, Manchester, M1 1RG
4 Portland Street, Manchester, M1 4GS
Piccadilly Bus Station, Oldham Street, Manchester, M1 1JQ
Ground Floor Unit E1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G1, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G2 And G3, 1 Piccadilly Gardens, Manchester, M1 1RG
Third Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
SHORYU, Ground Floor Units C2 To C3, 1 Piccadilly Gardens, Manchester, M1 1RG
Eighth Floor, Westminster House, 11 Portland Street, Manchester, M1 3BH
Second Floor, Westminster House, 11 Portland Street, Manchester, M60 1HY
Ground Floor, Westminster House, 11 Portland Street, Manchester, M1 3PL
Second Floor, 4 Portland Street, Manchester, M1 4GS

Appendix 2 – Planning constraints

Article 4 Direction - City Centre PD Restriction - Class B1(a) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL

