

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137201/AO/2023

Date registered valid: 20 September 2023

Proposal: Installation of 4 x internally illuminated fascia signs, 3 x internally illuminated projection signs and signage to canopy.

Address: Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG

Ward(s): Piccadilly Ward

Applicant: Mr Lob Tang Popeyes Louisiana Chicken

Agent (if any): Other Project Coordinator @Architect Uk Ltd

Case officer: Michael Pearson
Tel: 0161 219 2735
Email: michael.pearson@manchester.gov.uk

Recommendation: Approve and refuse

Date of recommendation: 07/11/2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 3 October 2023 Expired: 24 October 2023

Neighbour notifications

Printed: 3 October 2023 Expired: 24 October 2023

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/building

The application relates to the ground floor northernmost corner commercial unit at One Piccadilly Gardens. One Piccadilly Gardens is a six storey commercial office building, with ground floor retail units. The building is completed in red brick, with prominent front pillars and a recessed glazed ground floor façade. The commercial unit in question is occupied in a Class E restaurant use. The application site is home to a series of unauthorised fascia, projecting and vinyl signs, and has previously been site of authorised fascia and projecting signs.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area lies within the heart of the City Centre, with the site fronting out onto Piccadilly Gardens, a major public space whose openness contrasts with the high density nature of the rest of the City Centre. The application site lies adjacent to the Stevenson Square Conservation Area and Grade II listed statues of Queen Victoria to the north-west and the Duke of Wellington to the north. A high number of properties in commercial Class E uses populate the surrounding area, with cafes, restaurants, shops and offices being present throughout. Neighbouring advertisements consist of a variety of fascia signs, with projecting and hanging signs being present intermittently through Piccadilly.

Description of development

The application seeks advertisement consent for the retention of 4no internally illuminated fascia signs, 3no internally illuminated projecting signs and the installation of 3no branded awnings.

The internally illuminated fascia signs comprise of 2no different designs and are situated on both the property's front and side elevations. The fascia signage to the front elevation consists of 2no individual letter fascia signs, the first displaying the word "Popeyes", that has a width of 4.6m, a height of 0.73m and a depth of 80mm, and the second fascia sign then being displayed to the south that reads "Famous Louisiana Chicken", said sign has a width of 3.582m, a height of 0.18m and a depth of 80mm. The same signage is then also repeated along the property's side elevation. Both designs are completed in acrylic and feature internal illuminance levels of 250cd/m².

The projecting signage consists of 2no different designs and are located on both property's front and side elevations. The projecting sign located on the front elevation is situated on the brick pillar that segments the commercial unit's façade in two. The projecting sign is circular in shape and has a height of 0.7m, a depth of 0.78m and a width of 0.11m, being displayed 2.939m above the ground. The projecting signage on the side elevation then consists of a single projecting sign the same design as the aforementioned, and a secondary projecting sign advertising for a delivery hatch. Said sign is rectangular in shape, with a height of 0.42m, a depth of 0.72m and a width of 60mm. Both designs are completed in aluminium coloured orange and have internal illuminance levels of 250cd/m².

The proposed branded awnings are situated on the unit's front elevation and are displayed 2.75m above the ground, with 2no awnings having a width of 3.2m and 1no a width of 4.05m. All of said awnings then project 1.85m from the front elevation when in use.

Planning History

137200/FO/2023 – Elevational alterations to form new entrance doors and delivery window – Application pending consideration.

125016/FO/2019 – Retrospective consent for continued use of paved area for an external seating area comprising 12 tables and 24 chairs and associated demarcation planters and screens – Approved November 2019.

124447/AO/2019 – One freestanding menu sign – Approved November 2019.

107166/AO/2014/C2 – Installation of 2no. internally illuminated fascia signs, to be fixed externally between existing brick columns, 2no. internally illuminated projecting signs and 3no. internally illuminated menu boxes, fixed internally to the shopfront glazing – Approved 2014.

107053/FO/2014/C2 – Relocation of 2no. existing doors and making good where doors have been removed with glazed infills – Approved November 2014.

063523/FO/CITY2/01 – Erection of 8 storey building for the following mix of uses: 2 levels of basement car parking. A1 and/or A2 and/or A3 use and/or hotel, residential or serviced apartment reception and office use at ground floor; offices on the 1st, 2nd, 3rd and 4th floors; office or residential or serviced apartments or hotel use on the 5th floor; and offices an/or restaurant or residential or serviced apartments or hotel on the 6th floor; and plant room on the 7th floor – Approved December 2001.

Consultations & Notification Responses

Environmental Health – No objection.

Highways – No objection subject to a condition relating to the control of an internal LED screen and an informative relating to projecting licenses.

Publicity – None received.

Policy

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 Manchester Core Strategy – Development Plan Document 2012 – 2027 (“the Core Strategy”) was adopted by the City Council on the 11th of July 2012:

- Policy SP1 – Spatial Principles
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

The Unitary Development Plan for Manchester – For the reasons outlined below the following saved UDP Policies are of relevance to this application:

- Policy DC15 – Advertisements, Hoardings and Posters
- Policy DC19 – Listed Buildings

Other Material Considerations

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and Enhancing the Historic Environment

National Planning Practice Guidance (NPPG)

The Places for Everyone Plan is a Joint Development Plan Document, providing a strategic plan and policies, for nine of the 10 boroughs which make up Greater Manchester. Once the Places for Everyone Plan is adopted it will form part of Manchester's development plan.

To date, five consultations have taken place in relation on the Plan. The Examination of Plan, following its submission in February 2022, began in November 2022. Following the completion of the Examination of the Plan, main modifications have now been proposed which will now become the subject of further public consultation.

The City Council's Executive agreed the Main Modification on 4 October 2023 and endorsed an 8 week period of public consultation on the Main Modifications commencing no earlier than 9 October 2023.

Any representations will be forwarded to the Examination team managing the Plan. The Inspectors will consider all representations on the proposed Modifications before finalising the examination report.

Given the stage the Plan has reached, and level of public consultation and scrutiny it has received, the Plan and its policies is now a material planning consideration in the determination of planning applications. The Plan and its policies must therefore be given significant weight in the planning balance. Relevant policies to the proposal are show below:

- Policy JP-P2 – Heritage

Issues

Visual Amenity

The fascia signage erected on site is confined between the property's brick pillars and replicates the fascia signage present elsewhere at One Piccadilly Gardens. Whilst placing what is considered to be secondary advertisement text at fascia level, this being the fascia signage that reads "Famous Louisiana Chicken", which gives the application site somewhat of an awkward appearance, it is not considered to be of such detriment to local visual amenity as to warrant refusal. On this basis the proposed fascia signage is considered to be acceptable.

The proposed awnings are considered to be garish with regard to their colour, this being orange, which would stand in harsh contrast to the more subtle and subdued appearance of One Piccadilly Gardens and other neighbouring commercial units. Furthermore, awnings are considered to be visually unacceptable in most instances when located within the City Centre. Notwithstanding this however, it is acknowledged that awnings have been previously approved on site and that the proposed would replicate their size and projection, only seeing a change in their colour and branding. Additionally, it is acknowledged that awnings are already present at One Piccadilly Gardens, with them being situated on the unit immediately to the south of the application site and as such the proposed would not be considered to be an alien form of development within the local street scene. It is therefore considered that the application site benefits from a fallback position in this regard and that the visual impact of this part of the proposal would not be so great as to warrant a refusal.

The projecting signs erected on site are situated in the place of previously approved signage, with the exception of the rectangular projecting sign. It is considered that the principle of those

projecting signs located within the place of the previously approved is acceptable. However, the siting of a third projecting sign, is considered to represent the over proliferation of projecting signage on site and is unnecessary when taking into account how the side elevation already has one projecting sign proposed. This in turn then leads to a cluttered and overly busy side elevation. Furthermore, with widths of 0.11m and 60mm, it is considered that the projecting signage is overly large and appears as an awkward and cumbersome addition to the host property that detracts from it's architectural merits. On this basis, it is considered that this element of the proposal would have an unacceptable impact on visual amenity and should be refused.

Highway Safety

The proposed advertisements would lie adjacent to the public footway. Three projecting signs are proposed which overhang the footway by a maximum of 0.78m. Highways do not object to the proposed development subject to a condition that would restrict the use of an internal LED screen depicted on the proposed floor plans and an informative relating to projecting licenses. As the proposed LED screen is located internally and thereby does not require advertisement consent, it is considered unreasonable to attach a condition to a decision notice that would limit its use. As such, in the event of an approval such a condition will not be attached. Subject to the aforementioned informative, it is considered the proposal is acceptable from a highway safety perspective and therefore accords with Core Strategy Policy CC5 and DM1, National Planning Practice Guidance and the National Planning Policy Framework.

Conclusion

In light of the above it is considered that the development should be part approved and part refused in the interest of visual amenity. The projecting signs permission is sought for are considered to be poorly designed and are thus contrary to Core Strategy Policies SP1, CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policies DC15 and DC19, National Planning Practice Guidance, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. Notwithstanding this, the fascia signs and proposed awnings have been found to be acceptable with regard to their impact on visual amenity and highway safety, and are thus in accordance with the aforementioned policies, and are therefore recommend for approval.

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: Approve and refuse

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

0) Approve the installation of the following:

- 4 no. internally illuminated fascia signs
- 3 no. awnings

0) Refuse the installation of the following:

- 3 no. internally illuminated projecting signs

1) The proposed internally illuminated projecting signage by virtue of their design, appearance and number do not respond positively to the architecture of the building. The advertisements overly thick width reinforces their inappropriateness, rendering them awkward additions within the street scene, thus being harmful to local visual amenity which is contrary to the Town and Country Planning (Control of Advertisements) Regulations 2007, policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012), saved policy DC15 of the Unitary Development Plan for the City of Manchester (1995), the National Planning Policy Framework and National Planning Practice Guidance.

1) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

No advertisement shall be sited or displayed so as to:

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

2) The 4 no. internally illuminated fascia signs and 3 no. awnings approved shall be carried out in accordance with the following drawings and documents:

- 23.0085-A-DR-PL-20-100: Existing Floor Plans (Includes Location Plan; Received 22/08/2023)
- 23.0085-A-DR-PL-20-252 Rev C: Proposed External Elevations (Received 20/09/2023)
- 23.0085-A-DR-PL-20-254: Proposed External Elevations - Section A & B (Received 20/09/2023)

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) The maximum luminance of the approved signage shall not exceed 250 cd/m² in brightness at any time.

Reason - In the interests of visual and residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy and saved policies DC14.1, and E3.3 of the Unitary Development Plan for the City of Manchester.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Sixth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Ask Italian, Ground Floor Unit B, 1 Piccadilly Gardens, Manchester, M1 1RG
MIKE KELLEHER, First Floor Showroom 7, 59 Piccadilly, Manchester, M1 2AQ
57 Piccadilly, Manchester, M1 2AP
Second Floor Front, 47 Piccadilly, Manchester, M1 2AP
SHORYU, Ground Floor Units C2 To C3, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G2 And G3, 1 Piccadilly Gardens, Manchester, M1 1RG
4 Portland Street, Manchester, M1 4GS
Third Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Ground Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Fifth Floor, 33 - 35 Piccadilly, Manchester, M1 1LQ
33 - 35 Piccadilly, Manchester, M1 1LQ
Fourth Floor, 59 Piccadilly, Manchester, M1 2AQ
59 Piccadilly, Manchester, M1 2AQ
Second Floor Rear, 47 Piccadilly, Manchester, M1 2AP
Basement And Ground Floor, 55A Piccadilly, Manchester, M1 2AP
Ground Floor Unit E2, 1 Piccadilly Gardens, Manchester, M1 1RG
Second Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Part First Floor And Second Floor, 59 Piccadilly, Manchester, M1 2AQ
Fifth Floor, 49 Piccadilly, Manchester, M1 2AP
Third Floor, 49 Piccadilly, Manchester, M1 2AP
Sixth Floor, 49 Piccadilly, Manchester, M1 2AP
49 Piccadilly, Manchester, M1 2AP
Fourth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Seasonal Events Area, Piccadilly Gardens, Piccadilly, Manchester, M1 1LS
BARBURRITO, Ground Floor Unit D1 To D2, 1 Piccadilly Gardens, Manchester, M1 1RG
First Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
47 Piccadilly, Manchester, M1 2AP
Ground Floor Unit E1, 1 Piccadilly Gardens, Manchester, M1 1RG
PIZZAEXPRESS, Ground Floor Units C1 And D3, 1 Piccadilly Gardens, Manchester, M1 1RG
Second Floor, 4 Portland Street, Manchester, M1 4GS
DATASYS LIMITED, Fifth Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
Fifth Floor, 59 Piccadilly, Manchester, M1 2AQ
Third Floor, 59 Piccadilly, Manchester, M1 2AQ
Third Floor Showrooms 30 To 34, 59 Piccadilly, Manchester, M1 2AQ
Wetherspoons, 49 Piccadilly, Manchester, M1 2AP
Gardens Hotel, 55 Piccadilly, Manchester, M1 2AP
Third Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Unit G1, 1 Piccadilly Gardens, Manchester, M1 1RG
Third Floor Store 32, 59 Piccadilly, Manchester, M1 2AQ
55A Piccadilly, Manchester, M1 2AP
First And Second Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Fifth Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Ground Floor Unit F, 1 Piccadilly Gardens, Manchester, M1 1RG
Fourth Floor, Wellington House, 39 Piccadilly, Manchester, M1 1LQ
First Floor, 59 Piccadilly, Manchester, M1 2AQ
Advertising Right Opposite 1, Portland Street, Manchester, M1 1RG
First Floor, 47 Piccadilly, Manchester, M1 2AP

Basement, 47 Piccadilly, Manchester, M1 2AP
Ground Floor, 47 Piccadilly, Manchester, M1 2AP
Unit 2, Piccadilly Gardens, Manchester, M1 1AF

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
Area Team Boundary - Name: CENTRAL