MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	138268/AO/2023
Date registered valid:	16 October 2023
Proposal:	Installation of temporary banner adverts to the building.
Address:	17 Piccadilly, Manchester, M1 1LS
Ward(s):	Piccadilly Ward
Applicant:	Five Guys JV Ltd
Agent (if any):	Mr Sam Harper Firstplan
Case officer:	Max Gibson Tel: 0161 219 6359 Email: maximillian.gibson@manchester.gov.uk
Recommendation:	Approve
Date of recommendation:	21 November 2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:
Printed: 24 October 2023 Expired: 14 November 2023

Neighbour notifications
Printed: 24 October 2023 Expired: 14 November 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 site relates to 17 Piccadilly, a five storey, Grade II-listed building which houses a fast-food restaurant on the ground floor and residential apartments on the upper four storeys. The site falls within the Smithfield Conservation area, which covers this side of the road.

Listed building: Grade II

Conservation area: Smithfield Conservation Area 1987

Tree Preservation Order:

Description of area

The area relates to Piccadilly Gardens, one of Manchester's central and most well-known areas of public realm. The character of the area comprises several different uses, including dining, drinking, retail, hotel and office.

Description of development

The development relates to the installation of 2no. illuminated banner signs on the scaffolding around 17 Piccadilly. The banners will advertise the ground floor tenant, an outlet of the Five Guys burger restaurant chain.

Consultations & Notification Responses

Publicity - letters were sent to surrounding occupiers informing them of the development. No representations have been received as a result of this publicity.

Highways Services - no objections. Adequate head clearance. Not expected to give rise to driver distraction. Will not obstruct traffic signals.

Environmental Health - no comments or objections to make.

Transport for Greater Manchester - the location of the proposed development is sufficiently remote from Metrolink that we therefore have no comments to make from a Metrolink perspective in respect of this application.

Issues

Principle
The application seeks the installation of 2no. non-illuminated banner signs on the scaffolding currently in place on 17 Piccadilly. The scaffolding is related to repair works taking place to the upper floors of the building.

Consent for two advertisement banners was given approval on 02/05/2023 under app. ref. 135593/AO/2022. The temporary period expired on 02/11/2023.

The scaffolding obscures the existing fascia signage of the ground floor occupier. The applicant has noted a reduction in trade since the scaffolding was installed and has attributed this to the occlusion of their fascia signs.

The applicant seeks to install a banner on the scaffolding in place of the existing fascia signs to ensure their business is advertised sufficiently whilst the scaffold remains in place.

The works taking place on 17 Piccadilly, which have necessitated the scaffolding, only commenced in November 2023. Therefore, the scaffolding will be in place much longer than initially considered. Hence, the applicant is seeking a further temporary period of consent to display the banners. The advertisements themselves are unchanged.

On this basis, the principle of the development is accepted.

However, the advertisement regulations require that applications for adverts are considered on the grounds of visual amenity and public safety alone. These two matters are discussed further below.

Visual Amenity
The scaffolding itself causes harm to visual amenity, lending clutter to the elevations of number 17 and the adopted highways and obscuring attractive architectural features.

The proposed signage is simple in nature, comprises white capital letters on a red background, consistent with the Five Guys branding and signage. As such, the banner is aesthetically similar to the fascia sign approved under 129746/AO/2021.

The banner is to be made of mesh and so will have a translucent quality which will lessen the vibrancy of the red.

Given the above, the installation of the banner is unlikely to create an undue increase in harm to visual amenity at the site.

Impact on the listed building and conservation area
As the banner will be installed on scaffolding of a listed building, the impacts on the building's special character and setting are relevant to visual amenity concerns.

In this case, the banner will detract from both the building's character and setting, introducing and incongruous feature that will cut across architectural features and lessen the building's legibility.

However, any harm created to the listed building, its setting and the wider conservation area is minimal in the context of the harm scaffolding on which the banner is to be installed. This scaffolding is related to repair works necessary for the conservation of a listed heritage asset.

Therefore, on balance, the low level of less that substantial harm caused by the banner is considered to be acceptable given the banner will only remain in situ whilst the scaffolding is in place.

Residential Amenity
The banners will be non-illuminated, hence it is not considered that the development will have any impact on residential amenity as a result of glare or light over-spill.

The positioning of the banners means that the banners would cut across the first-floor windows, potentially blocking sight out of, and light into, the residences on this floor.

However, the banner will be in a position that is currently covered by netting associated with the scaffolding, meaning views are already partially obscured. The banner will only cut across a low portion of the bottom pane of the windows and is situated away from the window, suggesting that any impact on light penetration will be minor in nature.

It is noted that no representations were received from residential occupiers of 17 Piccadilly when notified of the application by letter.

Therefore, it is considered that there would have a negligible on residential amenity arising from the development.

Public Safety
The signage consists of fabric banners, will not project over the adopted highway and there is no illumination proposed. Hence, Highways Services stated that the proposed signage is unlikely to pose any risk to drivers or pedestrians when they assessed the application.

It would be significantly removed from any Metrolink assets that TFGM do not consider the proposed signage would create any risk to the tram network.

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 polices 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

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

1) (a) The express advertisement consent hereby granted is limited to the period from 24/11/2023 and 24/08/2024;
(b) On the date of the expiry of the express consent period in (a) above the advertisement hoarding(s) shall be removed and any use of the land authorised by this consent shall be discontinued.

Reason - To enable the City Council to consider the acceptability of the continuance of the display of the advertisement hoardings at the site on the expiry of the period of express consent, having regard to visual amenity and changing circumstances in the locality in order to comply with the Town and Country Planning (Control of Advertisements) Regulations 2007, Sections 12 and 16 of the National Planning Policy Framework, policies DM1, CC9 and SP1 of the Core Strategy (2012) and saved policies, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan (1995).

2) 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.

3) The advertisement hereby approved shall be displayed in accordance with the following drawings and documents:

Drawing - Proposed A402 B BANNER ELEVATION PICCADILLY received by the City Council, as Local Planning Authority, on 09 October 2023

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to the Town and Country Planning (Control of Advertisements) Regulations 2007, Sections 12 and 16 of the National Planning Policy Framework, policies DM1, EN1, CC9 and SP1 of the Core Strategy (2012) and saved policies, DC15.1 and 15.2, DC18.1 and DC19.1 of the Unitary Development Plan (1995).

Informatives

1) The applicant should be advised that any requirements for licensing, hoarding/scaffolding, skips and any associated temporary traffic or footway management arrangements will need discussion and agreement with MCC's Event and Traffic Management and Licensing teams via Email -highwaylicences@manchester.gov.uk & highwaynetworkmanagement@manchester.gov.uk

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Transport For Greater Manchester

Unit 3, 11 - 13 Piccadilly, Manchester, M1 1LY
Basement 21, Tib Street, Manchester, M4 1SH
7 - 11 Oldham Street, Manchester, M1 1LG
11 - 13 Piccadilly, Manchester, M1 1LY
Flat 18, 15 Piccadilly, Manchester, M1 1LT
Flat 17, 15 Piccadilly, Manchester, M1 1LT
Flat 16, 15 Piccadilly, Manchester, M1 1LT
Flat 15, 15 Piccadilly, Manchester, M1 1LT
Flat 14, 15 Piccadilly, Manchester, M1 1LT
Flat 13, 15 Piccadilly, Manchester, M1 1LT
Flat 12, 15 Piccadilly, Manchester, M1 1LT
Flat 11, 15 Piccadilly, Manchester, M1 1LT
Flat 10, 15 Piccadilly, Manchester, M1 1LT
Flat 9, 15 Piccadilly, Manchester, M1 1LT
Flat 8, 15 Piccadilly, Manchester, M1 1LT
Flat 7, 15 Piccadilly, Manchester, M1 1LT
Flat 6, 15 Piccadilly, Manchester, M1 1LT
Flat 5, 15 Piccadilly, Manchester, M1 1LT
Flat 4, 15 Piccadilly, Manchester, M1 1LT
Flat 2, 15 Piccadilly, Manchester, M1 1LT
Flat 1, 15 Piccadilly, Manchester, M1 1LT
Flat 3, 15 Piccadilly, Manchester, M1 1LT
Sachas Hotel, Tib Street, Manchester, M4 1SH
Unit 1, 11 - 13 Piccadilly, Manchester, M1 1LY
First Floor, 17 Piccadilly, Manchester, M1 1LS
19 - 25 Piccadilly, Manchester, M1 1LU
11 Piccadilly, Manchester, M1 2HY
Unit 2, 11 - 13 Piccadilly, Manchester, M1 1LY
Mezzanine Floor, 11 Piccadilly, Manchester, M1 2HY

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
Conservation Area - Smithfield Conservation Area 1987
Area Team Boundary - Name: CENTRAL