

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137200/FO/2023

Date registered valid: 20 September 2023

Proposal: Retention of elevational alterations to form new entrance doors and delivery window.

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): Project Coordinator @Architect UK Ltd

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

Recommendation: Refuse

Date of recommendation: 07/11/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

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

Posted: 4 October 2023 Expired: 25 October 2023

Press advert

Published: 10 October 2023 Expired: 24 October 2023

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.

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.

Description of development

The application seeks consent for the retention of elevational alterations that include the installation of a new side entrance and delivery window within the unit's northern facing side elevation.

The proposed doubled door side entrance is set in from the property's northern corner by 1.42m and has a height of 2.54m. The door is completed in aluminium coloured grey to match the commercial unit's glazed shopfront frame.

The proposed takeaway hatch is located to the east of the proposed entrance, with it being set 1.085m away from the brick pillar that bisects the unit's northern facing side elevation in two. The hatch then has a height of 1.84m and a width of 1.44m. The submission does not confirm what the proposed hatch is to be completed in but the unit erected on site is completed in a grey powder coated aluminium frame.

It is acknowledged that the proposed plans depict an outdoor seating area and numerous advertisements, however, as these have not been applied for they will not be discussed or accessed within this report.

Planning History

137201/FO/2023 - Installation of 4 x internally illuminated fascia signs, 3 x internally illuminated projection signs and signage to canopy – 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.

Greater Manchester Police – No objection received.

Highways – Objection on the grounds that the development would have an unacceptable impact on highway safety.

Publicity – None received.

Policy

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 CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC2 – Retail
- Policy CC5 – Transport
- Policy CC9 – Design and Heritage
- Policy EN1 – Design Principles and Strategic Character Areas
- Policy EN3 – Heritage
- Policy DM1 – Development Management

Saved Unitary Development Plan for Manchester - The following saved UDP Policies are of relevance to this application:

- Policy DC18 – Conservation Areas
- Policy DC19 – Listed Buildings
- Policy DC26 – Development and Noise

National Planning Policy Framework (NPPF)

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well-designed places
- Chapter 16 – Conserving and enhancing the historic environment

Other Legislative Requirements

Planning (Listed Buildings and Conservation Areas) Act 1990

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. 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

Principle of Development

The application seeks permission for elevational alterations that would not fundamentally alter the use of the site as a Class E commercial unit, with the works applied for merely relating to access. On this basis it is considered that the application site would continue to effectively function as a place of employment, increasing job opportunities thereby contributing to the ongoing regeneration of the City Centre all in accordance with Core Strategy Policies SP1, CC1, CC2, EN1 and DM. As such the application is considered to be acceptable in principle subject to the matters discussed below.

Residential Amenity

As stated previously within this report, the application site lies within the heart of the City Centre in close proximity to a high number of properties in varying commercial uses. The development has seen the creation of new openings within the unit and thus it is considered there exists the potential for increased noise levels within the neighbouring area with noise out break from said openings. Notwithstanding this however, it is acknowledged that the background noise levels of the neighbouring area are high due to the number of commercial properties and the area's nature as a major pedestrian and vehicular thoroughfare. Environmental Health do not object to the proposal. On this basis it is considered the proposed development would have an acceptable impact on neighbouring amenity in accordance with Core Strategy Policy DM1, Unitary Development Plan Policy DC26 and the National Planning Policy Framework.

Design & Visual Amenity

The application site forms part of the ground floor of One Piccadilly. As stated previously, One Piccadilly is recognisable for its materiality, a rare contemporary building completed almost entirely of red brick. The building has visual interest in the form of it's recessed ground floor shopfronts, brick pillars and two storey high glazing at ground and first floor. It is considered that the insertion of a double door side entrance is acceptable when taking into account the presence of side entrances on the property's southern facing side elevation. Furthermore, the proposed door fits the property's glazed panels seamlessly without the need for further intervention, thus preserving the continuous flow of the property's glazed side elevation by not segmenting it awkwardly.

Despite the acceptability of the above however, it is considered that the proposed takeaway hatch would fail to correspond to the above. This is due to how it, effectively segments the former glass pane into 3no separate panels. As shown by the picture below this comprises of a fanlight, the takeaway hatch itself and the bottom panel.



When compared to the picture above, depicting the site prior to the works applied for, it is evident that due to this segmentation that the visual flow of the glazed side elevation has been compromised and that the hatch forms an awkward addition to it, with it being more akin to that of back of house facilities which should not be present on a prominent glazed elevation. Furthermore, it is evident that the hatch is not a material match when compared to that of the shopfront's frame, being completed in a lighter shade of grey, thus setting it apart from the rest of the façade, further emphasising its inappropriateness. As such, it is considered that the proposed development has an unacceptable impact on the appearance of the host building, undermining its design principles, at the expense of local visual amenity contrary to Core Strategy Policies EN1 and DM1, and the National Planning Policy Framework.

Heritage

Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) states that in considering whether to grant Listed Building Consent for any works the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the Listed Buildings and Conservation Areas Act relates to conservation areas and states "In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area."

The application site is located adjacent to the Stevenson Square Conservation Area and the Grade II listed statues of Queen Victoria and the Duke of Wellington. The significance of the aforementioned Grade II listed statues is considered to derive largely from their historical significance and materiality and not their setting, which with the presence of new large scale development, including that of One Piccadilly Gardens, has been largely compromised. Additionally, the development is considered to be of a small scale nature that would not have a noticeable impact on the setting or significance of Stevenson Square Conservation Area. On this basis it is considered the proposal would have a neutral impact on the aforementioned heritage assets.

As such the proposal is considered to be in accordance with Core Strategy Policies CC9, EN3 and DM1, Saved Unitary Development Plan Policies DC18 and DC19, Places for Everyone Plan Policy JP-P2, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety

The area that the alterations front onto is a section of public pavement that acts as one of the key entry and exit points to Piccadilly Gardens. In correspondence with the applicant's agent it was confirmed that the proposed hatch would be for the use of delivery driver's exclusively. No information has been submitted detailing how the hatch will be managed and where those waiting for delivery will congregate. Highways within their consultation response could not confirm if the proposed works would have an acceptable impact on highway and pedestrian safety due to the lack of information regarding how the proposed hatch would be managed and the lack of parking available for delivery vehicles. Highways continued by stating that Traffic Regulation Orders and Movement Orders are in place to stop vehicles accessing and parking along Piccadilly and that the proposal had the potential to lead to driver's disregarding these restrictions to the detriment of public safety. Furthermore, Highways mentioned of the potential impact that delivery drivers may have on congregating by the delivery hatch and subsequently congesting the local footway restricting pedestrian movement. On this basis it is considered that the proposal has failed to demonstrate how it would have an acceptable impact on highway safety and is thus contrary to Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

Conclusion

In light of the above it has been found that the development has an unacceptable impact on visual amenity and highway safety, contrary to Core Strategy Policies CC5, EN1 and DM1, and the National Planning Policy Framework. On this basis the development is recommended for refusal.

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

Article 35 Declaration

Officers have worked with the applicant/agent in a positive and proactive manner in determining this application by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern with the proposal and discussing those with the applicant/agent. However, negotiation has been unable to resolve the issues identified in a satisfactory way and due to the harm, which has been clearly identified within the reason for the refusal, approval has not been possible.

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

1) The delivery hatch, by virtue of its position in the shop front, appearance/design, location and materiality, has undermined the design principles of the building. The development has had an unacceptable impact on visual amenity of the building and character of the local area which is contrary to the provisions of the Manchester Core Strategy (2012) policies SP1, EN1 and DM1, and the National Planning Policy Framework.

2) The delivery hatch, by virtue of its position and relationship with the adjacent public realm and highway has inadequate arrangements for servicing and deliveries due to lack of safe onsite provision. This has resulted in an unacceptable impact on highway and pedestrian safety as a result of servicing and deliveries conflicting with pedestrian and vehicle movements within the public realm together with local highway network restrictions. This is contrary to the provision of Core Strategy policies SP1, CC5 and DM1, and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

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
Unit 2, Piccadilly Gardens, Manchester, M1 1AF
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

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