

Planning

Growth & Development

Delegated officer report for planning application

Application no. 137190/AO/2023

Date registered valid: 26 July 2023

Proposal: Installation of 1 x internally illuminated fascia sign, 1 x internally illuminated projecting sign, and barriers to the external seating area.

Address: 1 Piccadilly Gardens, Manchester, M1 1RG

Ward(s): Piccadilly Ward

Applicant: Mr Jae Cho K Food London Ltd

Agent (if any): Mr Armin Ganguly-Hiebert Ganguly Architects Ltd

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

Recommendation: Approve

Date of recommendation: 19/09/2023

Application details

Type of application: Advertisement Consent

Development type: Advertisements

Date of site visit:

Standard consultations:

Printed: 7 August 2023 Expired: 28 August 2023

Neighbour notifications

Printed: 7 August 2023 Expired: 28 August 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 pavement to the front of the single storey flat roofed commercial unit (Class E) present at 1 Piccadilly Gardens. The commercial unit forms part of the Piccadilly Pavilion, a building that lines the south-eastern side of Piccadilly Gardens that is finished in untreated concrete and features 2no commercial units with glazed front elevations. The application site is subject to a live planning permission for the redevelopment of Piccadilly Gardens, approved under planning permission (132578/FO/2021).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The area surrounding the application site is characterised by the openness of Piccadilly Gardens and the buildings that front onto it, which are of varying design, height and age. Amongst the buildings are City Tower and the Grade II listed no10 Mosley Street. The area to the south of the application site is characterised by significant public transport infrastructure in the form of Piccadilly Gardens tram stop and Piccadilly Gardens bus station. Neighbouring advertisements largely consist of internal letter signs, fascia signs and projecting signs.

Description of development

The application seeks advertisement consent for the installation of a single internally illuminated projecting sign, a single internally illuminated fascia sign and barriers to an external seating area.

The proposed fascia sign would be comprised of individual acrylic letters coloured blue and be displayed on the property's eastern facing side elevation above the property's secondary entrance. The sign would have a width of 1.6m, a height of 0.2m and a depth of 0.05m.

The proposed projecting sign would be located on the same elevation and be circular in shape. The sign would have a maximum projection of 1.12m when including the attached bracket. The sign itself would then have a depth of 0.8m, a width of 0.03m and a height of 0.8m.

Both advertisements would have luminance levels of 500cd/m2.

The proposed barriers would secure an external seating area, have a maximum height of 1.02m and stretch for a length of 25m along the frontage of the property.

Planning History

137191/FO/2023 - Use of the external area for placing tables, chairs and barriers in connection with the Bunsik restaurant at Unit 1A The Pavilion, 1 Piccadilly Gardens. – Application Pending Consideration.

132578/FO/2021 - Application for physical works to the Pavilion and surrounding Public Realm – Approved February 2022.

116923/FO/2017 - Demolition and redevelopment of the current single storey building and retaining wall and erection of two buildings linked by a green roof with central covered walkway from Parker Street to comprise 2 to 3 floors including mezzanine level and roof top terrace area (part of Unit 7) containing 7 commercial units (Use Class A3 (Restaurant and Cafe Use)/ Sui Generis (mixed A1 (Shop Use)/A3 (Restaurant and Cafe Use)) with associated outdoor seating and improvement works to Piccadilly Gardens including formation of raised grass areas, replacement paving, replacement of some existing trees, new lighting, introduction of additional lawned areas and planting, additional of 22 cycle stands (2 spaces per stand) and erection of new maintenance facility. – Withdrawn March 2019.

084479/FO/2007/C2 - Installation of green roof on top of building – Approved September 2007.

Consultations & Notification Responses

Environmental Health – No objection.

Highway Services – No objection.

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 EN1 – Design Principles and Strategic Character Areas
- 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

National Planning Policy Framework (NPPF)

- Chapter 12 – Achieving well-designed places

Issues

Visual Amenity

The proposal would see the installation of a single individual letter sign and a single projecting sign on a property that features an internally illuminated letter sign located behind the unit's glass shop frontage. Both the proposed projecting sign and letter sign would be located on the unit's side elevation which faces out onto the covered walkway that separates Units 1 and 2 of the Piccadilly Pavilion. The proposed projecting sign would have a width of 0.03m and would thus avoid having a cumbersome and overly large appearance. It is acknowledged that the individual letter sign would not be located internally and would be internally illuminated. Notwithstanding this however, the proposed signage would be situated on an infilled fan light situated above the unit's secondary entrance and thus it is considered the sign would not appear overly large and would fit comfortably within a part of the unit's glass frontage that is visually separated from it's full height glazed panels. It is noted that as both signs would be located on the unit's side elevation, their wider impact on the street scene would be limited, with them being largely screened from view by the Piccadilly Pavilion itself. The proposed barriers are considered to be typical of those used to secure outdoor seating areas, it is noted that the barriers would be stored within the premises outside of business hours and would thus not feature as permanent additions to the street scene. On this basis it is considered the proposal would have an acceptable impact on visual amenity in accordance with Core Strategy Policies SP1, EN1 and DM1, Saved Unitary Development Plan

Policies DC14 and DC15, the National Planning Policy Framework and National Planning Policy Guidance.

Highway Safety

The proposed advertisements would be set back from the public highway, being situated on land that does not form part of the adopted highway network. Due to this a projection license is not required and the proposed luminance levels are considered to be within acceptable parameters so as not to be a risk to highway safety. Due to the nature of the advertisements i.e. static illuminated signs, it is considered that subject to a condition that would require the proposed signage to have a maximum illuminance level of 500cd/m², the development would be acceptable with regard to Highway Safety and is therefore in accordance with Core Strategy Policies SP1 and DM1, Saved Unitary Development Plan Policies DC14 and DC15, the National Planning Policy Framework and National Planning Practice Guidance.

Conclusion

In light of the above, the proposal is considered to be acceptable in respect of both design and highway safety and is thus in accordance with Manchester Core Strategy Policies SP1, EN1 and DM1, Saved Unitary Development Plan Policies DC14 and DC15, the National Planning Policy Framework and National Planning Practice Guidance. The application is therefore recommended 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

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

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 development hereby approved shall be carried out in accordance with the following drawings and documents:

- o ADV-M1-2023-PL-003 -05: Proposed Elevations / Section A-A Illuminated Advertisement (Dated 18/09/2023; Received 18/09/2023)
- o ADV-M1-2023-PL-004 -03: Elevations / Details External Banners (Dated 12/09/2023; Received 12/09/2023)

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 signage shall not exceed 500 cd/m 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

Seasonal Events Area, Piccadilly Gardens, Piccadilly, Manchester, M1 1LS
Unit E, 35 - 36 Piccadilly Plaza, Manchester, M1 4AJ
Ask Italian, Ground Floor Unit B, 1 Piccadilly Gardens, Manchester, M1 1RG
BYRON, Ground Floor Unit A, 1 Piccadilly Gardens, Manchester, M1 1RG
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
First And Second Floor, 1 Piccadilly Gardens, Manchester, M1 1RG
Piccadilly Bus Station, Piccadilly, Manchester, M1 4AJ
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
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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: CENTRAL