

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140944/FO/2024

Date registered valid: 25 September 2024

Proposal: Change of use of site to flexible office and/or education use (Class E(g)(i) and Class E(c) and/or Class F1(a))

Address: Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH

Ward(s): Piccadilly Ward

Applicant: Custodian Property Income REIT PLC

Agent (if any): Emily Davies Avison Young

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

Recommendation: Approve

Date of recommendation: 18/11/2024

Application details

Type of application: Full Application Consent

Development type: Change of use

Date of site visit:

Standard consultations:

Printed: 26 September 2024 Expired: 17 October 2024

Neighbour notifications

Printed: 26 September 2024 Expired: 17 October 2024

Site notice

Posted: 1 October 2024 Expired: 22 October 2024

Press advert

Published: 1 October 2024 Expired: 22 October 2024

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to the part seven, part eight storey detached mid-century office building, Arthur House, at no13-15 Chorlton Street. The site is bound by Chorlton Street, Silver Street, Gold Street and Major Street. The property features a flat roof and a ground floor undercroft parking area. Said parking area is separated from the property's entrance area by a free standing wall. The building is then completed in white render and features a prominent front black fascia. The property features a single advertisement at ground floor in the form of a non-illuminated individual letter sign. The application site is in mixed use as office space and premises for the provision of education (Class E (g(i)) & Class F1(a)). The site benefits from a live planning permission for the installation of ground floor and roof top extensions, erection of boundary wall, insertion of replacement windows and landscaping works, approved under planning permission 137556/FO/2023.

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 Chorlton Street residing in walking distance of Portland Street, an arterial A road that provides access to a wide area of the City Centre, including Piccadilly Gardens, a major public open space. Neighbouring built development is comprised of properties in varying commercial uses, the Grade II* listed Britannia Hotel lies to the north-west of the site across Silver Street and is a Class C1 hotel use, office development is then present to the south of the site in the form of Boulton House. Chorlton Street

Bus Station then lies to the south-east, with other mixed used commercial buildings being situated to the north, east and south.

Description of development

The application seeks consent for the change of use of the application site to a flexible office and/or education use (Class E(g)(i) and Class E(c) and/or Class F1(a)).

The submission has been accompanied by supporting information that an education occupier, Elizabeth School of London, will occupy the entirety of the site with a student body of 500no persons and 50no staff.

Waste would be stored within the site's bin store located in its undercroft car park.

Proposed opening hours are as follows:

- Monday to Friday - 08:30 to 21:00hrs
- Saturday - 09:00 to 19:00hrs
- Sunday/Bank Holidays - 09:00 to 17:00hrs

There are no external alterations proposed as part of the development.

Planning History

A high number of applications are on record for the application site, the most relevant of which are shown below:

137599/AO/2023 - Installation of 1 x lightbox canopy signage and illuminated individual letter wall signage – Approved January 2024.

137556/FO/2023 - External alterations associated with refurbishment of existing office space comprising the installation of new roof terrace with pergola; installation of solar panels; installation of new security fencing, creation of access lobby, refurbishment of entrance plaza, new planters, creation of gym with associated changing rooms and studio, cycle store – Approved January 2024.

136227/FO/2023 - External alterations associated with refurbishment of existing office space comprising the installation of new roof terrace with pergola; installation of new security fencing creation of access lobby, installation of solar panels, refurbishment of entrance plaza, new planters, creation of gym with associated changing rooms and studio, cycle store – Withdrawn June 2023.

121501/FO/2018 - Change of use of fifth floor from Office (Class B1) to a flexible use of a language school (Class D1)/office (Class B1) pursuant to Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) (England) Order 2015 – Approved November 2018.

116656/FO/2017 - Replacement stairwell windows on the south west elevation (Chorlton Street elevation) – Approved August 2017.

113412/FO/2016 - Alterations to the external appearance of the building and works to external areas – Approved November 2016.

Consultations & Notification Responses

Environmental Health – No objection subject to conditions relating to hours of opening, servicing and waste management.

Greater Manchester Police – No objection received.

Highways – No objection subject to conditions relating to a travel plan and construction management plan. Justification for the number of cycle storage spaces on site being deemed sufficient should be provided.

Transport for Greater Manchester – No objection.

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 EC1 – Employment and Economic Growth in Manchester
- Policy EC2 – Existing Employment Space
- Policy EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus (City Centre and fringe)
- Policy CC9 – Design and Heritage
- Policy CC10 – A Place for Everyone
- Policy EN1 – Design Principle and Strategic Characters Areas
- Policy EN3 – Heritage
- Policy EN19 – Waste
- 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 DC19 – Listed Buildings
- Policy DC26 – Development and Noise

The Places for Everyone Plan - Joint Development Plan Document, for nine of the 10 boroughs which make up Greater Manchester adopted on 21st of March 2024:

- Policy JP-Strat2 – City Centre
- Policy JP-P2 – Heritage

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

National Planning Policy for Waste

Issues

Principle of the development

The application would see the change use of a mid-century office building into an office and/or education use (Class E(g)(i) and Class E(c) and/or Class F1(a)). The application site forms part of Manchester City Centre's older office stock which faces difficulty in attracting tenants due to its age and how standards for office development have increased over time. Arthur House has had mixed success in attracting tenants, with the submitted supporting information illustrating that there have been long periods of time where multiple floors of the site are unoccupied even despite multiple advertisements campaigns in a variety of forms e.g. physical advertisements and online postings. The proposed use would see the entirety of the application site occupied, enabling the site to have a sustainable use moving forward. Additionally, the nature of the flexible use applied for would allow the site to revert back to an office use should there be a demand for it. On this basis it is considered the proposal would enable the full occupation of a building that has struggled with occupancy rates for a number of years, thereby contributing to the City Centre's economy and improving local regeneration efforts. Therefore, the proposal accords in principle with Core Strategy Policies SP1, EC1, EC2, EC3, CC1 and DM1, and Places for Everyone Plan Policy JP-Strat2 subject to the matters discussed below.

Residential Amenity

The application site as existing is in mixed use as offices and educational services (Class E(g)(i) and Class F1(a)). Neighbouring uses are primarily commercial, with some properties in residential use lying to the east. Environmental Health do not object to the proposal subject to conditions relating to hours of use and servicing. It is considered necessary due to the high number of potential students that may be present on site at any one time, up to 500no persons, any approval should be conditioned so that a student management plan be submitted to and approved by the Local Planning Authority, said plan would detail the 24 hour management of the site (In particular relation to noise), details of areas of adjacent public realm and dispersal measures. Subject to such conditions, it is considered that the development is acceptable in this regard and therefore accords with Core Strategy Policy DM1, Saved Unitary Development Policy DC26 and the National Planning Policy Framework.

Visual Amenity and Heritage

No external alterations are proposed on site. Therefore, the development would not have a material impact on the appearance of the local street scene nor the setting or significance of Grade II listed Britannia Hotel to the north-west of the site. The proposal therefore is acceptable in this regard and accords with Core Strategy Policies CC9, EN1, EN3 and DM1, Saved Unitary Development Plan Policy DC19, Places for Everyone Plan Policy JP-P2, the Framework and the Planning (Listed Building and Conservation Areas) Act 1990.

Highway Safety

The application would not see any external alterations, and there would be no provision or loss of any off or on street car parking. The application property benefits from 36no cycle parking stands and 15no car parking spaces. Highways do not object to the proposal subject to conditions requiring the submission of a travel plan and a construction management plan. Given the proposal only consists of internal fit out works, the requirement for the applicant to submit a construction management plan is considered to be disproportionate and unreasonable. On this basis, in the event of an approval no such condition will be attached. Highways also stated that justification should be given for the number of cycle storage spaces on site being deemed to be sufficient. During negotiation the applicant confirmed that they would be willing to review cycle storage on

site under a travel plan condition, furthermore, a potential area of cycle storage expansion was shown. It is considered necessary in the event of an approval to condition the development so that a student management plan be submitted which would confirm what measures would be taken to prevent students from congregating and congesting the neighbouring footway. Subject to a condition requiring the submission of a travel plan which would have the potential to deliver increased cycle storage space on site, as well as a student management plan, the proposal is acceptable in this regard and accords with Core Strategy Policy DM1 and the National Planning Policy Framework.

Waste Management

The application site benefits from an undercroft bin store approved under application 137556/FO/2023. The submitted waste proforma has not confirmed recycling provision on site and Environmental Health have queried this. Subject to a planning condition that would require final details for waste and recycling arrangements to be submitted to and approved in writing by the City Council as Local Planning Authority, the development is acceptable in this regard and is in accordance with Core Strategy policies EN19 and DM1, and the National Planning Policy for Waste.

Conclusion

In light of the above and subject to appropriate planning condition, it has been found that the development is acceptable and is therefore in accordance with Core Strategy Policies SP1, EC1, EC2, EC3, CC1, CC9, CC10, EN1, EN3, EN19 and DM1, Saved Unitary Development Plan Policies DC19 and DC26, Places for Everyone Plan Policies, JP-Strat2 and JP-P2, National Planning Policy for Waste, the National Planning Policy Framework and the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis the application is 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

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. In this instance negotiation has been able to successfully resolve the identified concerns and issues.

Condition(s) to be attached to decision for approval

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

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

- o Location Plan (Received 05/09/2024)
- o 223-YOU-XX-00-DR-I-2001 Revision C04 - Proposed Ground Floor (Received 18/11/2024)
- o 223-YOU-XX-01-DR-I-2002 Revision C02 - Typical Floorplan (Received 07/10/2024)

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) Prior to the first use of the site, as a premises for education (Class F1(a)), a detailed Student Management Strategy, including that listed below, following shall be submitted to an approved in writing by the City Council as Local Planning Authority.

- o Details of the 24 hour management of the site, in particular in relation to servicing, refuse (storage and removal) and noise management of external and internal areas.
- o Full details of a maintenance strategy for the areas of public realm adjacent to the site including surfaces, planting and litter collection and details of where maintenance vehicles would park.
- o Details of a dispersal strategy that shall be in place to discourage students congregating on the adjacent public highway.

The approved management plan shall be implemented from the first occupation of the premises as an educational use and shall be retained and adhered to for as long as the development remains in use.

Reason - In the interests of residential amenity, to safeguard the character of the area and to maintain the sustainability of the local community pursuant to policy DM1 of the Core Strategy for Manchester, Saved Unitary Development Plan Policy DC26 and the guidance contained within the National Planning Policy Framework.

4) Prior to the first occupation of the development hereby approved, final details relating to the storage of waste and recycling shall be submitted to and approved in writing by the City Council as Local Planning Authority. The approved details shall be implemented prior to the first use of the development and thereafter retained and maintained in situ.

Reason - To ensure proper waste storage on site in accordance with Core Strategy Policy EN19 and DM1.

5) a) Prior to the first occupation of the development, a Framework Travel Plan, including details of how the plan will be funded, implemented and monitored for effectiveness, shall be submitted to and approved in writing by the City Council as local planning authority. The strategy shall outline procedures and policies that the developer and occupants of the site will adopt to secure the objectives of the overall site's Travel Plan Strategy.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those living at the development;
- ii) a commitment to surveying the travel patterns of residents/staff during the first three months of the first use of the building and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car, including increased cycle provision.
- iv) measures for the delivery of specified Travel Plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

b) Within six months of the first occupation of the development, a Travel Plan for the development which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted for approval in writing by the City Council as Local Planning

Authority. Any Travel Plan which has been approved by the City Council as Local Planning Authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for residents, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

6) The application site shall be used for flexible office and/or education use (Class E(g)(i) and Class E(c) and/or Class F1(a)), and for no other purpose, and for no other purpose (including any other purpose within Class E or F1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (SI 2020 No.757) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - The use of the premises other than in accordance with the approved use would require further consideration by the Local Planning Authority and may not be appropriate in this locality in accordance with Core Strategy Policies SP1, EC2 and DM1, and the National Planning Policy Framework.

7) The approved use hereby approved shall not be open outside the following hours:

- o Monday to Friday 08:30 to 21:00hrs
- o Saturday 09:00 to 19:00hrs
- o Sunday/Bank Holiday 09:00 to 17:00hrs

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation in accordance with Core Strategy Policy DM1 and Saved Unitary Development Plan Policy DC26.

8) Deliveries, servicing and collections, including waste collections, shall not take place outside the following hours:

- o 07:30 to 20:00, Monday to Saturday
- o Sunday/Bank Holiday deliveries shall be confined to 10:00 to 18:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation in accordance with Core Strategy Policy DM1 and Saved Unitary Development Plan Policy DC26.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police
Transport For Greater Manchester

First Floor Front Right, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
First Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3BA
Part Ground Floor, Saco House, 6 Minshull Street, Manchester, M1 3ED
Eighth Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Sixth Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Second Floor, Barlow House, 4 Minshull Street, Manchester, M1 3DZ
Second Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Sixth Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Second Floor Front Left, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Second Floor Front Right, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Barlow House, 4 Minshull Street, Manchester, M1 3DZ
Part Third Floor (front), Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Seventh Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
First Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Third Floor, Barlow House, 4 Minshull Street, Manchester, M1 3DZ
Saco House, 6 Minshull Street, Manchester, M1 3ED
Central Coach Station, Chorlton Street, Manchester, M1 3JF
EC ENGLISH MANCHESTER LTD, Ground Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Third Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
First Floor, Barlow House, 4 Minshull Street, Manchester, M1 3DZ
Fifth Floor Front, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Jarvis Rail Part Third Floor (front), Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Fourth Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Yates Wine Lodge, 49 Portland Street, Manchester, M1 3LD
Fifth Floor (rear), Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Fourth Floor, Barlow House, 4 Minshull Street, Manchester, M1 3DZ
Fifth Floor, Barlow House, 4 Minshull Street, Manchester, M1 3DZ
Britannia Hotel, 35 Portland Street, Manchester, M1 3LA
Fifth Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
SCANLANS PROPERTY MANAGEMENT, Third Floor (rear), Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Second Floor Rear, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Fourth Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Sixth Floor, Barlow House, 4 Minshull Street, Manchester, M1 3DZ

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
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: CENTRAL