

Planning

Growth & Development

Delegated officer report for planning application

Application no. 136790/FO/2023

Date registered valid: 10 August 2023

Proposal: Change of use of Floor 2 and one additional upper floor from Offices (Use Class E(c)) to an educational facility (Use Class F1(a)) and Offices (Use Class E(c)) for a temporary period of 4 years.

Address: Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY

Ward(s): Piccadilly Ward

Applicant: Palace Capital (Manchester) Ltd

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: 29/09/2023

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 14 August 2023 Expired: 4 September 2023

Neighbour notifications

Printed: 14 August 2023 Expired: 4 September 2023

Site notice

Posted: 17 August 2023 Expired: 7 September 2023

Press advert

Published: 22 August 2023 Expired: 5 September 2023

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application relates to Boulton House, a part nine part seven storey building present at no17-21 Chorlton Street. The site is bound by Chorlton Street, Major Street, Bloom Street and Minshull Street. The property is a mid-20th century office block completed in red brick, with flat roof. The site is host to a variety of office uses. The site is subject to live planning permission for its undercroft to be partially infilled to allow for the provision of internal cycle storage and shower facilities (Approved under application 132757/FO/2023).

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of area

The neighbouring area, this comprising of Chorlton Street and Minshull Street, lies between Portland Street, an arterial road that provides access to the heart of the City Centre's, and that of Canal Street, a vibrant commercial area populated by properties in use as bars and nightclubs (Use class Sui Generis). Neighbouring development increases in height and intensity when one travels north-westwards along Chorlton Street. Built development is comprised of properties of various ages, styles and height. The Whitworth Street Conservation Area lies to the south of the site across Chorlton Street. Notable editions within the street scene include the Grade 1 listed Britannia Hotel along Portland Street, the Manchester Coach Station across Chorlton Street from the application site, and the Grade II listed no42 Bloom Street and no8 Minshull Street to the south-west.

Description of development

The application seeks consent for the change of use of the application site's second floor, and an additional unspecified upper floor, from offices (Class E(c)) to an educational facility for a temporary period of four years.

The change of use would see no external alteration to the building but would see the erection of partitions to facilitate the creation of classrooms. The submitted information states that the rationale behind proposing an unspecified upper floor would allow for flexibility when negotiating tenancy agreements with potential office occupiers. If there ever was a lack of office demand said floor would then be able to be occupied by an education provider.

The proposed hours of opening for the use are as follows:

- 8:00 – 7:00 every day, including bank holidays.

The proposed use would utilise the site's existing waste storage arrangements, a covered area accessed from the site's car park, and existing bicycle storage racks situated within said car park.

Planning History

132757/FO/2022 - Partial infill of existing ground floor undercroft to northeast elevation of Boulton House to provide internal cycle storage and shower/changing facilities – Approved March 2022.

121810/FO/2018 - Change of use to a flexible use of a Non-residential institution (Use Class D1) or Office (Use Class B1(a)) pursuant to Schedule 2 Part 3 Class V of the Town and Country Planning (General Permitted Development) (England) Order (2015) as amended, with no more than 1 floor occupied as Non-residential institution (Use Class D1) at any time – Approved March 2019.

CDN/17/0348 - Discharge of condition 4 (Materials) attached to application ref no 114424 – Approved August 2017.

114424/FO/2016 - Elevational alterations including the replacement of new entrance cladding, with new fixed glazed panel to Major Street – Approved December 2016.

107905/FU/2015/C2 - A change of use of premises on the ground floor from B1 to D1 for primary use as a language school – Approved April 2015.

Consultations & Notification Responses

Environmental Health – No objection subject to conditions relating to hours of construction, hours of use, hours of deliveries and waste management.

Highway Services – No objection subject to planning condition that would see the monitoring of cycle parking use in the form of regular travel plan surveys in partnership with a travel plan, that servicing take place outside of AM and PM peak hours, and an informative relating to construction hoarding/scaffolding.

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 EC3 – The Regional Centre
- Policy CC1 – Primary Economic Development Focus: City Centre and Fringe
- Policy CC5 – Transport
- Policy EN19 – Waste
- Policy DM1 – Development Management

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

- Policy 26 – 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

National Planning Policy for Waste (NPPW)

Issues

Principle of Development

The proposal would see the siting of a temporary education use within the City Centre for a period of four years. The submitted supporting information makes clear that the site is currently unoccupied, with Boulton House having a 40% vacancy rate as of the time of this application, with the vacancy rate varying from 25% - 40% from 2018. The education use provider, UKCAB, is a not for profit organization that offers services as well as technical and planning assistance to sectors like education, water supply and renal failure issues. UKCAB also offer a scholar school system which specialises in assisting students who have been unable to become a productive part of society due to lack of education. UKCAB are already an occupier within Boulton House but wish to expand their operations into education provision in line with the above.

As such, it is considered that if implemented the proposal would bring a sustainable and active use to the building, that would support those wishing to gain an education that are older than typical schooling age, additionally, it would provide space for a business that would generate employment opportunities, thereby helping the regeneration of the City Centre, all in accordance with Core Strategy Policy EC1.

In the event of an approval, it is considered necessary that a condition be attached that would require the application site to revert to its original office use after the expiry of a four year period in order to ensure the continued supply of office space within the City Centre in accordance with Core Strategy Policies EC3 and CC1.

It is also considered necessary that the proposal be conditioned so that the educational use would only be able to occupy two floors of the property at any one time. On this basis and subject to the aforementioned conditions, the proposal is considered to be acceptable in principle and is in accordance with Core Strategy Policies SP1 and DM1, and the National Planning Policy Framework subject to the matters discussed below.

Residential Amenity

The neighbouring area is predominantly commercial but some buildings containing residential flats lies to the west/south-west of the application site. The submission has been accompanied by a noise impact assessment concludes that given the proposed use, no mitigation measures are required. Environmental Health do not dispute the findings of the assessment and do not object to the proposal subject to planning condition that would control the hours of construction, hours of servicing and hours of opening. Subject to such conditions, it is considered that the proposed development would have an acceptable impact on neighbouring amenity in accordance with Core Strategy Policies SP1 and DM1, Saved Unitary Development Plan Policy DC26, and the National Planning Policy Framework.

Highway Safety

The application site is accessed off of Chorlton Street and features vehicular accesses off of both Major Street and Bloom Street. The submitted information accompanying the proposal makes clear that the proposed use would utilise the existing cycle storage facilities on site and would not see the loss of any parking provision on site. Highways do not object to the proposal subject to planning condition that would require that cycle parking use is monitored in the form of regular Travel Surveys in partnership with a Travel Plan, that construction hours take place during certain times, that servicing take place outside of AM and PM peak hours, and an informative relating to construction hoarding/scaffolding.

Due to the scale and nature of the proposal being minor, it is considered that a condition that would require the submission of a travel plan and ongoing monitoring of the use of the cycle storage facilities on site, as well as a condition that would control hours of construction, would be disproportionate and unreasonable and as such will not be attached in the event of an approval. It is however considered necessary to condition the proposal so that the cycle storage facilities remain available for use for the lifetime of the development in order to ensure continued cycle storage provision. As such, subject to the remaining aforementioned conditions and informative it is considered that the proposal is acceptable in this regard and is therefore in accordance with Core Strategy Policies DM1 and CC5, and the National Planning Policy Framework.

Waste Management

The submitted waste management strategy states that waste will be stored and collected in accordance with the existing arrangements on site, this being that waste is stored within bins located in an external storage area accessed through the site's car park and is then collected from within the site itself. Environmental Health do not object to this arrangement. As such, subject to a condition that would see the development proceed in accordance with the submitted waste management strategy, the proposal is acceptable in this regard and therefore accords with Core Strategy Policy DM1 and the National Planning Policy for Waste.

Conclusion

In light above it has been found that the proposal would have an acceptable impact on residential amenity, heritage, highway safety and waste management. Thus, the proposal is in accordance with Manchester Core Strategy Policies SP1, EC1, EC3, CC1, CC5, EN19 and DM1, Saved Unitary Development Plan Policy DC26, the National Planning Policy Framework, the National Planning Policy for Waste 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 acted positively and proactively 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. In this case, after negotiation, the applicant has provided sufficient detail to allow the satisfactory assessment of the amended development and for remaining details to be secured via planning condition.

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

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 permission hereby granted is for a limited period only, four years from the date the planning permission is implemented.

Reason - The use hereby granted is for a temporary period only to help meet the short term demand for educational facilities in the area pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

3) Two months prior to the expiration of the temporary period, a scheme to restore the relevant floors of the building to office use shall be submitted for approved in writing by the City Council, as Local Planning Authority. The scheme shall be implemented within one month of the use ceasing and thereafter retained and maintained in accordance with this scheme.

Reason - To ensure that the building is reinstated to offices of the site pursuant to policies SP1, EC1 and DM1 of the Manchester Core Strategy (2012).

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

- 21036-FUS-XX-XX-DR-A-0001: Car Parking & Bicycle Store Plan (Received 24/07/2023)
- 21036-FUS-XX-02-DR-A-2002: General Arrangement Plan (Received 21/04/2023)
- 21036-FUS-XX-05-DR-A-2005: General Arrangement Plan (Received 21/04/2023)

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1, EC1, EC3, CC1, CC5, EN19 and DM1 of the Core Strategy, saved policy DC26 of the Unitary Development Plan and Sections 9 and 12 of the National Planning Policy Framework.

5) The education use hereby approved shall be only be situated on the second floor of the application site and one additional floor at any one time for the lifetime of the development.

Reason - In the interest of securing the continued supply of office space within the City Centre in accordance with Core Strategy Policies DM1, EC3 and CC1, and the National Planning Policy Framework.

6) The premises shall not be open outside the following hours for the lifetime of the development:

- Monday to Sunday (Including Bank Holidays) - 8:00 to 19:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 of the Manchester Core Strategy, and the National Planning Policy Framework.

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

- o Monday to Saturday - 07:30 to 20:00
- o Sunday and Bank Holidays - 10:00 to 18:00

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policy DM1 of the Manchester Core Strategy and the National Planning Policy Framework.

8) Prior to the occupation of the development, it shall be ensured that those persons either employed by or a student of the education use hereby approved, shall have access to the application site's cycle storage facilities, as shown on drawing no.21036-FUS-XX-XX-DR-A-0001, for the lifetime of the development.

Reason - In the interest of promoting sustainable modes of transportation within the City Centre in accordance with Core Strategy Policies CC5 and DM1, and the National Planning Policy Framework.

9) Prior to the occupation of the development the submitted waste management strategy (Received 21/04/2023) shall be implemented on site and then adhered to for the lifetime of the development thereafter.

Reason - In the interest of delivering acceptable waste management arrangements on site in accordance with Core Strategy Policy DM1 and the National Planning Policy for Waste.

Informatives

1) The applicant is advised that any requirements for licensing, hoarding / scaffolding and any associated temporary traffic management arrangements will need discussion and agreement with the council's Highways Applications and Network Resilience teams via Contact Manchester (Tel. 0161 234 5004).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

First Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3BA
Sixth Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
First Floor Front Right, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
42 Bloom Street, Manchester, M1 3HR
Sixth Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Cheshire Sporting Club Ltd, 11 Bloom Street, Manchester, M1 3HH
Seventh Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Flat 5, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
First Floor To Fourth Floor, 11 Bloom Street, Manchester, M1 3HS
Eighth Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Flat 4, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
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
Flat 8, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Flat 7, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Flat 6, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Flat 10, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Flat 9, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Central Coach Station, Chorlton Street, Manchester, M1 3JF
Upper Crust, Chorlton Street, Manchester, M1 3JF
Fifth Floor (rear), Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Fourth Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Fifth Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Second Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Third Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
First Floor, Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Arthur House, 13 - 15 Chorlton Street, Manchester, M1 3FH
Flat 2, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Flat 1, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Flat 3, Gramercy House, 14 Chorlton Street, Manchester, M1 3HW
Second Floor Rear, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Fifth Floor Front, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
EC ENGLISH MANCHESTER LTD, Ground Floor, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
Part Third 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, Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY
SCANLANS PROPERTY MANAGEMENT, Third Floor (rear), Boulton House, 17 - 21 Chorlton Street, Manchester, M1 3HY

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