

Growth & Development

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Application no.	132291/FO/2021				
Date registered valid:	22 November 2021				
Proposal:	Retrospective application for the continued use of premises a Cultural Event's Space (Use Class Sui Generis) together with associated elevational alterations and installation of enclosed staircase				
Address:	Unit 1, Hillbit House, New Street, Manchester, M40 8AW				
Ward(s):	Miles	Platting	&	Newton	Heath Ward
Applicant:	Oliver Keenan Ryder 57 Moorside Road, Manchester, M27 0HH				
Agent (if any):	Ellie Philcox Euan Kellie Property Solutions Landmark House, Station Road, SK8 7BS				
Case officer:	Jennifer				Atkinson
	Tel:	0161	234	4517	
	Email: jennifer.atkinson@manchester.gov.uk				
Recommendation:	Refuse				
Date of recommendation:	17.01.2022				

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 1 December 2021 Expired: 22 December 2021

Neighbour notifications

Printed: 1 December 2021 Expired: 22 December 2021

Site notice

Posted: Expired:

Press advert

Published: 7 December 2021 Expired: 28 December 2021

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site consists of a two storey industrial building within the Central Park Employment Location (policy EN5 of the Coe Strategy). The building is constructed from corrugated cladding together with brick work. There is a small yard area to the side of the building which is secured by a gated access.

Listed building: Not applicable

Conservation area:

Tree Preservation Order:

Description of area

The Site is located within the Miles Platting and Newton Heath Ward, approximately 3km east of Manchester City Centre. The Site comprises a two-storey industrial unit and courtyard, lying on a plot of 0.03 hectares.

There are a mix of uses within the surrounding area, including a local church immediately to the north (in Unit 1a, New Street), and 'Manchester Superstores' to the immediate south of the Site. To the west of the Site (on the opposite side of New Street) is Hadfield's Transport Haulage Depot. The closest residential properties are located on Canada Street, c. 130 metres to the south of the Site.

The Site is accessed via New Street and lies approximately 160 metres south of Oldham Road (A62) which provides a key bus route to Manchester City Centre. Manchester Victoria Railway Station is located c. 2.5km to the west of the Site.

The Site does not lie within a Conservation Area and the closest heritage designation is the Public Laundry, a Grade II Listed Building on Rhodes Street, located approximately 335 metres south of the Site.

The Site is located within Flood Zone 1, with a low probability of flooding.

Description of development

Retrospective application for the continued use of premises as a Cultural Event's Space (Use Class Sui Generis) together with associated elevational alterations and installation of enclosed staircase.

The premises has been reconfigured to accommodate the follows:

- Ground Floor: Lounge area, cold room, green room (a room in which performers can relax when they are not performing), rentable studio, photography wall/ gallery, co-working space and toilet facilities. The main access to the front of the building will be via a separate entrance and new corridor (to meet fire safety regulations).
- First Floor: Bar, dance floor area and DJ booth. The main access to the first floor will be via a weather protected external staircase, to the front of the building, as well as an internal staircase located to the rear of the building.

Externally, a metal staircase has been erected in materials similar to the existing property. There has also be the infill of an existing window opening with blockwork and rendered. A new entrance door has also be installed.

The premises is open as follows:

Sunday – Thursday: 12.00 – 24.00

- Friday – Saturday: 12.00 – 05.00

The submission outlines that DJ-led evening events will be held bi-weekly, and would increase to weekly events once demand is surplus.

Consultations & Notification Responses

Local residents/local businesses/public opinion – The planning application has been advertised in the local paper and a site notice has been displayed at the site on the basis that the proposal is a departure from the Development Plan. Letters have also been sent to an extensive area of residents and businesses. No comments have been received as part of this process.

Highway Services advise that they have concerns about the potential vehicle numbers associated with this development and the impact this will have along New Street and surrounding streets together with concerns about on-street parking associated with staff vehicles, pick-up and drop off activity and taxi's in an already congested area.

There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street.

It is noted that an existing vehicular crossover is present in this location. It is understood that this dropped kerb will still be required to allow service vehicles to access the courtyard area.

Highways have concerns that potential vehicles associated with the development will add to existing on-street car parking demand, especially being in close proximity to other businesses adjacent to the property.

The Site Layout Plan within the Design and Access Statement suggests that staff parking will occur on-street and a taxi drop-off / pick-up will be in place along New Street. Highways have concerns that New Street has existing on-street parking from other businesses and it is Highways understanding that there is no existing taxi bay in place along New Street.

Highways have concerns that the picking up / dropping off activity associated with the night club will cause congestion along New Street and cause safety concerns for pedestrians and other road users.

Highways have concerns that staff vehicles cannot be accommodated along New Street and any parked vehicles will contribute to the congested on-street parking already present. Evidence should be provided that all vehicles at the busiest times can be accommodated and if not the arrangements for off-site car parking should be in place.

Environmental Health advise that they have considered the noise report and have concerns regarding the use of this space as a nightclub until 0500. Canada Street is occupied by veterans who may be very susceptible to loud noises. The comings and goings of patrons has not been accounted for, and has the potential to cause a public disamenity to the surrounding community. Even though the area has a variety of background noises, the additional cars, and people being drawn to the club all through the night and morning will negatively impact the area.

There are also concerns regarding the noise levels at the premises. Noise escaping when doors (even double lobbied doors) are left open for patrons to enter and exit and using the smoking area may cause disamenity. The space will be rented out to external events and therefore different PA systems will be brought in and used. EH have concerns regarding how each event will ensure that the noise levels are limited according to the figures stated in the acoustic report. Limiters are easy to bypass.

Flood Risk Management Team advise that the site is within Flood Zone 1 and very low risk of surface water flooding and whilst the change of use results in a change in Flood Risk Vulnerability Classification, it does not require any mitigation measures.

Greater Manchester Ecology Unit (GMEU) advise that there are no significant ecological issues. No evidence of bats were found and the building assessed as having negligible bat roosting potential. Based on the photograph and location there is no reason to doubt the findings of the report. There is also no evidence of nesting birds.

Network Rail advise that they have no comments to make.

Policy

Manchester Core Strategy (2012) – Relevant policies SP1, EC1, EC2, EC3, EC5, EC6, T1, T2, EN1, EN15, EN19 and DM1.

Unitary Development Plan for the City of Manchester (1995) – Relevant saved policies EM5 and DC26.

National Planning Policy Framework (2021)

Issues

Principle – loss of employment land

The application site is located in the Central Park Strategic Employment Location as identified within policy EC6 of the Core Strategy and saved policy EM5 of the UDP. This supports a range of employment types including B1 (b) and (c), B2 and B8 as well as sui generis employment uses in order to create a sustainable employment destination.

The development has created a Cultural Events space at the site. The main uses at present is a late night use which is essentially a nightclub space. The applicants supporting information states that this would be an ‘underground’ music scene which would attract a professional creative audience. However, the applicant has the intention of using the space for cultural events such as an art space as demand grows.

The proposal would be in direct conflict with the employment use of the site and the surrounding area and undermined the objectives of Central Park as an employment destination as required by policies EC1, EC3, EC5 and EC6.

The retention of employment spaces is reiterated in policy EC2 which seeks to retain and enhance existing employment spaces. The policy does allow for a series of circumstances which can be considered for non employment uses. These are:

- *The existing use is un-viable in terms of business operations, building age and format;*
- *The existing use is incompatible with adjacent uses;*
- *The existing use is unsuitable for employment having had regard to the Manchester Salford - Trafford SFRA; or*
- *On balance, proposals are able to offer greater benefits in terms of the Core Strategy’s vision and spatial objectives than the existing use.*

The applicant states that “*the proposals will ensure that the existing building does not fall into dis-repair with being vacant and as such will contribute towards the aspirations for regenerating the Central Park area*”. There is no evidence that the building was falling into disrepair or how long it had been vacant or what contribution it has towards the Central Park Area in line with policy EC6.

It is acknowledged that the applicant has created a unique offer at the application for the client base and offers employment. However, there is no evidence that the site could not have been suitable for another employment use. There is a high level of occupancy across this section of Central Park and when conducting the officer site visit it was observed that the adjacent Unit was extending (albeit the extension was unauthorised and is subject to a separate enforcement investigation).

Whilst there will be benefits associated with the use in terms of a low level of employment and bringing a new cultural venue to the City, these do not offer greater benefits to the City as a whole and the aspirations for the area as outlined in policy EC6. The benefits of the scheme are not outweighed by the harm to the loss of employment land in this strategic employment location.

Visual amenity

The main changes to the proposal involve the installation of the cladded staircase within the courtyard area together with the elevational alterations. The staircase has been clad in a similar corrugated panel system that is on the exterior of the other adjoining industrial buildings. The main difference is the cladding is black not a light grey. Whilst the appearance of the extension is industrial in nature, it complements the exterior of the wider units. Had the application as a whole been acceptable, the application would have been conditioned so that the exterior would be painted to match the other buildings in the locality which are of a lighter colour.

Residential amenity

The application site located a short distance from residential properties along Canada Street and New Street. The two streets were subject to a renovation project facilitated by the DIY SOS programme and they have been occupied by veterans who have complex mental and physical health needs.

The applicant has indicated that the premises would be open

- Sunday – Thursday: 12.00 – 24.00
- Friday – Saturday: 12.00 – 05.00

As detailed elsewhere within this report, the principle use of the premises at this time is a nightclub. The premises has a capacity of between 200 and 250 patrons.

There are two sources of noise from the premises – noise outbreak and noise external to the premises.

Environmental Health have considered the development including the accompanying acoustic report. In respect of noise outbreak, there is insufficient evidence that the premises would be able to contain all its noise internal to the premises. Doors will inevitably be opened, particularly when exiting the premises, gain fresh air or smoking allowing noise to escape. There is also concern that different equipment associated with different acts would make it difficult to control.

Having noise of this magnitude, until 05:00 in the morning at weekends, is unacceptable in such close proximity to residential properties.

The noise external to the premises is also a concern to Environmental Health. There are likely to be a continuous stream of patrons coming and going from the premises throughout the evening and early hours of the morning. The premises sells alcohol and therefore raised voices, screaming and potential for anti-social behaviour is likely to be evident. There is also noise from vehicles, such as taxi, for pick up and drop off which will make doors being opening and closed and engines being revved more audible during the sensitive hours of the day.

This is likely to be further acute during the summer months where there is a reasonable expectation that residents would have their windows open to cool their homes making the noise more audible.

The development would have an unduly harmful impact on residential amenity which is notary to policies SP1, and DM1 of the Manchester Core Strategy and saved policy DC26 of the UDP.

Highway considerations

Highway Services have raised objections to the proposal. New Street already suffers on street parking congestion associated with existing businesses. The development has placed additional pressure on on-street parking demands. The priority for this area are the existing employment uses who need the highway for their parking and servicing demands. This development has placed additional pressures which exacerbates the existing problems. This would be unduly harmful to the local business community and function of the employment area.

Waste management

The applicant has indicated that the refuse storage will be accommodated internal to the premises within the cold room. This will include suitable provision for general waste and recycling. Had the proposal been acceptable then the waste management arrangements would have been considered to be acceptable.

Ecology considerations

Greater Manchester Ecology Unit have confirmed that there are no ecological constraints associated with the proposal.

Enforcement

An enforcement notice has been served on the premises to cease the use and return the land back to an employment use.

Address

The applicants application form indicates the location of the premises as Unit 1. The premises address for the purposes of business rates is Unit F. The application has been amended accordingly.

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 in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice was sought where officers advised that the proposal would not be acceptable due to the conflict with the employment area. The applicant was advised that the proposal would be unacceptable during the course of the application. The proposal is determined in timely manner.

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

- 1) The creation of a Cultural Event's Space (Use Class Sui Generis) at Unit 1 Hillbit House has resulted in the loss of employment land within the Central Park Strategic Employment Location and created a use which undermines the area as an employment destination. The application has also failed to demonstrate that the use of the building would be unviable or unsuitable for other employment purposes or offer any other greater benefit to the City of Manchester. This is contrary to policies SP1, EC1, EC2, EC3 and EC5 of the Manchester Core Strategy (2012) and saved policy EM5 of the Unitary Development Plan for the City of Manchester (1995).
- 2) The Cultural Events Space creates increased noise, disturbance and activity in the surrounding area from comings and goings together with noise outbreak from the premises, at sensitive hours of the day, which would have an unduly harmful impact on residential amenity particularly residential properties along Canada Street and New Street. The use also contributes to on street parking congestion and conflicts with available on street parking and servicing for the surrounding employment uses which would have an unduly harmful on the local business community. This is contrary to the provisions of policy SP1 and DM1 of the Manchester Core Strategy (July 2012), saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995) and the National Planning Policy Framework.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
MCC Flood Risk Management
Greater Manchester Police
Greater Manchester Ecology Unit
Network Rail

Top Flat, 622 Oldham Road, Manchester, M40 8BA
Flat Above, 4 Hulme Hall Lane, Manchester, M40 8AZ
First Floor Unit 1, 1 Beckford Street, Manchester, M40 5AE
501 Oldham Road, Manchester, M40 5AA
12 New Street, Manchester, M40 8AA
571 Oldham Road, Manchester, M40 5AF
Unit 6, Beckford Street, Manchester, M40 5AE
Unit 5, Beckford Street, Manchester, M40 5AE
Canal Side Works, Hulme Hall Lane, Manchester, M40 8AZ
59 Canada Street, Manchester, M40 8AF
80 Canada Street, Manchester, M40 8AE
65 Canada Street, Manchester, M40 8AF
51 Canada Street, Manchester, M40 8AF
Manchester North Ambulance Station, 1 Canada Street, Manchester, M40 8AF
Unit 1, Beckford Street, Manchester, M40 5AE
622 Oldham Road, Manchester, M40 8BA
Duo Plastics Ltd, Vickers Street, Manchester, M40 8PU
640 - 642 Oldham Road, Manchester, M40 8BA
628 Oldham Road, Manchester, M40 8BA
630 - 632 Oldham Road, Manchester, M40 8BA
Unit 1D, Hillbit House, New Street, Manchester, M40 8AW
Unit 1B, Hillbit House, New Street, Manchester, M40 8AW
Unit 1F, Hillbit House, New Street, Manchester, M40 8AW
Unit 1C, Hillbit House, New Street, Manchester, M40 8AW
Unit 1E, Hillbit House, New Street, Manchester, M40 8AW
Unit 1A, Hillbit House, New Street, Manchester, M40 8AW
34 Irlam Street, Manchester, M40 2AB
47 Canada Street, Manchester, M40 8AF
Unit 5, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Unit 8A, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Ground Floor Unit 1 Snack Bar, 1 Beckford Street, Manchester, M40 5AE
1 Beckford Street, Manchester, M40 5AE
Norton Tyres, Norton Street, Newton Heath, Manchester, M40 8HD
55 Canada Street, Manchester, M40 8AF
41 Canada Street, Manchester, M40 8AF
19 Canada Street, Manchester, M40 8AF
53 Canada Street, Manchester, M40 8AF
61 Canada Street, Manchester, M40 8AF
Unit 11, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Warehouse Rear Of 497, Oldham Road, Manchester, M40 5AA
Ian Michael Auctioneers, New Street, Manchester, M40 8AW
City Auto Gas Manchester, Norton Street, Newton Heath, Manchester, M40 8HD
Decco Ltd, Hulme Hall Lane, Manchester, M40 8YD
29 Canada Street, Manchester, M40 8AF
Unit 7A, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA

Unit 2, Beckford Street, Manchester, M40 5AE
27 Canada Street, Manchester, M40 8AF
25 New Street, Manchester, M40 8AB
27 New Street, Manchester, M40 8AB
706 Oldham Road, Manchester, M40 2AA
58 Canada Street, Manchester, M40 8AE
Walking With The Wounded, 46 Canada Street, Manchester, M40 8AE
23 Canada Street, Manchester, M40 8AF
Unit 4, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Units 1 And 3, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
CENTRAL HYDRAULICS, Unit 6, Providence Works, Norton Street, Newton Heath, Manchester, M40 8EH
1A Beckford Street, Manchester, M40 5AE
Unit 10, Hillbit House, New Street, Manchester, M40 8AW
Unit 4, Hillbit House, New Street, Manchester, M40 8AW
74 Canada Street, Manchester, M40 8AE
48 Canada Street, Manchester, M40 8AE
Unit 2, Hillbit House, New Street, Manchester, M40 8AW
31 Canada Street, Manchester, M40 8AF
17 New Street, Manchester, M40 8AB
Unit 5, Hillbit House, New Street, Manchester, M40 8AW
Unit 3, Hillbit House, New Street, Manchester, M40 8AW
Unit 8 And Unit 9, Hillbit House, New Street, Manchester, M40 8AW
Unit 6, Hillbit House, New Street, Manchester, M40 8AW
Unit 7, Hillbit House, New Street, Manchester, M40 8AW
Unit 12, Hillbit House, New Street, Manchester, M40 8AW
Unit 3A, Hillbit House, New Street, Manchester, M40 8AW
Unit 11, Hillbit House, New Street, Manchester, M40 8AW
497 Oldham Road, Manchester, M40 5AA
495 Oldham Road, Manchester, M40 5AA
A M Proos And Sons Ltd, Norton Street, Newton Heath, Manchester, M40 8HD
Flat 1, 3 Beckford Street, Manchester, M40 5AE
Flat 2, 3 Beckford Street, Manchester, M40 5AE
Harden Works, Oldham Road, Manchester, M40 8AG
Unit 9, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Providence Works, Norton Street, Newton Heath, Manchester, M40 8EH
Hillbit House, New Street, Manchester, M40 8AW
4 Hulme Hall Lane, Manchester, M40 8AZ
60 Canada Street, Manchester, M40 8AE
67 Canada Street, Manchester, M40 8AF
45 Canada Street, Manchester, M40 8AF
57 Canada Street, Manchester, M40 8AF
Walking With The Wounded, 42 Canada Street, Manchester, M40 8AE
40 Canada Street, Manchester, M40 8AE
54 Canada Street, Manchester, M40 8AE
50 Canada Street, Manchester, M40 8AE
52 Canada Street, Manchester, M40 8AE
Unit 7, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Pioneer Concrete (uk) Ltd, Norton Street, Newton Heath, Manchester, M40 8HD
66 Canada Street, Manchester, M40 8AE
88 Canada Street, Manchester, M40 8AE
39 Canada Street, Manchester, M40 8AF
17 Canada Street, Manchester, M40 8AF
43 Canada Street, Manchester, M40 8AF

37 Canada Street, Manchester, M40 8AF
72 Canada Street, Manchester, M40 8AE
33 Canada Street, Manchester, M40 8AF
15 Canada Street, Manchester, M40 8AF
84 Canada Street, Manchester, M40 8AE
35 Canada Street, Manchester, M40 8AF
64 Canada Street, Manchester, M40 8AE
13 Canada Street, Manchester, M40 8AF
76 Canada Street, Manchester, M40 8AE
78 Canada Street, Manchester, M40 8AE
70 Canada Street, Manchester, M40 8AE
86 Canada Street, Manchester, M40 8AE
Unit 3A, Beckford Street, Manchester, M40 5AE
Unit 7, Beckford Street, Manchester, M40 5AE
Unit 3, Beckford Street, Manchester, M40 5AE
Unit 16, Beckford Street, Manchester, M40 5AE
Manchester Cabins Ltd, Harden Works, Oldham Road, Manchester, M40 8AG
Norton Car Sales Limited, Unit 10, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Unit 8, Providence Works, Norton Street, Newton Heath, Manchester, M40 8HA
Ground Floor, Unit 1, Beckford Street, Manchester, M40 5AE
Unit 8, Beckford Street, Manchester, M40 4AE
Warehouse, Beckford Street, Manchester, M40 5AJ
Norton Salvage, Drewett Street, Manchester, M40 8AA
25 Canada Street, Manchester, M40 8AF
62 Canada Street, Manchester, M40 8AE
68 Canada Street, Manchester, M40 8AE
29 New Street, Manchester, M40 8AB
23 New Street, Manchester, M40 8AB
2 Hulme Hall Lane, Manchester, M40 8AZ
624 - 626 Oldham Road, Manchester, M40 8BA
33 New Street, Manchester, M40 8AB
19 New Street, Manchester, M40 8AB
31 New Street, Manchester, M40 8AB
6 Hulme Hall Lane, Manchester, M40 8AZ
21 New Street, Manchester, M40 8AB

Appendix 2 – Planning constraints

Article 4 Direction - North Manchester PD Restriction - Class B1(c) To C3
Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Coal Authority - Surface Coal Resources - Name: Coal bearing strata at surface
Area Team Boundary - Name: NORTH1