

Planning

Growth & Development

Delegated officer report for planning application

Application no. 140525/FO/2024

Date registered valid: 7 August 2024

Proposal: Change of use of first floor to a place of worship (F1 Use Class) and installation of new fire exit on side elevation

Address: Unit 1A, Former Cohens, New Street, Manchester, M40 8AW

Ward(s): Miles Platting & Newton Heath Ward

Applicant: Pastor Collins, Dunamis International Gospel Centre

Agent (if any): Mr Darren Muir, Pegasus Group

Case officer: Ellie Knowles
Tel: 0161 219 6633
Email: ellie.knowles@manchester.gov.uk

Recommendation: Refuse

Date of recommendation: 28 October 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit: 20 September 2024

Standard consultations:

Printed: 15 August 2024 Expired: 6 September 2024

Neighbour notifications

Printed: 15 August 2024 Expired: 6 September 2024

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/area

The site is located within the Miles Platting and Newton Heath Ward, approximately 3km east of Manchester City Centre. The Site comprises the first floor of an existing former industrial unit. The existing unit (Hillbit House) formerly operated as Cohens Furniture Auctions (plan ref: F15613), after Cohens vacated the building, it was subdivided into six units (Units 1A to Unit 1F).

Unit 1A (the application site) is long and narrow in footprint (approx. 270sqm gross internal floor area) and constructed from brick work with a corrugated cladding roof. The unit is set back from New Street behind two smaller units which front onto the road. Access into the unit is taken from New Street, via the front units and service area.

There are a mix of uses within the surrounding area, including a Cultural Event's Space immediately to the south (in Unit F, Hillbit House, New Street), Food Wholesaler and Portacabin Manufacturer 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. 115 metres to the south of the Site.

The site is accessed via New Street and lies approximately 45 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.

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

Retrospective planning permission is sought for the continued use of the unit (1A) as a place of worship and community centre (Use Class F1), together with associated elevational alterations.

The proposed elevational alterations are limited and relate to the relocation of an access door on the left-hand side of the building, which will become a fire door and main entrance point. The existing door opening will be blocked-up with materials to match existing.

The premises has been reconfigured to accommodate the following:

- Ground Floor: Entrance lobby with existing internal staircase retained and proposed installation of a second internal staircase (fire escape stair) and a partition at ground floor which creates a corridor to this.
- First Floor: Kitchen, Toilets, Nursery room, Meeting room, Gospel Hall, storeroom, waiting room and two offices.

The proposed main access to the facility will be via a new relocated fire door entrance to the left-hand side of the building (to meet fire safety regulations), alongside the existing roller shutter door retained to the front elevation of the building.

The applicant has proposed that the premises is currently open weekly as follows:

- Wednesday 6:30pm – 8pm
- Saturday 2pm – 4pm
- Sunday 9am – 11:30am

In addition to Church Services listed above, religious ceremonies, weddings, and other events can be held at this venue, no further details have been provided to the LPA on the frequency or nature of these additional services.

Consultations & Notification Responses

Local responses

2 letters of representation were received from local residents and ward Councillors raising the following concerns:

- Parking concerns on New Street and Canada Street due to F1 use
- Fire safety concerns of the unit

Consultee responses

Highway Services – Objections in principle, due to the lack of car parking provisions proposed and the impacts to existing on-street parking arrangements.

Environmental Health – No objections subject to conditions.

Network Rail – Advisory note: Works on this site must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to

the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR.

Relevant Planning History

112433/FO/2016 – Part retrospective application for the change of use of unit (Use Class B8) to plastic waste recycling unit (Use Class B2) together with the erection of a 3 metre high boundary wall to Oldham Road and New Street. Refused and Enforced 16.12.2016.

APP/B4215/W/17/3166971 – Appeal dismissed.

“The development would accord with the social and economic dimensions of sustainable development by providing employment and contributing to the economy. The sustainable treatment of waste would accord with the environmental and economic dimensions. However the adverse impact on the character and appearance of the area would weigh significantly against the environmental dimension. The harm to highway safety would weigh against all three dimensions of sustainable development. For these reasons when considered as a whole the development would not be sustainable.”

106866/FO/2014/N1 – Retrospective application for the change of use of industrial unit (Use Class B8) to waste recycling for plastic (Sui Generis). Refused and Enforced 04.06.2015. *On the grounds of impacts upon visual amenity of the street scene, local area and highway and pedestrian safety.*

024466 – Elevational alterations to existing industrial building including roller shutter doors. Approved 05.07.1985.

F15613 – Use of part of factory for wholesale auction purposes. Approved 01.07.1981.

F13875 – Change of use to a distribution warehouse. Approved 22.07.1980.

Enforcement Matters

ENF/15597/23 – Enforcement notice issued on unauthorised material change of use to a place of worship.

History of negotiations

The planning officer requested additional highways information, following concerns raised by Highway Services. The agent submitted this via emails dated 1/10/2024 and 19/10/2024. No negotiations were entered into with the agent, given that the proposal was considered unacceptable in principle on highways grounds.

Local Planning Policies

Places for Everyone (2022-2039) – Places for Everyone is a long-term plan of nine Greater Manchester districts for jobs, new homes, and sustainable growth. It has been published by the GMCA on behalf of the nine districts and took effect and became part of the statutory development plan on March 21, 2024.

The PfE Plan and its policies are now a material planning consideration in the determination of planning applications. The PfE Plan and its policies must therefore be given full weight in the planning balance.

Manchester Core Strategy Development Plan Document (2012-2027) - The Core Strategy was adopted on the 11 July 2012 and replaces a large number of policies in Manchester's Unitary Development Plan. Parts of the policies have been superseded by the Places for Everyone Plan.

The Unitary Development Plan (UDP) for the City of Manchester (1995) - The Unitary Development Plan for the City of Manchester was adopted in 1995 and has largely been replaced with the policies contained within the Core Strategy. However, there are a number of policies that are extant.

The relevant **Places for Everyone** policies for this application are as follows:

JP-Strat1 – Core Growth Area
JP-S1 – Sustainable Development
JP-J2 – Employment Sites and Premises
JP-J4 – Industry and Warehousing Development
JP-P1 – Sustainable Places
JP-C8 – Transport Requirements for New Development

The relevant **Core Strategy** policies for this application are as follows:

DM 1 – Development Management
SP 1 – Spatial Principles (partially superseded by PfE)
EC 1 – Employment and Economic Growth in Manchester
EC 2 – Existing Employment Space
EC 3 – Regional Centre
EC 5 – East Manchester
EC 6 – Central Park Strategic Employment Location
EC 8 – Central Manchester
T 1 – Sustainable Transport (partially superseded by PfE)
T 2 – Accessible areas of opportunity and need
EN 1 – Design Principles and Strategic Character Areas
EN 19 – Waste

The relevant saved **UDP** policies for this application are:

EM5 – Central Park
DC26 – Development and Noise

The relevant supplementary planning guidance documents for this application are:

- Manual for Streets (2007)
- Design for Access 2

National Planning Policy Framework

The NPPF (2023) sets out broad national policies on themes such as housing, historic environment, town centres, design, climate change and the Green Belt. Central to the broad policy direction contained within the NPPF is the notion of sustainable development; development which effectively balances economic, social and environmental factors. The Local Planning Authority consider the following sections relevant to this proposal.

- Section 2 – Achieving sustainable development
- Section 9 – Promoting sustainable transport

Issues

Principle of development:

The planning application seeks retrospective permission for the change of use to a Place of Worship, Use Class F1, and alterations to the existing building. The proposed elevational alterations relate to the relocation of an access door on the left-hand side of the building, which will become a fire door and main entrance point. The existing door opening will be blocked-up with materials to match existing. Internally a second additional staircase would be provided between ground and first floor, with fire corridor partition proposed.

The applicant has provided current estimated congregation numbers and service days/times, which are noted as follows:

- Wednesday 6:30pm – 8pm
- Saturday 2pm – 4pm
- Sunday 9am – 11:30am (typical to last until noon)

The applicant has stated that congregation numbers vary with Wednesday and Saturday services catering for up to 20 persons, and Sunday services can be attended by up to 50 persons. Notwithstanding the above, the submitted planning statement states that the retrospective facility has the capacity for up to 200 congregation numbers.

In addition, the agent confirmed via email dated 19/10/24, that no parking provision is proposed on site. As such, the retrospective development is reliant upon the existing on-street parking capacity of the immediate locality, notably New Street and Canada Street.

The appeal site is situated on New Street and forms part of the Central Park Strategic Employment Location, which is within the East Manchester regeneration area. The appeal premises is the first-floor unit (no.1A) of a two-storey brick and corrugated clad property which is accessed from New Street via a small, shared yard. The surrounding area is predominantly characterised by low rise business/industrial units. However, beyond the commercial buildings to the south on New Street and Canada Street there are two-storey terraced properties which have been recently renovated and are occupied by military veterans.

One of the key spatial principles set out in Policy SP1 of Manchester's Core Strategy, adopted 2012 (CS) is that The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality living. Central Park is a business park which offers accommodation for a range of business/industrial uses and is identified in Policy EC1 of the CS as a key location for major employment growth. Policy EC1 of the CS promotes economic and employment growth in Manchester and seeks to support business and other employment generating uses. Policy EC6 of the CS relates specifically to the Central Park Strategic Employment Location and seeks to encourage a range of employment types, including specially only sui generis and Class B (B1 a, b, c, B2 and B8) employment uses, with the aim of supporting the creation of a sustainable employment destination.

To that end, Policy EC2 of the CS seeks to retain and enhance existing employment space and sites, and advises that alternative uses will only be supported on sites allocated accordingly, or if it can be demonstrated that: the existing use is unviable 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 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 LPA acknowledge that they have not been provided

with any substantive evidence of marketing of the former B2 unit, to support compliance with policy EC2 of the CS.

Saved Policy EM5 of the Manchester Unitary Development Plan, adopted 1995 (UDP), aims to regenerate Central Park with B1, B2 and B8 uses. This is supported by policy EC6 of the CS, albeit with the additional encouragement of sui generis employment uses in this specific location.

Whilst the retrospective use for a Place of Worship (Class F1) provides a cultural offer which aligns with the Council's spatial principles as set out in SP1 of the CS for the Regional Centre. The proposal is not considered compliant with policies EC6 (CS) and saved UDP policy EM5, given the nature of the F1 Use Class proposed, which is a clear departure from Sui Generis and Class B employment uses.

In addition, significant concerns have been raised with regards to impact upon Highway Safety and therefore the application site is not considered an appropriate location in principle for the retrospective development.

Matters which therefore require consideration are the overall regeneration benefits along with impacts upon visual amenity, highway and pedestrian safety and residential amenity. These will be considered below.

Impact on Highway Safety:

The retrospective proposal has been reviewed by MCC Highway Services.

The proposals are for the retrospective change of use of the first-floor of an industrial unit (Use Class B2) to a place of worship (Use Class F1) and installation of new fire exit on left hand side elevation at Unit 1A, Former Cohens, New Street, Manchester, M40 8AW.

The site is adjacent to the adopted 20mph New Street. No Loading At Any Time and No Waiting At Any Time restrictions are present along the entire western side of New Street. New Street and Canada Street adjacent are subject to permit holders only restrictions between 12pm to 11pm, except from in marked bays.

It is noted that the Unit 1A is part of a larger industrial building which has been subdivided into six units. Each of the units share a small service yard. The ground floor of the unit is in use as storage space. The existing staircase at the front of the unit leads to the first floor (Unit 1A) which is currently used as a place of worship.

The applicant has provided additional information via emails dated (1/10/24 and 19/10/24) stating opening hours on (Wednesdays/Saturdays/Sundays) and congregation numbers between 20-50 persons. Whilst this is acknowledged, the submitted planning statement and photos taken on site by the officer, evidence inconsistencies that conflict with this submitted information. For example, the submitted planning statement states that the venue as existing, has the capacity for up to 200 congregation numbers. This therefore raises concern that the current use of the venue could feasibly intensify by 150%, which could detrimentally impact comings and goings from the application site. Furthermore, advertisement evident on the application site (wall mounted posters) illustrated opening times on the last Friday of every month, this is in addition to the three days stated by the applicant.

MCC Highways have raised concerns that vehicles associated with the development will potentially add to existing on-street car parking demand, especially being in close proximity to other businesses adjacent to the property and nearby residential dwellings on Canada Street.

As such, Highways cannot support this application due to the lack of car parking provisions and the associated impacts to existing on-street parking arrangements in the locality.

The retrospective proposal is therefore considered to be in conflict with Policies SP1 and EC1 of the CS, which seek to ensure that new development reduces the need to travel and has good access to sustainable transport provision, nor Policy DM1 of the CS which requires regard to be had, amongst other things, to road safety, traffic generation and accessibility.

Impact on visual amenity and the streetscene:

Given the nature of the proposal which proposes limited external alterations to the application property and location of the application site set back from New Street, concealed behind two smaller units which front onto New Street, the retrospective change of use is not considered to unduly impact the character of the host property or wider street scene.

Impact on residential amenity:

The retrospective development is located circa 115 metres away from nearest residential properties to the south of the Site, along Canada Street. Given this separation distance retained and limited external alterations to the application site, it is not considered that the retrospective proposal creates detrimental impact on the amenity of these neighbouring occupants.

Other matters:

Fire Safety

Local Ward Councillors have raised concerns with regards to the site's fire safety. Whilst this concern is duly noted, this matter would be considered under the remit of Building Control. It is understood that the second internal staircase and fire door have been proposed to meet fire safety regulations.

Accessibility

It is acknowledged that the retrospective proposal fails to take into account provisions for accessible access, given the first floor location.

Conclusion:

Whilst the creation of Place of Worship (Class F1) helps support the cultural provisions of the City, the operations of the development, namely parking congestion due to current congregation numbers are considered to pose a negative impact upon the existing on-street parking arrangements in the locality. On balance, it is considered that the current use does not outweigh the highways impact.

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 communicated their concerns about this proposal to the agent during the course of the planning application, but these concerns cannot be overcome by the submission of a revised proposal. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Reasons for recommendation to refuse

1. The retrospective change of use of the application site (Unit 1A, Hillbit House, New Street) into a Place of Worship (Use Class F1) is not supported by the Local Planning Authority in this location, due to the lack of car parking provisions and the impacts to existing on-street parking arrangements. The development is therefore contrary to the provision of policies SP1, EC1 and DM1 of the Manchester Core Strategy.
2. The retrospective change of use of the application site (Unit 1A, Hillbit House, New Street) into a Place of Worship (Use Class F1) is not supported by the Local Planning Authority in this location, due to the clear departure in Use Class from Class B and Sui Generis which are required from policies EC6 (CS) and Saved UDP policy EM5 in the Central Park Strategic Employment Location. As such, the development is therefore contrary to the provision of policy EC6 of the Manchester Core Strategy and Saved UDP policy EM5.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Network Rail

Unit 13, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 3A, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 12, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 11, Hillbit House, 11 New Street, Manchester, M40 8AW
51 Canada Street, Manchester, M40 8AF
Former Cohens, New Street, Manchester, M40 8AW
Unit 1F, Former Cohens, New Street, Manchester, M40 8AW
Unit 1E, Former Cohens, New Street, Manchester, M40 8AW
Unit 1D, Former Cohens, New Street, Manchester, M40 8AW
Unit 1C, Former Cohens, New Street, Manchester, M40 8AW
Unit 1B, Former Cohens, New Street, Manchester, M40 8AW
23 Canada Street, Manchester, M40 8AF
Unit 10, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 8 And Unit 9, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 7, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 6, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 5, Hillbit House, 11 New Street, Manchester, M40 8AW
31 Canada Street, Manchester, M40 8AF
25 Canada Street, Manchester, M40 8AF
53 Canada Street, Manchester, M40 8AF
41 Canada Street, Manchester, M40 8AF
19 Canada Street, Manchester, M40 8AF
13 Canada Street, Manchester, M40 8AF
Harden Works, Oldham Road, Manchester, M40 8AG
Manchester Cabins Ltd, Harden Works, Oldham Road, Manchester, M40 8AG
29 Canada Street, Manchester, M40 8AF
47 Canada Street, Manchester, M40 8AF
45 Canada Street, Manchester, M40 8AF
43 Canada Street, Manchester, M40 8AF
39 Canada Street, Manchester, M40 8AF
37 Canada Street, Manchester, M40 8AF
35 Canada Street, Manchester, M40 8AF
33 Canada Street, Manchester, M40 8AF
17 Canada Street, Manchester, M40 8AF
15 Canada Street, Manchester, M40 8AF
Unit 2, Hillbit House, 11 New Street, Manchester, M40 8AW
Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 4, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 3, Hillbit House, 11 New Street, Manchester, M40 8AW
Unit 1, Hillbit House, 11 New Street, Manchester, M40 8AW
27 Canada Street, Manchester, M40 8AF

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
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: NORTH AREA