

Application Number	Date of Appln	Committee Date	Ward
117182/FO/2017	4th Aug 2017	21st Sep 2017	Harpurhey Ward

Proposal Use of premises as a place of worship (Use Class D1)

Location Unit 6 Monsall Mill , Monsall Road, Manchester, M40 8NQ

Applicant Ms C Gilgrist , Revegate Ltd, 84 Palatine Road, Manchester, M20 3JW,

Agent Mr Steven Hartley, HPDA, Swallow Barn, Lower Chapel Hill, Hurst Lane, Rawtenstall, BB4 8TB,

Background

Retrospective planning permission was refused for the change of use of the application premises to a place of worship (Use Class D1) (107779/FO/2015/N1) on the 10 March 2015 by the Planning and Highways Committee for the following reason:

The creation of a place of worship at Unit 6 Monsall Mill (Use Class D1) creates harmful levels of noise, disturbance and comings and goings from the general activities associated with the use, such as vehicle movements, raised voices and on street parking congestion. This has a detrimental impact on surrounding residential amenity particularly residents along Monsall Road. This is contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995) and the guidance contained within the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

An appeal (APP/B4215/W/15/3010077) was submitted to the Planning Inspectorate on the 27 August 2015 and temporary planning permission was granted for 12 months for the use of the premises with the inspector stating that such a permission 'would allow the use to be monitored with regard to its impact'.

During the temporary period the applicant sought to discharge planning conditions attached to the appeal decision. However, the information submitted for consideration was not considered to be acceptable. The applicant sought to appeal against the failure of the City Council to discharge the conditions. This appeal was unsuccessful and an award of costs was made for the applicant unreasonable behaviour in pursuing this appeal. The planning conditions associated with this appeal decision were never discharged and the temporary planning permission expired at the end of August 2016.

Prior to the expiration of the temporary appeal decision, the applicant sought to vary condition 1 (temporary period) of appeal decision referenced APP/B4215/W/15/301007 7 to allow extension of the use of the premises as a place of worship until 27 August 2017 (ref. 113347/JO/2016. This application was refused by the planning and highways committee on the 17 November 2016 for the following reason:

The continued use of the application site as a place of worship (Use Class D1) will by reason of increased noise levels emanating from both within the premises and external to them and disturbance from the general activities associated with the use namely, vehicle movements, car doors slamming and raised voices have an unacceptable detrimental impact on the residential amenity of local residents, particularly the residents of Monsall Road contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995) and the guidance contained within the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

Following the refusal of this application, the applicant sought to appeal the decision and on the 17 May 2017 the Planning Inspectorate granted a further temporary until 27 August 2017 subject to a number of condition relating to hours of use, numbers of people present at the premises at any one time and noise requirements (APP/B4215/W/16/3165982).

It should be noted that whilst the applicant has sought to discharge the noise requirements condition of this temporary approval the request was refused on the 4 August 2017 due to inadequate information (CDN/17/0344). No further requests to discharge this condition have been made during the temporary period and there the mitigation measures required by the planning inspector for the duration of this temporary period have not been implemented by the applicant.

The applicant is now seeking a permanent planning permission to use the premises as a place of worship.

Description

The application site consist of a part two storey, part four storey Mill building that is currently used for a variety of B1 and B2 purposes (light and general industrial). The part of the building which is subject to this planning application is the basement area of Unit 6. The unit has 2 large hall areas where the service and congregation meet. There are also a number of small informal rooms.

Access to premises is via a narrow access road which runs parallel to Monsall Road. The gradient of the road reflects the site levels which dip away from the road. As such, the entrance to the unit is much lower than Monsall Road.

Directly in front of the main entrance to the premises is a poor quality surface which is used informally for car parking and servicing. The area is not demarcated in any way nor is it allocated to any particular property.

The surrounding area is a mixture of uses. There is a row of two storey semi-detached properties immediately to the south of the application site. These are separated from the site by Monsall Road. The Mill complex occupies the land immediately surrounding the application site and this consists of buildings of varying degrees of scale. To the north of the site is Moston Vale, a recreational area.

Consultations

Local residents/public opinion – One letter of objection has been received in respect of this planning application. The comments can be summarised as follows:

- The use will be a nuisance to the neighbourhood due to the comings and goings of the worshippers who have on previous occasions been very loud, disrespectful and showing total disregard for the residents and the residents of the elderly nursing home which is located nearby;
- The members of the church have been witnesses speaking loudly and a gang of young people chatting loudly with music blaring from their cars;
- Members of the church have also been seen urinating up the wall of the nursing home;
- When asked to keep the noise down or to stop urinating, expletives were used which is unacceptable and inappropriate;
- When the church is operating the residents feels uncomfortable and unsettled in their own home;
- Monsall Road is noisy anyway and if this use is granted on a permanent basis the noise and inappropriate behaviour will worsen;
- Why does the place of worship have to be open until 10pm?
- The main problem is when they leave and arrive at the church;
- The resident is aware that the two previous applications at this site have been allowed at appeal. The residents wishes for local views to be taken into account this time.

Local ward members (Cllr Collins) – Objects to the use.

Environmental Health – Do not support this application and recommend refusal on the following grounds:

A number of measures were recommended in earlier report which advised that mitigation measures should be included at the premises. This include:

- Entrance to the church be fitted with an automatic closing mechanism;
- The roller shutter will be fitted with an automatic closing mechanism;
- A sound limiter to be installed and set to not exceed 91 dB LA eq internally for amplified music and speech;
- The gaps between walls and the roof at eaves level to be filled. Details of what material these are to be filled with have not been supplied.

No evidence has been supplied that these measures have been adopted.

The most concerning element which has not been addressed is that there has still not been a representative assessment of noise from the congregation of 60 people. This has been mentioned as a concern to the planning inspector also. The assessment was based on there being around 15 people in the congregation when a worst case scenario should be considered based on the maximum occupancy of 60 people in the congregation.

A sound limiter may be able to restrict noise from amplified music but has no effect on raised voices through singing and congregation noise. There is concern that noise from up to 60 people, which effectively could be a regular congregation number

based on the maximum occupancy applied for, will lead to disturbance and a negative impact on the amenity of nearby residential properties.

Highway Services – The site is considered to be relatively accessible and is located along a bus route and is less than a 10 minutes walk to Monsall Metrolink stop. With regards to vehicular trips, this has been determined and agreed within previous applications and therefore highways have no further comments in relation to this topic.

In terms of parking, there is a small amount of parking available for the development to use during opening hours. There are no existing parking restrictions in the vicinity of the site access, however, most the residential properties opposite are provided with H bar markings across the driveway accesses. The layout of the access junction with Monsall Road attracts vehicle parking, by adjacent properties and businesses.

Given the issues surrounding parking for the site and in order to determine whether permanent occupation of the facility would be acceptable in highways terms, a review of the effectiveness of the implemented parking strategy will be needed to be undertaken based on the approved temporary operations. It is noted that minimal comments have been provided in relation to this strategy but the information does not fully satisfy the requirements of the car parking strategy.

The car parking strategy should include:

- Consideration of consultation responses from local residents;
- Evidence of information displayed within the church building and distributed leaflets to remind worshippers of appropriate parking;
- Evidence of the promotion of sustainable travel;
- Data regarding the number of worshippers; and
- Supporting parking survey data.

Further information is requested from the applicant prior to providing a thorough response.

No information has been provided in relation to cycle parking together with no information in relation to waste servicing strategy.

Design for Security at Greater Manchester Police – No comments at the time of writing this report. Any comments will be reported to the planning committee for consideration.

Policy

The Development Plan

The Development Plan includes:

- The Manchester Core Strategy (2012); and

- Saved policies of the Unitary Development Plan for the City of Manchester (1995)
- The Greater Manchester Joint Waste Development Plan Document

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) and sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents as directed by the National Planning Policy Framework (NPPF).

Manchester Core Strategy Development Plan Document (July 2012)

The relevant policies within the Core Strategy are as follows:

Policy SP1 '*Spatial Principles*' states that one of the key spatial principles is the emphasis on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment.

All development should have regard to the character, issues and strategy for each regeneration area – in this case East Manchester. In addition, new development will be encouraged that maximises the potential of the City's transport infrastructure, in particular promoting walking, cycling and the use of public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

The policy goes onto to state that development in all parts of the City should:

- Make a positive contribution to neighbourhoods of choice including;
 - Creating well designed places that enhance or create character.
 - Making a positive contribution to the health, safety and well being of residents;
 - Considering the needs of all members of the community;
 - Protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible;
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

The proposal is contrary to this policy as the disamenity arising from the noise and disturbance will be harmful to the well being of the nearby local residents.

Policy EC1 '*Employment and economic growth in Manchester*' outlines the priorities for ensuring continued economic growth in the City. Priorities for ensuring continued economic growth include:

- Improving access to jobs for all via public transport, walking and cycling;
- Demonstrating that employment-generating development has fully considered opportunities to provide jobs for local people, through construction or use;
- Improving the portfolio of employment premises, by providing a range of employment sites and premises for small, medium and large businesses;
- Improving digital infrastructure delivery to businesses and residents;
- Creating business destinations by enhancing the primary business use with ancillary commercial facilities;
- Ensuring the continued social, economic and environmental regeneration of the City;
- Ensuring connectivity to international markets for the import and export of goods to ensure competitiveness in international markets.

Although the proposal will result in the loss of a B2 premises, it is not considered that it will undermine the supply of employment land in the City. The loss of the floor space is considered to be modest and the premises is not considered to be attractive to those wanting more modern employment premises.

Policy EC 2 '*Existing Employment Space*' states that the Council will seek to retain and enhance existing employment space and sites. Alternative uses will only be supported on sites allocated accordingly, or if it can be demonstrated that:

- 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.

Although the proposal will result in the loss of a B2 premises, it is not considered that it will undermine the supply of employment land in the City. The loss of the floor space is considered to be modest and the premises is not considered to be attractive to those wanting more modern employment premises.

Policy T2 '*Accessible areas of opportunity and needs*' states that the Council will actively manage the pattern of development to ensure that new development:

- Is located to ensure good access to the City's main economic drivers, including the regional centre and to ensure good national and international connections;
- Is easily accessible by walking, cycling and public transport; connecting residential to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites.

In addition, all new development should provide appropriate car parking facilities.

There is a communal car parking area at the application site. There are, however, concerns about the disamenity that will arise from the disturbance of cars coming and going along with exacerbating on street parking problems.

EN19 '*Waste*' states that the Council will safeguard existing site for waste management and identify and safeguard new sites in existing employment areas as part of the Greater Manchester Joint Waste Development. In addition, full regard should be had for the economic and environmental benefits that well designed and run waste management facilities can bring subject to any conditions required to protect amenity of existing adjacent users.

The policy goes on to states that waste management practices should have full regard to the environmental, social and economic impacts of waste proposal and encourage long term benefits in improving the environment, the regeneration of areas in need to investment and co location with other employment uses.

There is a refuse storage area associated with the premises which will adequately meet the waste needs of the premises.

Policy DM1 '*Development Management*' all development should have regarded the following specific issues:-

- Appropriate siting, layout, scale, form, massing, materials and detail;
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area;
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise;
- Community safety and crime prevention;
- Design for health;
- Adequacy of internal accommodation and external amenity space;
- Refuse storage and collection;
- Vehicular access and car parking;
- Effect on biodiversity, archaeological or built heritage;
- Green infrastructure;
- Flood risk and drainage.

The proposal is considered to be contrary to the above policy as the operations of the use will have a negative impact on surrounding residential amenity from the comings and goings, late opening hours and exacerbation of the parking problems along Monsall Road.

For the reasons given below, it is considered that the proposal is not consistent with the policies contained within the Core Strategy.

Unitary Development Plan for the City of Manchester (1995)

The Unitary Development Plan for the City of Manchester was adopted in 1995. However, it has now been largely replaced by the Manchester Core Strategy. There are some saved policies which are considered relevant and material and therefore have been given due weight in the consideration of this planning applications. The relevant policies are as follows:

Saved policy DC26, *Development and Noise*, states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise. Conditions will be used to control the impacts of developments.

The noise and disturbance that arises from the use is causing harmful disamenity to local residents which is contrary to policy DC26.

For the reasons given below, it is not considered that the proposal is consistent with the policies contained within the UDP.

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Governments planning policies for England. At the heart of the document is the aim to deliver sustainable development. The document states that there are three main dimensions to this – an economic role, social and environmental.

Paragraph 70 seeks to deliver social, recreational and cultural facilities and services to meet community needs. Furthermore, planning policies and decisions should plan positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

Paragraph 123 states that planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not

- have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

National Planning Policy Guidance (NPPG)

Decision taking should take account of the acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur;
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

This includes identifying whether the overall effect of the noise exposure (including the impact during the construction phase wherever applicable) is, or would be, above or below the significant observed adverse effect level for the given situation.

Principle

The application premises have been occupied as a place of worship since June 2014. Between August 2015 to August 2016 and 17 May 2017 and 27 August 2017 the use has been operating under the temporary planning permissions granted by the Planning Inspectorate. Prior to the occupation of the building as a place of worship, the building was occupied by a motor vehicle mechanics (Use Class B2) for 22 years.

Planning application 107779 considered the loss of the B2 use from the application site. Whilst noting that there would be a loss of 376 sqm of B2 floorspace, together with it being unclear how long the premises had been vacant prior to the building being occupied as a place of worship, it was considered that there would not be any conflict with policies EC1 and EC2 of the Core Strategy.

This was on the basis that it was not considered that a large amount of employment land would be lost and that the premises represented a poor quality basement area with an awkward internal layout. As such, it is not considered that the occupation of the unit as a place of worship would undermine the supply of employment land, in both quantitative and qualitative terms, in this part of the City and is unlikely to be attractive to modern commercial operators.

As such, it is maintained that an alternative use of the premises is appropriate and in line of the loss of employment considerations above.

In considering whether the place of worship should be granted a permanent planning permission consideration should be given to car parking and highways implications and the impact of the use on surrounding residential amenity from noise and disturbance. In addition, matters of waste management shall also be considered.

Car parking/highways

Policies T2 and DM1 of the Core Strategy state that development proposals should make adequate provision for their parking needs and that there should be no unacceptable impacts on capacity of the local highway network.

There is communal parking at the application site for all of the businesses who occupy Monsall Mill. These parking areas are located within an open courtyard (accessed directly off Monsall Road) and a lower level adjacent to the entrance to the application premises. Whilst car parking is not demarcated at the application site, there are approximately 40 spaces available and these are communal with the other businesses at the Mill complex.

Evidence submitted by local residents, as part of the consideration of planning application 107779, indicated that large number of vehicles and coaches were visiting the place of worship which residents highlighted was causing them disamenity from blocking driveways and congestions from on-street parking.

Accordingly, the planning application 107779 was refused on the grounds of the residential disamenity that was arising in this regard.

However, the planning inspector, as part of appeal decision APP/B4215/W/15/3010077, whilst acknowledging that un-neighbourly parking was an inconvenience, considered that the availability of on site and on street car parking was sufficient enough to meet the demands of the use and considered that together with an appropriate management strategy this would minimise any impacts on local residents. Accordingly, the following planning condition was imposed on the temporary consent:

'Within one month of this decision, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall identify appropriate areas for visitor parking, including the on-street location of any coach parking, and provide a methodology for informing drivers and directing them to available space and preferred parking locations. The approved strategy shall include a timetable for implementation. It shall be implemented in accordance with the approved details'

The applicant has sought to discharge this condition of the temporary appeal approval by confirming that no coaches will visit the premises and that drivers will be directed to park away from residential properties, when the lower car park is full, in order to minimise any impacts on the surrounding road network and residential amenity.

As part of this application, Highway Services have requested details on how effective this strategy has been for the duration of the temporary period. The applicant has not been able to provide any details on the effectiveness of the plan when the temporary use was in place between August 2015 and August 2016. They have, however, reiterated that no coaches visited the premises and that there is underused car parking across the Mill site which can be utilised by the place of worship.

It is considered that there is adequate parking available at the application site to accommodate the use. Had the application been recommended for approval there would have been a further condition to monitor the effectiveness of the car parking strategy and put in place any additional measures if necessary. In addition, there would be a further restriction regarding coaches not being able to park at the premises.

Residential amenity

The creation of the place of worship at the application site will cater for the religious and social needs of the worshipers. It is acknowledged that the use of the building for this purpose will create more intensive comings and goings than the previous use of the site as a car mechanics. As such, it is necessary to consider the impact of the use in this regard, particularly whether there is a harmful impact on surrounding residential properties, as required by policies SP1 and DM1 of the Core Strategy, saved policy DC26 of the UDP and the guidance contained within the NPPF and NPPG.

It is considered that there are two main sources of noise from this use:

- Noise outbreak from the premises during use; and
- Noise and disturbance, from the comings and goings, outside of the premises.

Both the temporary appeal decision issued with regards to the use of this property as a place of worship have been granted on the basis that the premises would not be occupied by more than 60 people, that no activity will take place outside of the building at any time and that the premises shall only be open to visitors during the following opening hours:

- Monday to Saturday 09:00 to 22:00
- Sundays 10:00

The inspectors considered that these restrictions were necessary in order to ensure the activity levels during the late evening were kept to a minimum.

Throughout all of the various planning applications and appeals, the City Council has maintained that insufficient information has been submitted with regards to the impact of the use on surrounding residential amenity. Despite both appeal inspectors imposing conditions relating to further acoustic reports and mitigation measures being prepared and implemented, the applicant has failed to provide any information which has given the confidence to discharge this information. The impacts of the use has also continued to have been confirmed by complaints of local residents.

The inspector for the first appeal (ref. APP/B4215/W/15/3010077) required that the applicant submit a noise survey and strategy to minimise the outbreak of noise from the premises within one month of the appeal decision. The inspector considered that this condition was necessary to consider *'both the physical alterations and/or the operation of the unit with regards to types. Levels and times of noise generation'*.

The information submitted to the City Council during the temporary period was insufficient for this condition to be discharged. The applicant did appeal to the Planning Inspectorate (ref. APP/B4215/W/16/3142244) on the grounds of the Council's failure to discharge this condition. However, the inspector also considered that the information was also inadequate in terms of a robust strategy to minimise the noise impacts from the development and that further details should be provided.

As part of the most recent appeal decision (ref. APP/B4215/W/16/3165982) the inspector imposed two planning conditions which related to the matters of noise.

Condition 4) Within one month of the date of this decision the noise leakage mitigation measures set out in paragraph 3.8 of the Blue Tree Acoustics Noise Assessment Report Doc. Ref. 02831-250200 shall be implemented in full Appeal Decision APP/B4215/W/16/3165982 2 and thereafter maintained in working order in accordance with the manufacturer's instructions.

And

Condition 5) Within one month of the date of this decision a Noise Assessment Report (NRA) shall be submitted to the local planning authority for approval in writing. The NRA shall, with reference to noise studies of the premises, identify a strategy for mitigating noise arising from the use of the building up to the capacity level set out in condition no. 8). The strategy shall include an implementation programme and, as necessary, a scheme of acoustic treatment, ventilation measures and restrictions on the hours of particular noise generating activities. The approved strategy shall be implemented in accordance with the approved details.

The inspector considered that these conditions were necessary as the noise surveys submitted by the applicant

"identifies the size of the congregation in attendance during the surveys. The absence of that information casts significant doubt over whether the noise levels recorded are likely to be representative of the use of the premises by up to 60 people. This was a concern raised by my colleague who determined the previous appeal and, in my judgement, has not been satisfactorily addressed by the appellant, notwithstanding that it has had the opportunity to do so in its appeal submissions. Under these circumstances, I consider that little weight can be afforded to the conclusions of [the noise reports] that the noise impact would be acceptable"

The inspector, whilst acknowledging that there may be some benefit from the physical measures to fill gaps in the building, goes on to state:

"...in the absence of any evidence concerning the numbers in attendance during the surveys, which may well have been around 15, and an assessment of the likely impact if the number routinely approaches 60 in the future, which cannot be discounted, it cannot be concluded with any confidence that the use would not have a significant detrimental impact on the living conditions of local residents in the future"

In granting the further temporary planning permission, the inspector states:

“...the temporary planning permission sought by the appellant would provide an opportunity for it to address the shortcomings of the Noise Assessment Reports, as regards evidence concerning the levels of attendance during the surveys and an assessment of the likely impact if numbers routinely approach 60 in the future. It would also allow implementation of the proposed mitigation measures and a period of monitoring by the Council”

The residential properties which are said to be most affected by this development are properties to the south of the site, along Monsall Road. These properties are approximately 24 metres away. However, it should be noted that due to the site levels, the premises are lower than Monsall Road.

The activities of the church include services and prayers (including weddings) and community offer. There is also a rehearsal room and it was noted during a site visit that there is equipment and instruments, including equipment to amplify music/sound, which indicates that singing will take place.

Throughout the various applications and appeal submitted with regards to this use, it has been maintained that the use is harmful to surrounding residential amenity.

In granting the second temporary planning permission, the inspector had concerns about the acoustic report prepared by the applicant in particular that this could not be relied upon with any confidence in terms of granting a permanent planning permission. As detailed above, in granting the further temporary consent the inspector provided the applicant with an opportunity to rectify the inadequacies in the noise survey and to implement the mitigation measures which include the following:

- the entrance to the premises should be provided with an automatic closing mechanism;
- the door leading to the chapel currently has a roller shutter which is not currently well sealed;
- the internal sound levels are very high and therefore the levels should be limited to ensure the sound internal to the premises is kept at a satisfactory level. The report suggests the installation of a sound limiter (with a limit of 91 Db Laeq); and
- There should be no external loud speakers.

This application, which now seeks a permanent consent, does not address the particular concerns of the planning inspector in that there remains no representative noise survey of the use of the premises (including surveying the premises which it is occupied by up to 60 people) and there is no evidence that the mitigation measures outlined above have been implemented.

Environmental Health concur with this and recommend that the application be refused on this basis due to the inadequate information and the uncertainty that this lack of information provides.

The inspector provided the applicant with the further temporary planning permission to resolve these issues. On the basis that the applicant has failed to do this, there is no other option other than to come to the same conclusion as the inspector in that, in

the absence of this information, there can be no confidence that the use will not have a detrimental impact on residential amenity and therefore it is considered that a permanent planning permission has the potential to be unduly harmful to residential amenity.

This lack of confidence is compounded by the fact that throughout the temporary permissions issued by the planning inspectorate, the applicant has failed to discharge conditions relating to the submission of further noise information during the temporary periods despite officers engaging with the applicant about what information would be required.

In addition, and despite the applicants own acoustic consultant acknowledging the inadequacies of the premises in terms of lack of insulation and gaps in the building, the applicant has failed to provide any tangible evidence that mitigation measures have been implemented.

Furthermore, officers have been supplied with evidence of the congregation gathered along Monsall Road during the evening. The evidence clearly demonstrates that raised voices can be heard and car doors being opening and closed. Such comings and goings outside of the premises clearly give rise to any harmful impacts to residential amenity.

Given the background noise levels will be much lower during this time; this therefore increases the likelihood of residents being disturbed by the use and its operations. In addition, given that it is not unreasonable to expect residents to have their windows open, particularly during the summer months, it is likely any nearby noise and disturbance will be harmful to these properties.

Environmental Health share the concerns (which they have done throughout the course of the various applications and appeals) that the noise external to the premises, particularly from large congregations late at night, will have an unduly harmful impact on residential amenity which would warrant refusal of the planning application.

It is considered that the existing businesses will not be materially affected by the noise from the premises.

The use was in operation between 2014 and August 2016. During this time local residents have experienced unduly harmful impacts on their amenity as a result of the activities of the church both internal and external to the premises. This is contrary to the provisions of policies SP1 and DM1 of the Core Strategy and saved policy DC26 of the UDP.

Waste

An enclosed refuse storage area will be created at the front entrance to the premises on the western side of the building. The area will be enclosed by the existing 1.8 metre high concrete panel fence which will screen the bins from view. The bins storage area will enclose two Euro bins and two 140 litre bins. This is considered to be large enough to cater for the general and recycling waste needs of the use. Had

the application been to approve, a condition would have been imposed to ensure that the area was locked and well screened from view to minimise visual amenity impacts.

Enforcement

Following determination of this planning application, investigations will be undertaken to determine if the use is still in operation. Should information come to light that the use is continuing after the determination of this planning application consideration will be given to any relevant enforcement action.

Equality Act

S149 Equality Act 2010 provides that in the exercise of all its functions the Council must have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between person who share a relevant protected characteristic and those who do not. Having due regard to the need to advance equality of opportunity includes having due regard to the need to meet the needs of people with protected characteristics that are different from the needs of those without protected characteristics.

Whilst it is acknowledged that the proposal will result in the loss of a place of worship, it is not considered that this outweighs the harm that the use has on surrounding residential amenity which is a material planning consideration.

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 the right to a fair hearing and to this end the Committee 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 Head 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 refusal of the application is proportionate to the wider benefits of refusal 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. The use of unit 6 Monsall Mill as a place of worship has been ongoing

for a number of years, including several appeal inspectors granting temporary planning permissions in order to determine if the use can operate without impacting on local residents amenity. Officers have engaged with the applicant during this time including responding to correspondence and providing feedback on information. In this instance, the applicant has failed to overcome very specific requirements of the latest appeal inspector. On this basis, the application is determine in a timely manner.

Reason for recommendation

1. The permanent use of the application site as a place of worship (Use Class D1) will by reason of increased noise levels emanating from both within the premises and external to them and disturbance from the general activities associated with the use namely, vehicle movements, car doors slamming and raised voices have an unacceptable detrimental impact on the residential amenity of local residents, particularly the residents of Monsall Road. No satisfactory acoustic information has been submitted and on that basis the use is considered to be contrary to the provisions of policies SP1 and DM1 of the Manchester Core Strategy (2012), saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995) and the guidance contained within the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance (NPPG).

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 117182/FO/2017 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

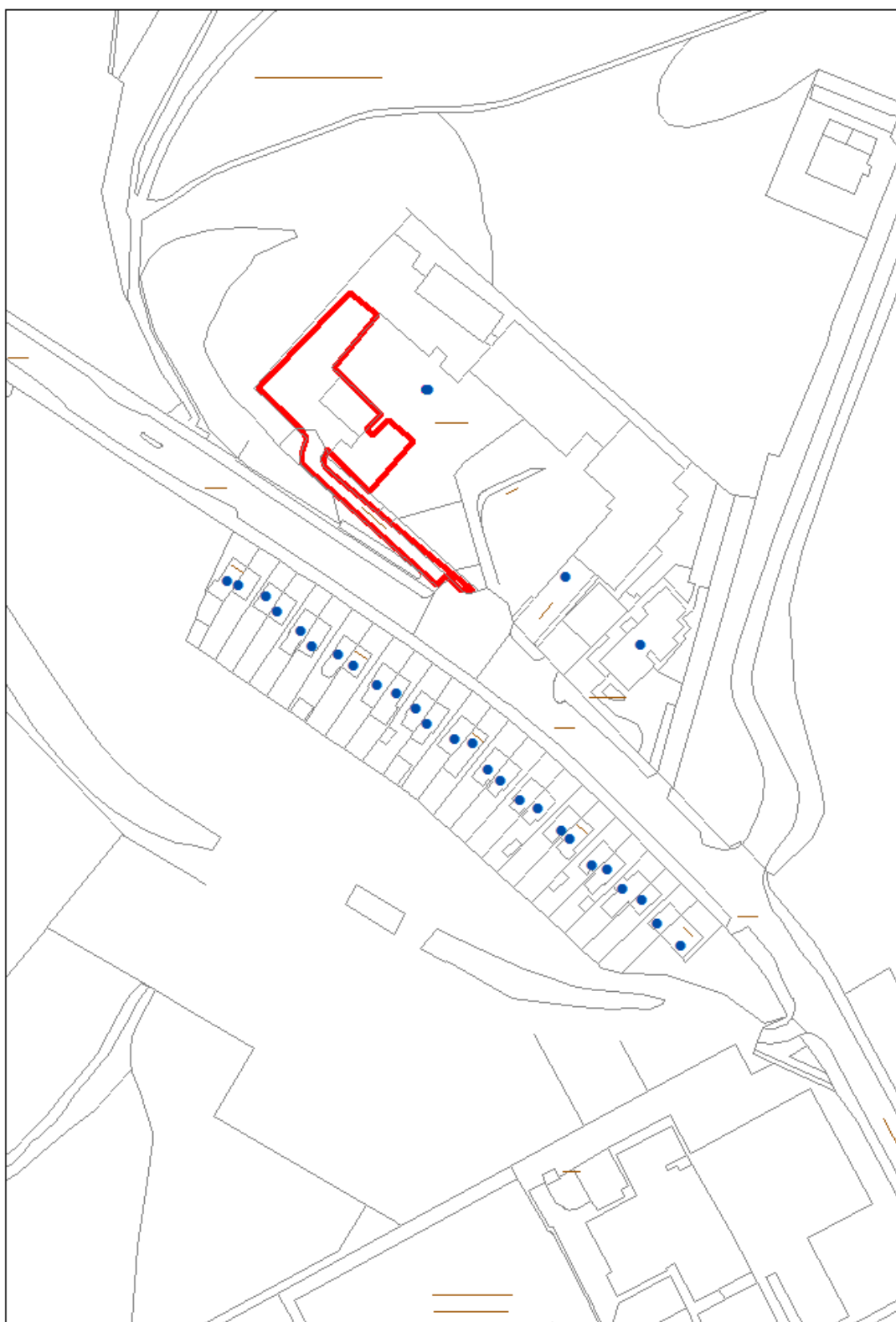
Highway Services
Environmental Health
Greater Manchester Police

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

153 Monsall Rd, Manchester, M40 8WP

Relevant Contact Officer :	Jennifer Atkinson
Telephone number :	0161 234 4517
Email :	j.atkinson@manchester.gov.uk



 Application site boundary  Neighbour notification
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