

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
091443/JO/2009/N2	14th Oct 2009	14th Jan 2010	Gorton South Ward

**Proposal** Variation of Condition 3 attached to planning permission 074914/FU/2005/N2 to allow church/community centre to open from 9.00am to 8.30pm Monday to Saturday and 9.00am to 6.00pm on Sundays

**Location** 1 Matthews Lane, Levenshulme, Manchester, M12 4QW

**Applicant** New Covenant Church, 1 Matthews Lane, Levenshulme, Manchester, M12 4DP

**Agent** Patrick Weadick, DPW Design, 183 Wellington Road North, Heaton Norris, Stockport, Cheshire, SK4 2PB

### **Description**

This application relates to a site which has an existing permission (074914) for change of use from a former job centre to church and community uses - Approved 26th April 2005. This permission was subject to conditions, which included the following:

3. The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

Monday, Wednesday, Thursday, Friday and Saturday 9:00am to 5:30pm

Tuesday 9.00am to 8.30 pm

Sunday 9:30am to 12:30pm.

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

There have been three subsequent applications to vary this condition. Firstly it was proposed to vary the above condition to allow opening hours of the existing church from 6.00 am to 11.30 pm 7 days a week (081397). The application was refused for the following reason:

The proposed use of the site during the proposed hours will result in an increase in activity at the site and nearby residential streets, which will result in unacceptable levels of noise to nearby residential accommodation, particularly late at night, due to people congregating in the car parking area, comings and goings at the site and music breakout from the premises. The proposed development is therefore contrary

to the provisions of policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

Two further applications proposed to vary the opening hours to allow opening hours of the existing church from 8.00 am to 9.00 pm 7 days a week (082250), and from 9.00 am to 8.30 pm Monday to Thursday and 9.00 am to 10.00 pm, Friday to Sunday, which were both refused for the same reason.

It is now again proposed to vary the hours of operation to allow for extended hours of the church, as follows:

9.00 am to 8.30 pm - Monday to Saturday

9.00 am to 6.00 pm - Sundays

### **Consultations**

Local residents / Adjoining occupiers - Three letters of objection have been received. They object to the proposal, on the following grounds:

- The premises were originally a prefabricated building to house a job centre and is unsuitable for use as a church and community centre, as it is not purpose built.
- Nothing has changed since the previous refusals, and there is therefore no justification for allowing the extended hours now.
- The use of the premises already causes nuisance to adjoining residents due to loud music, noise, comings and goings at the site and children playing in the car park. Allowing these hours would exacerbate the situation, still further, for residents.
- When people leave the building they congregate in the car park, sometimes for up to an hour after the premises have closed and this is particularly apparent on a Sunday.
- The area is already full to capacity with heavy traffic and the additional hours of operation would exacerbate these difficulties.
- People attending are not from the local area
- There is already a community centre in the area.

Two letters of support have also been received. The owner of the adjoining business premises considers that the church provides a number of benefits to the community. Also a registered charity, H-PAN (Helping the Poor and Needy), has indicated that they make use of space at the church in their work with disadvantaged communities in and around Manchester. They consider that the extended opening hours would help them to reach out to more prospective service users, such as black and Asian members of the community and the socially and economically disadvantaged, and children who are in greater need of homework assistance and family support.

Head of Environmental Health - No objections to the proposed hours.

South Manchester Regeneration - No comments received

Greater Manchester Police (Community Safety Co-ordinator) - No comments received

### Issues

#### Relevant National Policies

##### Planning Policy Statement No.1 Creating Sustainable Communities

PPS1 encourages the promotion of urban and rural regeneration to improve the well being of communities, improve facilities, promote high quality and safe development and create new opportunities for the people living in those communities. Policies should promote mixed use developments that create linkages between different uses and create more vibrant places.

Planning Policy Guidance note 24 (PPG24) guides local authorities in England on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise.

PPG24 explains the concept of noise exposure categories for residential development and recommends appropriate levels for exposure to different sources of noise.

PPG24 also advises on the use of conditions to minimise the impact of noise. Six annexes contain noise exposure categories for dwellings, explain noise levels, give detailed guidance on the assessment of noise from different sources, gives examples of planning conditions, specify noise limits, and advise on insulation of buildings against external noise.

#### Relevant Regional Policies

PPG24 states "Much of the development which is necessary for the creation of jobs and the construction and improvement of essential infrastructure will generate noise. The planning system should not place unjustifiable obstacles in the way of such development. Nevertheless, local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. They should also bear in mind that a subsequent intensification or change of use may result in greater intrusion and they may wish to consider the use of appropriate conditions."

PPG24 confirms, "The impact of noise can be a material consideration in the determination of planning applications." PPG24 also establishes that "people are normally sleeping between 23:00 to 07:00."

#### Regional Spatial Strategy (RSS) (September 2008)

The Regional Spatial Strategy (RSS) for North West England was adopted in September 2008 and replaces the previously published Regional Planning Guidance (RPG13). The RSS provides a framework for development and investment in the region over the next fifteen to twenty years. There are a number of policies relevant to this development proposal within the RSS including the following:

Policy DP1 'Spatial Principles' outlines the main principles that underpin the RSS to which all other regional, sub-regional and local plans and strategies and all individual proposals, schemes and investment decisions should adhere to. These include to promote sustainable communities, promote sustainable economic development, make the best use of existing resources and infrastructure, manage travel demand, reduce the need to travel, and increase accessibility, marry opportunity and need, promote environmental quality, mainstreaming rural issues, and to reduce emissions and adapt to climate change.

Policy DP2 'Promote Sustainable Communities' states that building sustainable communities are places where people want to live and work. This is a regional priority in both urban and rural areas. Sustainable Communities should meet the diverse needs of existing and future residents, promote community cohesion and equality and diversity, be sensitive to the environment, and contribute to a high quality of life.

Unitary Development Plan - The site lies in Levenshulme District Centre, as identified in the Plan. Policy LL6 states that the Council will improve the safety and quality of the environment of the centre. Policy LL14 states that the Council will permit new developments so long as they do not cause disamenity to residents. Policy LL15 relates to pedestrian safety and off street parking.

Policy H2.2 states that the council will not allow development which would have an unacceptable impact on residential areas. The matters which the Council will consider in coming to such decisions will include the general impact of a development in terms of noise, vibration, traffic generation, road safety and air pollution.

With regards to development and noise Development Control policy DC26 states that the council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the city. In giving effect to this intention, the council will consider both the effect of the new development proposals, which are likely to be generators of noise.

DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

DC26.2 states that new noise-sensitive developments (including large-scale changes of use of existing land or buildings), such as housing, schools, hospitals or similar activities, will be permitted subject to their not being in locations which would expose them to high noise levels from existing uses or operations, unless the effects of the noise can realistically be reduced. In giving effect to this policy, the Council will take account both of noise exposure at the time of receiving a planning application and of any increase that may reasonably be expected in the foreseeable future.

DC26.3 states that developments likely to result in unacceptably high levels of noises will not be permitted:

- a. in residential areas;
- b. near schools, hospitals, nursing homes and similar institutions;
- c. near open land used frequently for recreational purposes.

DC26.4 states that, where the Council believes that an existing noise source might result in an adverse impact upon a proposed new development, or where a new proposal might generate potentially unacceptable levels of noise, it will in either case require the applicant to provide an assessment of the likely impact and of the measures he proposes to deal satisfactorily with it. Such measures might include the following:

- a. engineering solutions, including reduction of noise at source, improving sound insulation of sensitive buildings or screening by purpose-built barriers;
- b. layout solutions, including consideration of the distance between the source of the noise and the buildings or land affected by it; and screening by natural barriers or other buildings or non-critical rooms within a building; and
- c. administrative steps, including limiting the operating times of the noise source, restricting activities allowed on the site or specifying an acceptable noise limit. Any or all of these factors will be considered appropriate for inclusion in conditions on any planning permission.

DC26.5 states that the Council will control noise levels by requiring, where necessary, high levels of noise insulation in new development as well as noise barriers where this is appropriate.

DC26.6 states that exceptions to the general policy will be considered on their merits. The Council accept, as an example, that the occasional use of outdoor facilities such as sports stadia for concerts can be acceptable in certain circumstances. Any such proposal will be considered in the light of consultation with local residents and others, and the practicability of appropriate conditions on any approval.

Principle/Residential amenity - The allowed hours of operation are:

Monday, Wednesday, Thursday, Friday and Saturday 9.00am to 5.30pm

Tuesday 9.00am to 8.30 pm

Sunday 9.30am to 12.30pm.

The proposal therefore seeks additional hours of:

5.30pm - 8.30pm - Monday, Wednesday, Thursday, Friday and Saturday

9.00am to 9.30am and 12.30pm to 6.00pm Sundays

It was considered that the previous applications, for the extension of hours, were unacceptable in principle, due to the potential significant detrimental impact on the occupants of the surrounding residential properties, due to general noise levels from the building, general comings and goings and activity in the vicinity of the building.

Since the time of these refusals, further acoustic insulation of the building has been carried out, and the acoustic insulation condition, attached to the original permission for the site, has now been discharged. It is considered that the measures employed help in terms of noise breakout from the building, although activities outside the building have also been an ongoing concern of local residents.

The church though consider that the allowed hours of operation are restrictive, and wish to extend their activities into the evening and later on a Sunday. They have stated that the church does not do outdoor activities, and that all their activities are indoor. They have also confirmed that, at service times, car park attendants will be present and that they will arrive about 30 minutes earlier and see to orderly parking of cars, and they will also stay behind after the service to ensure orderliness after service.

Extending the opening hours will enable the Church to offer a wider variety of evening activities, which they consider is crucial for their congregation and for the many community groups that use the building. The applicant has addressed noise insulation issues, previously identified by Environmental Health Officers, and has submitted a further noise report, which indicates further measures that can be carried out to limit noise breakout further.

The applicant has acknowledged that a number of outdoor events have taken place at the premises in the past and these have resulted in noise and disturbance complaints from local residents. However, these events have not occurred for some time and the car parking area will in future be used for the parking of cars only.

In response to concerns of Environmental Health Officers, the applicant has also reduced the required opening times on a Sunday, from 9.00am to 8.30pm, as originally applied for on this application, and reorganised Sunday activities so that opening hours of 9.00am to 6.00pm are now sought. It is also considered that conditions can be added to any approval requiring doors and windows to be closed after 6.00pm, and/or whilst music is being played, requiring signs to be displayed, which request visitors to be quiet on leaving the premises, and requiring the car park to be closed outside the opening hours of the premises, subject to a short extension of time to allow the cars to arrive/leave.

With the inclusion of these restrictive conditions, it is not considered that the increase in opening hours will have a significant detrimental impact on the residential amenity enjoyed by the occupants of the surrounding properties.

Traffic Generation - Certain concerns have been raised regarding the traffic generated by the proposed use, the congestion problems the use is causing and the potential for this to increase. This premises is located within the Levenshulme District Centre, which is very well served by public transport and there is also adequate taxi facilities for late night transport. Also, a high percentage of people visiting this church will be on foot, and it is considered that the traffic and parking generated by the extended opening hours for this use will be minimal and will not adversely affect the current situation in the area.

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 Unitary Development Plan, the Head of Planning 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. He believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation **APPROVE**

on the basis that the scheme accords with Regional Spatial Strategy, Planning Policy Guidance Note 24 (PPG24), and Manchester City Council's adopted Unitary Development Plan, specifically policies LL6, LL14, LL15, DC26 and H2.2, and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) The development hereby approved shall be carried out in accordance with the drawings numbered 01 and 02 and the Sol acoustics noise report, stamped as received by the Local Planning Authority on 12th October 2009, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to Policies H2.2, LL6, LL14 and LL15 of the Unitary Development Plan for the City of Manchester.

2) The premises shall not be open outside the following hours, unless otherwise agreed in writing by the City Council as Local Planning Authority:-

9:00am to 8:30pm - Monday to Saturday

9.00am to 6.00 pm - Sunday

Deliveries, servicing and vehicle/equipment movements on the premises or outdoor parking/amenity areas shall be restricted to the above opening hours.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to Policies H2.2 and DC26 of the Unitary Development Plan for the City of Manchester.

3) The gates to the car parking area to the rear of the building, shown on drawing numbered 02 received by the City Council, as Local Planning Authority, on the 12th October 2009, shall only be open, during the following hours:

8.45am to 8.45 pm Monday to Saturday

8.45am to 6.15pm Sundays

No access/egress to/from the car parking area shall be permitted outside these times

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies DC26 and H2.2 of the Unitary Development Plan for the City of Manchester.

4) The car parking area to the rear of the building, shown on drawing numbered 02 received by the City Council, as Local Planning Authority, on the 12th October 2009, shall only be used in accordance with a management scheme to be submitted to and approved in writing by the City Council as Local Planning Authority within one calendar month from the date of this permission, unless otherwise agreed in writing by the City Council as the Local Planning Authority. The approved scheme shall remain operational thereafter, unless otherwise agreed in writing by the City Council as the Local Planning Authority.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies DC26 and H2.2 of the Unitary Development Plan for the City of Manchester.

5) All external windows and doors must remain closed after 6pm seven days a week, and at all times during any playing of music or entertainment, except for access and egress, unless otherwise agreed in writing by the City Council as Local Planning Authority.

Reason

To protect the current levels of residential amenity enjoyed by local residents, pursuant to Policies H2.2 and DC26 in the Unitary Development Plan for the City of Manchester.

6) There shall be no operation of external loudspeakers, amplifiers, bells, tannoys, or other similar public address systems used in association with the mosque, including in association with 'call to prayer'.

Reason

In the interests of the amenity of the occupiers of nearby residential properties, pursuant to Policies H2.2, LL6, LL14 and LL15 of the Unitary Development Plan for the City of Manchester.

7) Within 1 month of the date of this permission, signs shall be erected at the premises which instructs visitors to leave the site quietly and instructs drivers not to operate their vehicles music system whilst on the site. The details of the signs shall be submitted to, and approved in writing by the City Council, as Local Planning Authority and retained at all times thereafter.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with Policies H2.2 and DC26 and the Unitary Development Plan for the City of Manchester.

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: 091443/JO/2009/N2 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:

Environmental Health

South Manchester Regeneration

Judith Hackney, Crime Reduction Officer

7 Spring Street, Manchester, M12 5SP

40 Stovell Avenue, Manchester, M12 4GN

5 Spring Street, Manchester, M12 5SP

38 Stovell Avenue, Manchester, M12 4GN

3 Spring Street, Manchester, M12 5SP

36 Stovell Avenue, Manchester, M12 4GN

1 Spring Street, Manchester, M12 5SP

60 Stovell Avenue, Manchester, M12 4GN

58 Stovell Avenue, Manchester, M12 4GN

54 Stovell Avenue, Manchester, M12 4GN

56 Stovell Avenue, Manchester, M12 4GN

48 Stovell Avenue, Manchester, M12 4GN

52 Stovell Avenue, Manchester, M12 4GN

46 Stovell Avenue, Manchester, M12 4GN

50 Stovell Avenue, Manchester, M12 4GN

44 Stovell Avenue, Manchester, M12 4GN

42 Stovell Avenue, Manchester, M12 4GN  
4 Agnes Street, Manchester, M19 3AZ  
2 Agnes Street, Manchester, M19 3AZ  
80 Stovell Avenue, Manchester, M12 4GN  
78 Stovell Avenue, Manchester, M12 4GN  
76 Stovell Avenue, Manchester, M12 4GN  
74 Stovell Avenue, Manchester, M12 4GN  
72 Stovell Avenue, Manchester, M12 4GN  
70 Stovell Avenue, Manchester, M12 4GN  
68 Stovell Avenue, Manchester, M12 4GN  
66 Stovell Avenue, Manchester, M12 4GN  
64 Stovell Avenue, Manchester, M12 4GN  
62 Stovell Avenue, Manchester, M12 4GN  
14 Delafield Avenue, Manchester, M12 5SL  
12 Delafield Avenue, Manchester, M12 5SL  
10 Delafield Avenue, Manchester, M12 5SL  
4 Delafield Avenue, Manchester, M12 5SL  
6 Delafield Avenue, Manchester, M12 5SL  
8 Delafield Avenue, Manchester, M12 5SL  
2 Delafield Avenue, Manchester, M12 5SL  
11 Delafield Avenue, Manchester, M12 5SL  
9 Delafield Avenue, Manchester, M12 5SL  
13 Delafield Avenue, Manchester, M12 5SL  
7 Delafield Avenue, Manchester, M12 5SL  
1 Delafield Avenue, Manchester, M12 5SL  
3 Delafield Avenue, Manchester, M12 5SL  
5 Delafield Avenue, Manchester, M12 5SL  
12 Spring Street, Manchester, M12 5SP  
10 Spring Street, Manchester, M12 5SP  
8 Spring Street, Manchester, M12 5SP  
6 Spring Street, Manchester, M12 5SP  
4 Spring Street, Manchester, M12 5SP  
2 Spring Street, Manchester, M12 5SP  
11 Spring Street, Manchester, M12 5SP  
9 Spring Street, Manchester, M12 5SP  
2 Horstead Walk, Manchester, M19 3BE  
4 Horstead Walk, Manchester, M19 3BE  
8 Horstead Walk, Manchester, M19 3BE  
6 Horstead Walk, Manchester, M19 3BE  
12 Horstead Walk, Manchester, M19 3BE  
10 Horstead Walk, Manchester, M19 3BE  
14 Horstead Walk, Manchester, M19 3BE  
16 Horstead Walk, Manchester, M19 3BE  
3 Deepcar Street, Manchester, M19 3BA  
1 Deepcar Street, Manchester, M19 3BA  
S & R Autos, 3 Matthews Lane, Manchester, M12 4QW  
Sandhu Food & Wine Ltd, 5 Matthews Lane, Manchester, M12 4QW  
Matthews Auto Spares, 5 Matthews Lane, Manchester, M12 4QW  
New Covenant Church, 1 Matthews Lane, Manchester, M12 4QW  
15 Spring Street, Manchester, M12 5SP

16 Spring Street, Manchester, M12 5SP  
15 Delafield Avenue, Manchester, M12 5SL  
13 Spring Street, Manchester, M12 5SP  
14 Spring Street, Manchester, M12 5SP  
Future Financial Services, 711 Stockport Road, Manchester, M19 3AG  
Shri Bhavani Video Enterprise, 707 Stockport Road, Manchester, M19 3AG  
705a, Stockport Road, Manchester, M19 3AG  
Canadian Charcoal Pit, 705 Stockport Road, Manchester, M19 3AG  
Oxford College Of Management Sciences, 703 Stockport Road, Manchester, M12  
4QN  
Netto Food Store, 701 Stockport Road, Manchester, M12 4QN  
Little Vic, 709 Stockport Road, Manchester, M19 3AG

Representations were received from the following third parties:

Relevant Contact Officer : Ian Jarvis  
Telephone number : 0161 234 4079  
Email : i.jarvis@manchester.gov.uk