The Planning Inspectorate

Appeal Decision

Site visit made on 7 January 2013

by John L Gray DipArch MSc Registered Architect

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2013

Appeal Ref. APP/B4215/A/12/2184363
32-34 Wilson Street, Manchester, M13 9EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Human Appeal International against the decision of Manchester City Council.
- The application, ref. 099078/FO/2012/N2, dated 10 May 2012, was refused by notice dated 20 September 2012.
- The development proposed is the change of use from vacant public house to D1 use.

Clarification

1. The application is expressed simply as a change to D1 use (non-residential institutions). The actual use intended, which started shortly after acquisition of the site in 2007, is described in the reasons for refusal as an educational, prayer and community centre. The appellant says that the original intention was use as a prayer hall and teaching facility but that, if limited to the original building (which is now the case), it would not be possible to provide for teaching and other cultural activities on the scale originally proposed. The main use remains as a prayer hall.

Decision: the appeal is dismissed.

Application for costs

2. An application for costs was made by Human Appeal International against Manchester City Council. This application is the subject of a separate decision.

Main Issue

3. The main issue flowing from the reasons for refusal of the application is the effect on the residential character and amenity of the area, both from the use itself and from the traffic and parking generated by it.

Reasons

The effect of the use on the surrounding area

4. The former public house nowadays stands alone within a large open area. It seems that terraced housing may once have stood on at least part of this now grassed area. Wilson Street runs almost centrally through it from Stockport Road, over 150m north-east of the building, to the A6 Young People's Centre, just over 30m to its south-west. There are no buildings on Wilson Street other than the appeal building. Polygon Avenue and Lauderdale Crescent run roughly parallel to Wilson Street on the north-west and south-east sides of the open

area and have housing along their opposite sides. The nearest dwellings are over 45m from the appeal building.

5. The appeal building is relatively modest in size. What is shown as the prayer hall on the application plans is about 11.0m x 7.0m at its maximum but its area is reduced by chimney breasts, part of a lobby/corridor and part of a stairwell, and it is partially sub-divided by a partition wall. This suggests that the intensity of activities inside the building would be unlikely to be so great as to affect the residential character of the wider area. Also, the relatively isolated location indicates that noise emanating from within it would be unlikely to cause disturbance to nearby residents, all the more so if some form of acoustic insulation could be implemented.

6. The Council appears much more concerned with activities outside the building, taking the view that the limited space available within it makes it likely that the open area around it may well be used in future for the sorts of activities that prompted complaints in the past. Demand for the proposed use appears to exceed the ability of the building to accommodate it; that may be inferred not only from what is said by the Council but also from the reference in the appellant's statement indicating that the Council has been approached, but is unwilling, to sell any of the adjoining land.

7. Accordingly, it is insufficient to argue that the capacity of the building places an adequate limit on the potential impact of the activities taking place within it. It is more likely that the building as it stands is inadequate for the use proposed and that, as a result, activity outside it would lead to an undue diminution of the quality of life that nearby residents may reasonably expect to enjoy. If that is the case, then it would be inappropriate to grant planning permission for the proposed use.

The effect of traffic and parking

8. It is clear that the proposed use, having already taken place unlawfully, is capable of causing traffic and parking problems, especially at prayer time on a Friday. A certain amount of commuter parking already takes place in the area. It would seem that cars parked in Wilson Street may be attributed to that; so too, perhaps, may some of the parking in Polygon Avenue. From what I saw at my site inspection, the addition of cars arriving for prayers would be difficult to accommodate without causing potential risks to highway safety, especially to pedestrians, as well as noise and disturbance for nearby residents.

9. That applies all the more since the arrivals and departures of relatively large numbers of cars would be concentrated within fairly short periods of time. Not only would that exacerbate the risks to highway safety, the cumulative noise and disturbance caused by cars arriving and leaving, car doors shutting, car engines starting and people moving between their cars and the appeal building would be more harmful when condensed into short periods of time.

10. Little weight can be given to the arrangement that enables car parking at the Apollo Theatre. It is some 400m away, on the opposite side of Stockport Road, and hardly convenient for those coming to prayer, especially in cold or wet weather. Even if that car park were to be used, it would likely be only after first seeking to park in the vicinity of the building.

Conclusion

11. As the proposal stands, it conflicts with Core Strategy Policy DM1 in relation to its effect on amenity, vehicular access and car parking and, on the basis of the

representations from both sides, the adequacy of internal and external space. It fails to contribute to what is sought by Policy T1, though that may not itself be a compelling argument against the proposal. Reason for refusal no. 3 also refers to Policy EN19, although, from the plans the scope for acceptable waste storage and collection appears to exist and could be made the subject of a condition if planning permission were to be granted. There is nothing in the National Planning Policy Framework capable of outweighing the conflict with Policy DM1, which is sufficient on its own to justify dismissal of the appeal.

12. Details of saved Unitary Development Plan Policies DC26.1, DC26.4 and DC26.5 have not been forwarded but, from the Council's statement, they relate to the generation of noise and measures to control it. Based solely on the fact that the Council suggests a condition to deal with the matter, it may be that measures could be implemented to deal acceptably with internally-generated noise. However, there is no assessment in the representations, from either the appellant or the Council, to enable a firm conclusion that that is so. Also, there would remain the question of externally-generated noise, whether from access and parking activities or because the building may simply be too small for the demands on its use. And, given the open location, the harm from such noise would be felt over a relatively wide area.

13. Two others of the Council's suggested conditions warrant comment. Firstly, the proposed time limits on the use of the building are difficult to understand; if noise and disturbance is as concerning as the Council contends, and there is no reason to think otherwise, then one might have expected stricter time constraints in the evenings. Secondly, given the nature of the proposed use, essentially by individual members of the public, it is not clear how a travel plan, however positively entered into, could achieve the aspirations it would espouse.

14. Thus, planning conditions might enable some specific concerns to be resolved – in particular the hours of use, waste storage and collection and a scheme to reduce the impact of internally-generated noise (though that is based on inferences from the plans and representations rather than actual evidence). Such conditions could not, however, make acceptable what, on the information available, would be an inappropriate use of the appeal building.

John L Gray

Inspector