

Full Statement of Case.

New Street, Manchester, M40 8AW

On behalf of Pastor Collins.

Date: March 2025 | Pegasus Ref: P23-2139

LPA Ref: 140525/FO/2024

Author: Rachel Harrison





Document Management.

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1. Introduction

- 1.1. This Statement of Case has been prepared by Pegasus Group on behalf of Collins Akor of Dunamis Manchester ('the Appellant'). The Appellant seeks to appeal the decision by Manchester City Council to refuse permission for planning application ref: 140525/FO/2024 ('the Application'), which sought planning permission for a "Change of use of first floor to a place of worship (F1 Use Class) and installation of new fire exit on side elevation" (the 'Appeal Proposal') at Unit 1A, Former Cohens, New Street, Manchester, M40 8AW (the 'Appeal Site').
- 1.2. The Application was determined under delegated powers by Manchester City Council on 29th October 2024. The Application was refused for two reasons, as outlined in the Decision Notice (Appendix 1):
 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.*

2. Background

Site

- 2.1. The unit forms part of a larger industrial building, formerly operated as Cohens Furniture Auctions. After Cohens vacated the building, it was subdivided into six units (Units 1 A to Unit 1F). Each of the units share a small service yard. The application site is referred to as Unit 1A.

Figure 2.1 – View of Unit 1a looking North East



- 2.2. The unit is long and narrow 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 Road, via the front units and service area.
- 2.3. The ground and first floor and of the unit have separate tenants. The ground floor in use as storage space. The existing staircase at the front of the unit leads to the first floor.
- 2.4. The first floor in use by Dunamis International Gospel Centre. The main auditorium is a medium sized hall with dimensions of 27m by 10m by 3m. The first floor provides approximately 270sqm of floorspace.

Surroundings

- 2.5. There are a mix of uses within the surrounding area, including a cultural events space to the south (Unit 1) and Hadfield's Transport Haulage Depot to the west on the opposite side of New Road. Beyond the commercial buildings to the south on New Street and Canada Street there are two-storey terraced properties which are occupied by military veterans.
- 2.6. The Site is in a very accessible location. It is accessed via New Street and lies approximately 160 metres south of Oldham Road (A62) which provides a key bus route to Manchester City Centre.

- 2.7. Central Park tram stop is located approximately 1km to the north east, around which there has been employment development in recent years including The Sharp Project, Greater Manchester Police Headquarters, Fujitsu offices etc.

Submitted Proposals

- 2.8. Retrospective permission was sought for the continued use of the unit as a place of worship and community centre (Use Class F1), together with associated elevational alterations.
- 2.9. The 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. The existing door opening will be blocked-up with materials to match existing.
- 2.10. Internally, there is a proposed second staircase between ground and first floor, which would serve as a fire escape (to meet fire safety regulations) and a partition at ground floor which creates a corridor to the fire escape stair.
- 2.11. Worship services take place during the following hours:
- Wednesday: 6pm until 9pm; and,
 - Sunday: 9.30am until 12.30pm.
- 2.12. In addition, the centre also holds religious ceremonies, weddings, and other events.

Planning History

- 2.13. The planning history relates to the wider building complex and includes history for the past 20 years.

App. Ref	Address	Description	Decision
112433/FO/2016	Unit 1 Hillbit House New Street Manchester M40 8AW	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 December 2016. Appeal dismissed (see Chapter 4).
106866/FO/2014/N1	Hillbit House New Street Miles Platting Manchester M40 8AW	Retrospective Application for the change of use of industrial unit (Use Class B8) to waste recycling for plastic (Sui Generis)	Refused and enforced 5 June 2015

3. Planning Policy

Development Plan and Material Considerations

3.1. The development plan is the starting point for decision-making on planning applications. The adopted development plan comprises the:

- Places for Everyone Joint Development Plan, adopted March 2024;
- Core Strategy, adopted 2012 (CS); and,
- Saved policies of the Unitary Development Plan, adopted 1995 (UDP).

Places for Everyone Joint Development Plan

3.2. The site falls within the broad Core Growth Area identified in the PFE Joint Development Plan. The Core Growth Area is an agglomeration of economic activity at the centre of Greater Manchester and a location for growth. The site is within Central Park.

3.3. The relevant policies from the PFE Joint Development Plan are:

- **Policy JP-Strat1: Core Growth Area** – The economic role of the Core Growth Area will be protected and enhanced, with sustainable development supporting major growth in the number of jobs provided across the area providing opportunities to create jobs for local communities. Complementary to, but not at the expense of, its economic function it will see a significant increase in the number and range of homes in areas with good connections to employment, training and education facilities.
- **Policy JP-J2: Employment Sites and Premises** – Existing employment areas that are important to maintaining a strong and diverse supply of sites and will be protected from redevelopment to other uses, nurtured to ensure they remain competitive, and their accessibility improved where necessary. This will include local employment areas as well as key growth locations.

Core Strategy

3.4. The Proposals Map accompanying the CS shows the site within the Regional Centre and East Manchester. The site is also within the Central Park Strategic Employment Location as defined in the Core Strategy.

3.5. Key relevant policies are:

- **SP1 Spatial Principles** – The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high-quality city living.
- **EC1 Employment and Economic Growth in Manchester** – Key locations for major employment growth includes Central Park.

- **EC2 Existing Employment Space** – 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 unviable in terms of business operations, building age and format; (our emphasis) P23–2139 | DM | R001 8 • 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. •
- **EC3 The Regional Centre** – Within the Regional Centre, development for employment generating uses including offices and other commercial development will be encouraged.
- **EC5 East Manchester** – East Manchester is expected to provide approximately 80–85ha of employment land. The majority of this provision will be within the Regional Centre, including at Central Park (Use Class B1 and B2).
- **EC6 Central Park Strategic Employment Location** – Central Park is a large scale employment location in East Manchester suitable for 60ha of employment uses (shown in Figure 3.2 above). A range of employment types will be encouraged across the whole of the Central Park area including Use Class B1 (b) and (c), B2, B8 and sui generis employment uses, with ancillary commercial services supporting the creation of a sustainable employment destination. The key sectors will be within creative and media and manufacturing.
- **DM1 Development Management** – All development should have regard to the specific issues listed in the policy.

Saved Policies of the Unitary Development Plan

3.6. Relevant saved policies of the UDP are:

- **EM5 Central Park** – Within Central Park, development will be permitted which includes a high-quality business park comprising Use Classes B1, B2 and B8.
- **DC26 Development and Noise** – 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.

National Planning Policy

National Planning Policy Framework (2024)

- 3.7. The National Planning Policy Framework (‘NPPF’) sets out the governments planning policies for England and how these are expected to be applied. It was first published in 2012 and has received several revisions since, with the latest published in December 2024.
- 3.8. This planning application was decided under the NPPF December 2023 version. The NPPF was updated in December 2024, and as such, the review in this report refers to the adopted 2024 NPPF, with the acknowledgment the application was not originally assessed

against it. The December 2024 updates are not considered to have a significant impact on the proposals or the subsequent appeal.

National Planning Practice Guidance

- 3.9. The National Planning Practice Guidance documents ('NPPGs') were first published in November 2016. They provide additional detail and guidance on the application of matters within the NPPF, but also as general industry best practice. The 'Design' and 'Travel Plans' guidance documents are the most relevant to this Appeal.

4. Assessment

4.1. Manchester City Council refused application ref: 140525/FO/2024 for the following reasons:

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.

4.2. There were no other reasons for refusal. The focus of this appeal is, therefore, twofold; car parking and transport assessment, and principle of use class. These are discussed in turn below. There is also a recent appeal of relevance, also discussed below.

Car Parking and Transport Assessment

4.3. A transport assessment was not originally submitted as part of the application as it was not deemed necessary.

4.4. The unit is in a very accessible location within walking distance of nearby residential areas and Oldham Road, where there are regular bus links to the City Centre and surrounding areas. In addition, the premises is close to the Central Park tram stop, just 1km away.

4.5. The centre would largely cater for worship services which operate on a Sunday and Wednesday evening, and as such there is unlikely to be conflict with surrounding uses.

4.6. There is no evidence which suggests that the centre is causing an issue for on-street parking and certainly not to the extent that it is causing an unacceptable impact on highway safety.

4.7. The proposals therefore comply with Policy SP1 and EC1 which seek to ensure that new development reduces the need to travel and has good access to sustainable transport provision. The proposals also comply with Policy DM1 which requires regard to be had, amongst other things, to road safety, traffic generation and accessibility.

4.8. Curtin's have produced a Transport Technical note (Appendix 3), which also reviews the reasons for refusal. Curtin's assessment finds nothing to suggest Dunamis operations have negatively impacted the highway. There is a relatively low number of church attendees (with Sunday being the largest), of which, less than half drive.

4.9. Whilst New Street has parking restrictions in place, these are only in place from midday – 11pm, outside the typical time of worship for the church. Curtin's note c.20 church goers have been granted visitor 'e'permits from Manchester City Council. These two points enable the church to be comfortable attendees are parking legally.

- 4.10. The church operates a bus service on Sunday's, picking up church attendees as requested. This is a highly sustainable option for several church goers, and can be increased in frequency should demand require it. This supports Paragraph 115 of the NPPF which states "sustainable transport modes are prioritised".
- 4.11. In summary, Curtin's report concludes that Dunamis Manchester's impact on the surrounding highway network (including impact on the existing parking arrangements) should not be considered contrary to principles set out in local planning policy and the NPPF, and is clear that parking impact is isolated to New Street, where Dunamis promotes efficient and organised parking.
- 4.12. Furthermore, it is considered any direct impacts of Dunamis Manchester's operations are mitigated by the Dunamis Parking Warden and Church Bus initiatives that have been self-imposed. It is noted these initiatives can be formalised and monitored through a Travel Plan; which can be secured via condition.
- 4.13. Curtin's report concludes there are no transport planning or highways reasons for refusal, and that the Appeal should not be dismissed on these grounds.

Principle of Use

- 4.14. The second reason for refusal relates to the principle of the use class at the site. The site was formally operated as 'Cohens Furniture Auctions', which ceased operating and has been subsequently subdivided into six units – 1A-1F.
- 4.15. This site is within an area that has struggled to retain employment uses, as evident in the recently allowed appeal for a cultural events space immediately adjacent to this site (APP/B4215/W/22/3292608). We are also aware that other proposals to bring forward redevelopment proposals new industrial / warehousing floorspace in the vicinity have not come to fruition. For instance, two permissions for new industrial / warehousing floorspace close to the site, on the opposite side of the railway line to the north and east, have recently lapsed (128133/FO/2020 and 129444/FO/2021).
- 4.16. The officers report states the proposed use as a Place of Worship is not considered to be compliant with Core Strategy policy EC6, which outlines the area for "Sui Generis and Class B employment uses".
- 4.17. The Site is located within the Central Park Strategic Employment Location. Whilst Policy EC6 encourages employment uses, it does not prohibit alternative uses. In addition, Policy EC2 allows for alternative uses if, for example, it can be demonstrated that the existing use is unviable in terms of business operations, building age and format.
- 4.18. The unit is two-storey, long and narrow, and with a ceiling height of 3m. The building form and its low ceiling height is inadequate for modern storage facilities, with 4m usually being the minimum standard. Furthermore, the site is positioned at first floor with access only possible via a stairwell. This makes the site unappealing as storage space, since any goods received would have to be manually taken to the unit via stairs which would be unsustainable.
- 4.19. The site also forms part of a larger building that contains multiple units, which share a small service yard that is accessed via roller shutters from New Road. The service yard is

inadequate for serving from HGVs, meaning that any servicing by large vehicles would need to be taken from New Road, which is not considered appropriate.

- 4.20. The unit had lain vacant for a number of years owing to the out-of-date floorspace, physical restrictions, and being unattractive to potential tenants. It can only be concluded that the unit is unviable as employment space.
- 4.21. It is not a policy requirement to provide evidence of marketing to demonstrate that employment use is unviable. However, we are aware that the adjoining unit was marketed, without success, prior to becoming the cultural events space.
- 4.22. The NPPF requires substantial weight is given to the reuse of brownfield sites. If this is not practical within the existing use class, it follows that alternative uses for the site could be supported.
- 4.23. Indeed, it is evident that the unit offers suitable space for Dunamis International Gospel Centre, with capacity for up to 200 members. The centre offers a Sunday morning and Wednesday evening worship service, as well as religious ceremonies, weddings, and other events. The site has very good access to public transport routes particularly along Oldham Road, offering support for public transport. The centre has also brought about investment in the fabric of the site, including internal refurbishment and will improve fire safety access arrangements.
- 4.24. Policy EC2 also says that that alternative uses will be supported on allocated sites or if, for example, proposals are able to offer greater benefits in terms of the Core Strategy's vision and spatial objectives than the existing use. It is therefore relevant to note that the proposal would assist with delivering a community facility within an area that whilst having an economic focus, is interspersed with residential areas.
- 4.25. The site is located within the Core Growth Area where Policy JP-Strat1 allows for uses that are complementary to the economic function so long as this is not at the expense of the area. In this regard it is relevant to note that the relevantly recent development of modern employment floorspace around the Central Park tram stop is boosting the economic function of the area and there are further development opportunities there which would seem a more obvious choice for investment in comparison the employment area on New Road.
- 4.26. Furthermore, the site is located in the Regional Centre where Policy SP1 seeks not only to deliver economic and commercial development but also retail, leisure and cultural activity, alongside high-quality city living. The Dunamis International Gospel Centre provides an important community facility for many living within the surrounding area.
- 4.27. There may be some conflict with Policy EM5 which aims to regenerate Central Park with employment uses, however, this could be given limited weight particularly since the development plan also includes Policy EC2 which allows for alternative uses if the existing use is unviable or achieves other objectives, as is evidently the case here.
- 4.28. The officers report notes the proposed development is "not considered to unduly impact the character of the host property or wider street scene", nor is it considered "that the retrospective proposal creates detrimental impact on the amenity of these neighbouring occupants". Residential amenity is therefore not considered to be a barrier for the principle of use at the site.

Other Relevant Appeals

- 4.29. There are two recent appeals that can be considered relevant in close proximity to the application site.

Appeal no. 3292608 dated 18 October 2022 (Appendix 4)

- 4.30. The appeal relates to a Site now known as 'The Loft', a cultural and musical venue within the same complex on New Street. The applicant applied for use of the premises and some minor external alterations (132291/FO/2021), which was ultimately refused on 17 January 2022, again referencing the "loss of employment land", and disturbance to residential amenity, including car parking.

- 4.31. The appeal was allowed and planning permission granted on 18 October 2022. When reviewing if the area is appropriate for a non-employment led use class, the Inspector gives Saved UDP Policy EM5 "limited weight" due to the consideration of the development plan as a whole, including the Core Strategy.

- 4.32. The inspector continues; *"I appreciate that there could be opportunities in the future to redevelop the appeal site and adjoining vacant premises to provide a more attractive and modern industrial unit. However, there are currently no such proposals for redevelopment, and it is clear for the reasons set out above, that attempts to let the site for a B1, B2 or B8 use have not come to fruition in recent years. The use of the premises as proposed in this appeal has resulted in investment in a vacant property and generated employment opportunities with some wider economic benefits to the Regional Centre. Whilst I appreciate that the number of jobs and benefits may not be substantial, the use provides a leisure and cultural offer in a sustainable location which aligns with the Council's spatial principles as set out in SP1 and EC6 of the CS for the Regional Centre. Furthermore, there is no demonstrable harm to the Council's existing employment space provision, nor its economic and employment objectives. There are thus social, environmental, and economic benefits to the development, which outweigh the limited conflict with Saved UDP Policy EM5. The development makes effective use of land and supports the National Planning Policy Framework's (the Framework's) objective of achieving sustainable development.*

I conclude that the appeal site is an appropriate location in principle for the development, having regard to local and national planning policies. There would be no conflict with the development plan as a whole in this regard.."

- 4.33. The assessment above is directly comparable to a very similar unit on the same road. As discussed above, the building is not optimal for storage or industrial uses as may be expected by its location due to its age, layout and limited accessibility for large vehicles. Ongoing use of the building is therefore considered to be preferable to an empty unit which will ultimately reduce the appearance, security and potential tenancies for the site itself and the nearby properties.

Appeal no. 3166971 dated 13 June 2017

- 4.34. The officer report briefly touches on an appeal as part of the planning history for the industrial complex off New Street. For clarity, this appeal relates to a change of use of the site to enable the processing of waste plastic, off New Street. Whilst this appeal was

dismissed on the basis of highway concerns, this proposal included significant HGVs of up to 16.5m in length, three times a day.

- 4.35. This is disproportionate to the highways impacts as a result of the Dunamis application and as such is not considered in further detail.

5. Summary and Conclusion

- 5.1. This Statement of Case has been prepared by Pegasus Group on behalf of Dunamis to support a retrospective planning application for the "Change of use of first floor to a place of worship (F1 Use Class) and installation of new fire exit on side elevation" at Unit 1A, New Street, Manchester, M4O 8AW.
- 5.2. NPPF paragraph 125 states when decision making, the decision maker should:

*"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless **substantial harm** would be caused, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land"*
- 5.3. The proposed development continues the use of an otherwise likely empty and unattractive unit in a highly sustainable location. Although the applicant can accept the departure from the prescribed employment use, it is considered substantial harm can not be proven to be occurring as a result of the development.
- 5.4. Curtin's' accompanying technical note outlines their assessment that the proposals are acceptable in highways and car parking terms, and this report reviews the principle of use. Recent appeals are also reviewed, which indicate similar appeals have been allowed on this site previously.
- 5.5. Therefore, it is respectfully requested that this Appeal be Allowed, and planning permission be granted for the proposed development.



**Appendix 1 – Decision Notice for Application Ref:
140525/FO/2024**

Appendix 2 – Officers Report (Ref. 140525/FO/2024)

Appendix 3 – Curtin's' Transport Technical Note

Appendix 4 – Appeal Decision Ref 3292609

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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Town & Country Planning Act 1990 (as amended)

Refusal of Planning Permission

Applicant

Pastor Collins
Dunamis International Gospel Centre
Hillbit House
Unit 1A
New Street
Manchester
M40 8AW

Agent (if used)

Mr Darren Muir
Pegasus Group
4 St Pauls Square
Liverpool
L3 9SJ

Part 1 – Particulars of the application/development

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

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

Date of application: 7 August 2024

Application number: 140525/FO/2024

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Refused** in accordance with the application and plans submitted for the reason(s) listed below.

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.

Reason(s) for decision

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.

Date: 29 October 2024

Signed: 

Julie Roscoe
Director of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This decision relates only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision. However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- 28 days from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- 28 days from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the gov.uk website – www.gov.uk/appeal-planning-decision. The Inspectorate will publish details of your appeal on the internet. Alternatively If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State has power to allow a longer period for the giving of a notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the City Council (planning@manchester.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to them. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

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

Annexe 2A

You must use this notice unless you are appealing against the refusal of a minor commercial development application – in which case you must use the notice in Annexe 2B

Town and Country Planning (Development Management Procedure) (England) Order 2015

Notice under Articles 13 and 36 of the Town and Country Planning

(to be published in a newspaper and where relevant, on a website or to be served on an owner* or tenant**)

Proposed development at

(a) Unit 1A, Former Cohens, New Street, Manchester, M40 8AW
.....

I give notice that (b) Pastor Collins of Dunamis International Gospel Centre

having applied to the (c) Manchester City Council

To (d) ...Change of use of first floor to a place of worship (F1 Use Class), and installation of new fire exit on side elevation

appealing to the Secretary of State

against the decision of the Council +

~~or the failure of the Council to give notice of a decision +~~

Any owner* of the land or tenant** who wishes to make representations about this appeal should write to

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

By (e) 22 April 2025

If you decide to make representations you should make it clear that you are an owner of the appeal site or tenant of an agricultural holding on the site and you should give the site address.

*"owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or in the case of development consisting of the winning or working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).

**"tenant" means a tenant of an agricultural holding any part of which is comprised in the land.

Signed Rachel Harrison On behalf of Pegasus Group Date 01/04/2025

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

+delete where in appropriate

.....

Insert (a) address or location of the proposed development

(b) applicant's name

(c) name of the Council

(d) description of the proposed development

(e) date giving a period of 21 days beginning with the date of service, or 14 days beginning with the date of publication, of the notice (as the case may be)

Dunamis Manchester

Transport Technical Note

Curtins Ref: 0886916-CUR-XX-XX-T-TP-00001

Revision: P01

Issue Date: 22 November 2024

Client Name: Dunamis International Gospel Centre

Site Address: Dunamis International Gospel Centre
Unit 1A
New Street
Manchester
M40 8AW

Control Sheet

Rev	Description	Checked	Issued	Date
P01	First Issue	DJ	DJ	22/11/2024

This report has been prepared for the sole benefit, use, and information for the client. The liability of Curtins Consulting Limited with respect to the information contained in the report will not extend to any third party.

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1.0 Introduction

1.1 Background

- 1.1.1 Dunamis International Gospel Centre has appointed Curtins to provide transport planning advice in relation to an appeal against the refusal of application reference 140525/FO/2024 at Unit 1A, New Street, Manchester M40 8AW. Unit 1A has a footprint of c.270sqm gross internal floor area.
- 1.1.2 The application sought consent for *“Change of use of first floor to a place of worship (F1 Use Class) and installation of new fire exit on side elevation”*. The change of use element is retrospective, having first begun on 09/01/2022. The existing unit (Hillbit House) formerly operated as Cohens Furniture Auctions. After Cohens vacated the building, it was subdivided into six units (Units 1A to Unit 1F).
- 1.1.3 It is understood there are a mix of uses within the surrounding area, including a Cultural Event's Space (in Unit F, Hillbit House, New Street), Food Wholesaler and Portacabin Manufacturer to the immediate south of the Site.

1.2 Reason for Refusal

- 1.2.1 The first reason for refusal states the following:

“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.”

- 1.2.2 There is a second reason for refusal relating to planning, however this is not considered further within this Technical Note as it does not relate to transport planning or highways matters.
- 1.2.3 Each of the policies referenced within Reason for Refusal 1 are considered from a transport planning/highways perspective below:

- **Policy SP 1** – contains key spatial principals to guide the strategic development of Manchester during the plan period. The policy references that new development should maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The policy also notes the extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.
- **Policy EC 1** – considers employment and economic growth in Manchester. The policy references improving access to jobs for all via public transport, walking and cycling as a priority. The policy also seeks to ensure design considers the needs of users/employees of a site/building for access via walking, cycling and public transport.

- **Policy DM 1** – is focused on development management, noting further details on matters may be given within a supplementary guidance document. The policy simply states development should have regard to accessibility, refuse storage and collection and vehicular access and parking.

1.3 Additional Observations on Relevant Planning Policy/Guidance

- 1.3.1 Whilst not specifically referenced within the reason for refusal, it is also noted Appendix B of the Manchester City Council Core Strategy provides parking standards. These are referenced and discussed further within **Section 4** of this report.
- 1.3.2 The Delegated Officer Report also references Section 9 of the National Planning Policy Framework (NPPF) – Promoting Sustainable Transport. This is also referenced and discussed further within **Section 4** of this report.

1.4 Report Contents

- 1.4.1 This Transport Technical Note reviews information obtained from a combination of site visits, desktop-based research and accounts from Church members; and considers Dunamis' operations in the context of Reason for Refusal 1 and prevailing planning policy/guidance.

2.0 Site Audit

2.1 Dunamis Manchester Official Service Timings

2.1.1 At the time of writing, the following service times were published on Dunamis Manchester's website:

- Sunday Service: every Sunday, 09:00 – 11:30
- Mid-week Service: every Wednesday, 19:00 – 20:30
- Home Church: every Saturday 17:30 – 18:30

Source: <https://www.dunamismanchester.org/>

2.1.2 There are promotional posters referring to a service on the last Friday of every month. Dunamis has confirmed this is a gathering whereby the Manchester branch connects online to the headquarter church in Nigeria, which runs the service. It is acknowledged therefore that there is occasional parking demand on Fridays, however this is a minimal demand (see **Section 3.2** for additional detail).

2.1.3 With services lasting a total of five hours across three meetings in a typical week, typical parking demand as a result of Dunamis is confined to a very small proportion of the total week.

2.2 Site Visit

2.2.1 Curtins visited the site on Wednesday 13th November 2024; firstly at 15:00 to observe conditions during daylight hours, and then at 18:30 to observe the service which finished slightly after 20:00.

2.2.2 Attendance (seven adults and three children) was noted as being lower than usual which, anecdotally, averages 20 – 30 for a Wednesday service. Notwithstanding, various items relating to transport and travel operations were discussed with Church representatives.

2.2.3 It was also noted during the site visit that the following non-industrial uses are in operation either within the same building or immediately adjacent to Dunamis Manchester. These include:

- **Omega Fire Ministry** – undertake religious services in a similar manner to Dunamis with services on a Sunday, Wednesday and Friday.

Source: <https://omega-fire-ministries-manchester-uk.ueniweb.com/>

- **Christ Elects** – undertake religious services in a similar manner to Dunamis, though they appear (from the available information) to do so on a smaller frequency.

Source: posters on-site. No official website found.

- **The Loft** – operates as a night club with events most weeks on Friday and Saturday nights. At the time of writing, events confirmed to the end of the year include on 29th and 30th November, and the 6th, 14th and 20th December. Events typically appear to run 23:00 – 04:00.

Source: <https://ra.co/clubs/190058>

- 2.2.4 It is understood that The Loft is operating after a successful appeal against a planning refusal, and that the reason for refusal relating to highways is comparable to Dunamis Manchester's. This item is covered further within Pegasus' Planning Statement of Case.
- 2.2.5 It is clear that the area does not exclusively accommodate parking demand associated with industrial uses (or, within the wider area, residential uses). It is also clear that there are other adjacent place of worship/leisure operations active.

2.3 Accessibility by Sustainable Modes of Travel

- 2.3.1 A key element of national and local policy is to ensure that developments are located in areas where alternative modes of travel are available. The site is considered in this context for the following:

- Pedestrian Accessibility;
- Accessibility by Cycle; and
- Accessibility by Public Transport.

- 2.3.2 Full details of the accessibility audit are provided in **Appendix A**. However, it is considered the site is highly accessible by sustainable modes of transport. The surrounding area exhibits good opportunities for pedestrian and cycling, and there are a number of public transport opportunities (particularly by bus) within either an acceptable walking distance of the site or as part of a multi-modal trip.

- 2.3.3 This position is supported by TfGM's GMAL assessment, which categorises the site at accessibility level 7 out of 8 (where level 8 represents a high level of accessibility and level 1 a low level of accessibility), as shown in **Figure 2.1**:

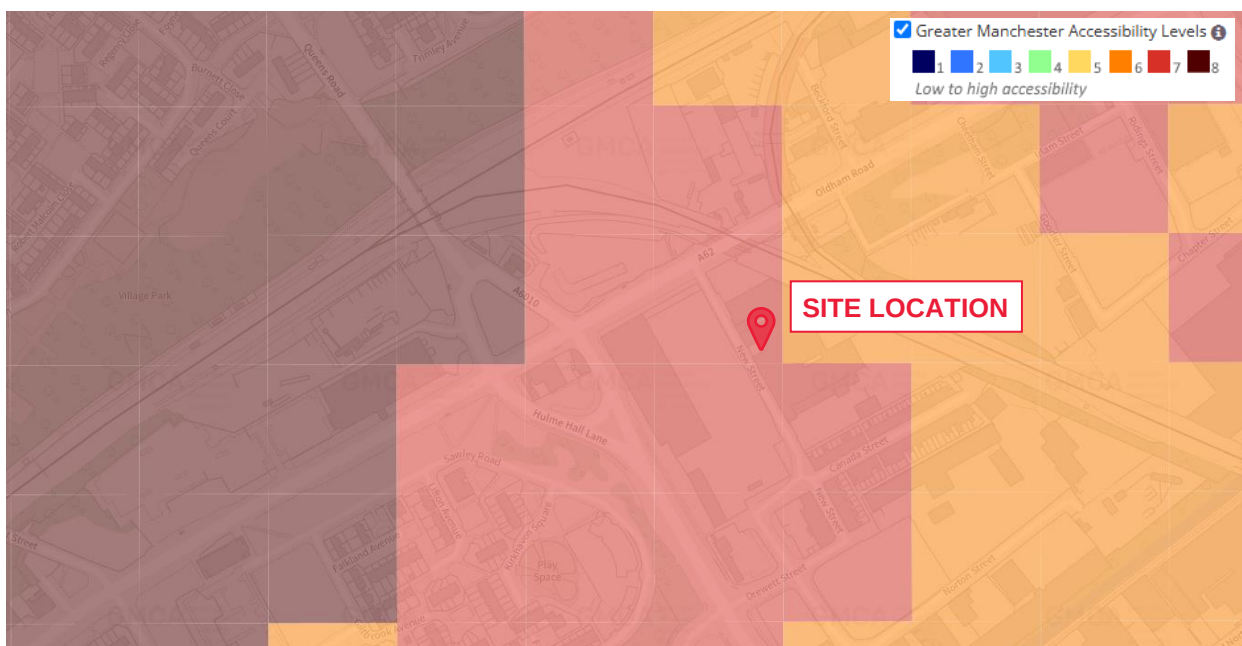


Figure 2.1 – GMAL
(Source: TfGM, 2022)

2.4 Parking Provision

- 2.4.1 There is no parking provision within the application site, nor is there any parking dedicated to the existing unit. This is consistent with other uses in the surrounding area.
- 2.4.2 The adjacent area is protected by a Traffic Regulation Order (TRO) which effectively provides a controlled parking zone from 12:00 midday to 23:00; predominantly along New Street and Canada Street. An example of the signage is provided in **Figure 2.2**:



Figure 2.2 – Parking Restriction TRO Signage

- 2.4.3 It is assumed the parking restrictions have been implemented as a result of on-street parking demand in the area associated with the various local uses. However it is also assumed that the TROs are in reaction to on-street parking brought about by events at Co-op Live and the Etihad Stadium, which are situated within walks of c.18mins and c.22mins to the south, respectively.
- 2.4.4 It should be noted that the busiest service in the week (Sundays) operates before the TRO restriction, and therefore any vehicles parking on Sunday morning and leaving before 12:00 are legally parked.
- 2.4.5 Notwithstanding, Church representatives confirmed that some Church members have been granted permits by Manchester City Council to park within the recently implemented controlled parking zone along New Street. It was estimated by Dunamis representatives that c.20 church members have applied for visitor e-permits, that the majority of these applications have been approved by the Council, and that the Council was aware of the purpose of the permits when issuing.

- 2.4.6 It is understood that Manchester City Council has recently started rejecting parking permit applications for Dunamis visitors.

2.5 Dunamis Travel Planning Initiatives

- 2.5.1 Independently, Dunamis have already initiated measures which mitigate their impact on the surrounding highway network. Whilst Curtins understands there is not a formal Travel Plan document in place, the operation of a bus and Parking Warden are both measures that could be found in a robust Travel Plan document.

Dunamis Bus

- 2.5.2 The church has a 17-seater bus, which picks members on Sunday as this is typically the busiest service of the week. This operates 1 service on average, based on demand, however, trip frequencies could be extended should there be additional demand.

Dunamis Parking Warden

- 2.5.3 The Church has a traffic warden who directs people to park in permitted areas. Whilst this warden is a member of Dunamis Church, she also assists with the other churches operating in the building as well. A member of the Church has informed Curtins:

"We are the only church that has a parking warden and is members that do volunteer to help out and point people to park in the right permitted parking spot. Wears high visibility jacket to show people where to park and also advise not to park further down the streets that are mainly for residents living in that area. This has worked very well for us as we also have parking permits from the council for our regular members for permitted areas on the street to park."

- 2.5.4 Curtins has also seen a video that shows the parking warden operating on Sundays; ordering parking during what is typically the busiest service of the week. It is considered the organisation of safe and efficient parking will contribute towards the overall safe operation of the surrounding highway network.

3.0 Data Collection and Analysis

3.1 TfGM Accident Map

3.1.1 Accident data for the site and surrounding area is freely available from the Transport for Greater Manchester (TfGM) Greater Manchester Reported Road Accident Database. The data is collected by Greater Manchester Police using the Stats 19 form. At the time of writing, the dataset was accessed via the following link:

Source: <https://www.gmtu.gov.uk/gmaccidents/>

3.1.2 A search was undertaken for areas within a walk of c.5 minutes or c.400m of the Appeal site for the most recent 5-years (60 months) worth of data. The outputs are presented in **Appendix B**, and a summary of the recorded accidents

Record Number	Accident Year	Day of Accident	Dunamis Service on the Day of Accident?	Accident Severity
1	2020	Wednesday	No	Slight
2	2022	Saturday	Yes	Slight
3	2023	Friday	Possibly	Slight
4	2023	Wednesday	Yes	Slight
5	2023	Tuesday	No	Slight
6	2021	Monday	No	Serious
7	2021	Wednesday	No	Slight
8	2021	Sunday	No	Slight
9	2021	Sunday	No	Slight
10	2021	Sunday	No	Slight
11	2019	Thursday	No	Slight
12	2019	Wednesday	No	Slight
13	2019	Thursday	No	Slight
14	2019	Wednesday	No	Slight

Table 3.1 – TfGM Accident Records Summary

3.1.3 As the Church has operated services since early 2022, it is reasonable to assume operations were active in approximately 34 of the 60 months (or c.57%) of the dataset. However, only four of the 14 accidents (or c.29%) occurred since Dunamis operations started.

3.1.4 There have been no fatal accidents within the study extents. Of the 14 accidents, 13 are ‘slight’ in severity and one accident was categorised ‘serious’. The serious accident occurred in 2021, before Dunamis operations started.

3.1.5 Only two of the 14 accidents that have occurred within the last five years occurred on a service day (with a third occurring on a Friday, which may have been a service day but was most likely not).

3.1.6 There is nothing within the data obtained to suggest Dunamis operations have resulted in a negative impact on traffic accidents in the area.

3.2 Service Attendance and Travel Survey

3.2.1 Curtins arranged for an electronic Travel Survey to be distributed to all church service attendees. A QR code was printed off by the Church and passed amongst attendees at the following services:

- Saturday 9th November: 5:30 pm – 6:30 pm
- Sunday 10th November: 9.00 am – 11.30 am
- Wednesday 13th November 7.00 pm – 8.30 pm
- Saturday 16th November: 5.30 pm – 6.30 pm
- Sunday 17th November: 9.00 am – 11.30 am
- Wednesday 20th November 7.00 pm – 8.30 pm

3.2.2 All attendees were asked to answer the first three questions relating to the service they were attending, their postcode and mode of travel. Questions 4 and 5 were reserved for car parking locations, so only those who select ‘Car Driver’ in Question 3 were granted access to these last two questions.

3.2.3 Separately, Curtins asked the Church to record attendance at all services in order to gauge response rates. The Travel Survey (blank questions provided in **Appendix C**) was also accessible via a regular url link. Survey datasets are provided in **Appendix D**.

Service Attendance Data

3.2.4 A summary of responses is provided in **Table 3.2**:

Service	Electronic Survey Responses	Church Recorded Attendance	Electronic Survey Response Rate
Saturday 9 th November: 5:30 pm – 6:30 pm	0	7	0%
Sunday 10 th November: 9.00 am – 11.30 am	19	50	38%
Wednesday 13 th November 7.00 pm – 8.30 pm	4	10	40%
Saturday 16 th November: 5.30 pm – 6.30 pm	3	10	30%
Sunday 17 th November: 9.00 am – 11.30 am	14	50	28%
Wednesday 20 th November 7.00 pm – 8.30 pm	3	8	38%
Total Responses	43	135	32%
Average Responses	7.2	22.5	

Table 3.2 – Summary of Attendance and Survey Response Rates

3.2.5 Unfortunately, despite Curtins requesting all attendees to fill out separate surveys (meaning adults may need to fill out multiple surveys on behalf of themselves and each of their children in attendance), it is understood the electronic survey did not capture many of the children in attendance. Given the time constraints associated with the Appeal, there was not opportunity to undertake additional surveys.

- 3.2.6 The electronic survey response/church recorded attendance rate was therefore lower than hoped, and the survey sample may also therefore be more representative of the adults in attendance rather than any children.
- 3.2.7 No electronic survey responses were received for Saturday 9th November, but this was also the quietest survey at seven persons.
- 3.2.8 There has not been a Friday service to survey since Curtins' appointment. However, it is understood attendance is typically 15 persons.
- 3.2.9 Notwithstanding all of the above, it is clear from **Table 3.2** that typical attendances are relatively low, at an average of approximately 23 people (including children). Sunday services are the busiest services in the week, when there were 50 attendees reported on each of the Sundays surveyed.

Modal Split

- 3.2.10 **Table 3.3** provides a summary of the modal split derived from the electronic survey responses:

Service	Method of Travel (count)									
	Walking	Cycling	Bus	Train	Metrolink	Car Driver	Car Passenger	Taxi	Other	All Persons
Saturday 9 th November: 5:30 pm – 6:30 pm	-	-	-	-	-	-	-	-	-	0
Sunday 10 th November: 9.00 am – 11.30 am	1	1	1	0	0	8	3	3	2	19
Wednesday 13 th November 7.00 pm – 8.30 pm	0	0	0	0	1	3	0	0	0	4
Saturday 16 th November: 5.30 pm – 6.30 pm	0	0	1	0	0	1	1	0	0	3
Sunday 17 th November: 9.00 am – 11.30 am	0	1	4	0	0	5	1	3	0	14
Wednesday 20 th November 7.00 pm – 8.30 pm	0	0	0	0	0	3	0	0	0	3
Totals	1	2	6	0	1	20	5	6	2	43
Average Total Counts	0.2	0.3	1.0	0.0	0.2	3.3	0.8	1.0	0.3	7.2
Service	Method of Travel (percentage)									
	Walking	Cycling	Bus	Train	Metrolink	Car Driver	Car Passenger	Taxi	Other	All Persons
Saturday 9 th November: 5:30 pm – 6:30 pm	-	-	-	-	-	-	-	-	-	-
Sunday 10 th November: 9.00 am – 11.30 am	5%	5%	5%	0%	0%	42%	16%	16%	11%	100%
Wednesday 13 th November 7.00 pm – 8.30 pm	0%	0%	0%	0%	25%	75%	0%	0%	0%	100%
Saturday 16 th November: 5.30 pm – 6.30 pm	0%	0%	33%	0%	0%	33%	33%	0%	0%	100%
Sunday 17 th November: 9.00 am – 11.30 am	0%	7%	29%	0%	0%	36%	7%	21%	0%	100%
Wednesday 20 th November 7.00 pm – 8.30 pm	0%	0%	0%	0%	0%	100%	0%	0%	0%	100%
Percentage based on Average Total Counts	2%	5%	14%	0%	2%	47%	12%	14%	5%	100%

Table 3.3 – Summary of Survey Responses: Modal Split

3.2.11 Despite potential over-representation of adults, car driver modal split is still relatively low at 47%. The 'other' responses were; "Buses and sometimes Taxi", and, "Lift" (assumed to be a car passenger). Neither of these responses contribute towards the parking demand during services.

3.2.12 It is clear from **Table 3.3** that Church members are willing to engage with sustainable modes of travel.

Postcode Data

3.2.13 Postcode data from those surveyed demonstrates that the majority of respondents travelled from the Manchester area; with 93% having Manchester postcodes. The most common postcode was M40 with 42% of respondents. M40 is within the vicinity of the site and covers areas such as Newton Heath, Moston and Monsall.

3.2.14 Given these postcodes are in close proximity to the Site and given the Church operates a community service, there is strong potential for a high modal split in sustainable travel; including car sharing, walking, cycling and public transport (particularly bus). **Section 2.3** (and **Appendix A**) demonstrates that the existing baseline conditions are also supportive of this claim.

Parking Locations

3.2.15 All respondents that drove noted that they parked on New Street. If Church members were able to do this, there is clearly available capacity to park on New Street and no need for members to park in alternative locations (such as Canada Street, Drewett Street, Norton Street etc.).

3.2.16 Of these responses, 13 (68%) said that they parked next to the kerb, and six (32%) said they parked in a designated parking space.

3.2.17 Referring to **Section 2.4**, Curtins has received information that suggests many of the vehicles will be parking along New Street with legitimate parking permits, in a designated parking area.

3.2.18 Referring to **Section 2.5**, Curtins has seen evidence of the Church vehicles being marshalled to park along New Street in an efficient manner; and considers that this organisation will contribute towards the overall safe operation of the surrounding highway network.

3.2.19 It is clear parking impact is isolated to New Street, where Dunamis promotes efficient and organised parking.

3.3 Summary of Key Findings

3.3.1 The following key conclusions can be drawn:

- There is nothing to suggest Dunamis operations have negatively impacted highway;
- Average service attendances are relatively low, with Sunday services being the largest;

-
- Church members are willing to engage with sustainable modes of travel;
 - Many members live locally (42% of respondents live in the M40 postcode), meaning they have the opportunity to engage with sustainable modes of travel; and
 - Parking impact is isolated to New Street, where Dunamis promotes efficient and organised parking.

4.0 Assessment of Parking

4.1 Introduction

4.1.1 As referenced in **Section 1.3** of this report, Appendix B of the Manchester City Council Core Strategy provides parking standards for the City. Whilst not specifically referenced within the reason for refusal, it is assumed that Highways Officers at the Council will have given consideration to the standards when issuing their objection, and therefore the standards have been considered further by Curtins within this report.

4.1.2 This section firstly considers a rigid application of the maximum parking values set out by land use in the Core Strategy to three scenarios:

- A hypothetical new B2 development;
- The historical Cohens Furniture Auctions operations; and
- Dunamis Place of Worship Operations.

4.1.3 The section then applies the Core Strategy Parking Standards as a whole, and considers the actual parking impacts associated with Dunamis operations within the context of national planning policy and guidance.

4.2 Rigidly Applying the Core Strategy Parking Standard Maximums

Assessment of Hypothetical New B2 Uses

4.2.1 In accordance with the Core Strategy, new 'B2: General Industry' proposals would be subject to a maximum parking provision of 1 space per 45sqm. Taking the Unit 1A size of 270sqm, any such new B2 development of the same size would be expected to provide a maximum of 6 parking spaces.

Assessment of Historic Cohens B2 Uses

4.2.2 It is accepted that Cohens Furniture Auctions predated the Core Strategy and was therefore not required to conform with the principles of the Core Strategy. Notwithstanding this, for the purposes of this assessment, operations would have occurred with a theoretical Core Strategy shortfall of 6 spaces across the 270sqm now recognised as Unit 1A following the subdivision (a value that would be significantly higher when considering the entire unit before subdivision, however the original unit area is not known to Curtins).

4.2.3 Curtins understands the wider unit (when it operated as Cohens Furniture Auctions) did not provide any private car parking. Operations would have encouraged a parking demand throughout the working week, and also, most likely, on weekends. Drivers were also likely to have parked along New Street, particularly as the road was not subject to the same level of parking restrictions as it is today.

- 4.2.4 It is noted these operations (and any implications on on-street parking) can restart without the need for planning permission.

Assessment of Dunamis F1 Uses

- 4.2.5 The Core Strategy does not cover Class F1 uses specifically as it pre-dates the 2020 Business and Planning Act changes to the Use Classes Order. It also does it cover the previous 'D1 Place of Worship' uses (the D1 uses referenced in the Core Strategy cover 'Medical and Health facilities' and 'Higher and Further Education', neither of which seem to suitably represent place of worship operations).
- 4.2.6 However, of the defined land use categories, it is reasoned that 'D2: Assembly and Leisure – Other Leisure Facilities' would be the best fit with Dunamis' operations. The Core Strategy maximum Car Parking Standards for 'Other Leisure Facilities' are 1 space per 22sqm.
- 4.2.7 On this basis, Dunamis has operated with a theoretical shortfall of c.12 spaces across the 270sqm now recognised as Unit 1A following the subdivision. An increase of approximately six spaces (when comparing D2 to B2 within the Core Strategy Parking Standards) is not considered a major increase.

Conclusions

- 4.2.8 If the Core Strategy Maximum Parking Standards were to be applied rigidly, any B2 uses operating at Unit 1A would be expected to provide 6 parking spaces. It is clear that Cohens Furniture Auctions never operated in accordance with the Core Strategy Maximum Parking Standards, and parked along New Street. It is noted that these operations could, in theory, resume without planning permission.
- 4.2.9 Finally, a Dunamis 'best fit' scenario for F1 uses would be expected to provide 12 parking spaces. This is not considered a major increase against the extant planning uses maximum of 6 spaces.

4.3 Wider Application of the Core Strategy Parking Standards

- 4.3.1 All three of the scenarios described in the previous subsection show a shortfall against the Core Strategy Maximum Parking Standards. However, the maximum values are prefaced with the following text:

"All development must provide the appropriate parking standards as highlighted below. Standards for disabled people, cycle and motorcycle parking are minimums. Standards for car parking are maximums and may be subject to a further reduction when consideration is given to accessibility of the particular site."

- 4.3.2 It has been demonstrated within **Sections 2.3** (including **Appendix A**) and **3.2** of this report that the site is situated within an accessible area, and that Church members do engage in sustainable travel options when attending services. On this basis, a reduction against the Core Strategy Maximum Standards can be sought by Dunamis, and, presumably, have been sought by various other operators (see **Section 2.2** of this report) in the area.

4.4 Assessing the Actual Impact of Parking in the Context of the NPPF

4.4.1 On the basis of the above, it follows that the actual impact of parking on safety should be considered further in the context of Dunamis' operations. Paragraph 115 of the National Planning Policy Framework (NPPF, published December 2023) states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

4.4.2 It is considered the terms 'unacceptable' and 'severe' set a very high bar for applications to be refused on highways grounds. With this in mind:

- **Section 2.1** demonstrates Dunamis' parking demand only occurs during a small percentage of the week (with services lasting a total of five hours across three meetings in a typical week).
- **Section 2.4** demonstrates some Dunamis Church attendees have parking permits to park along New Street, issued by Manchester City Council. It follows that these vehicles are legally parked, and should not be deemed contributory to any potential impact on safety or nuisance.
- **Section 2.5** demonstrates the Church has initiated bus service and parking warden operations in a manner comparable to measures found within a robust Travel Plan. Accepting the building will always command a parking demand and in light of extant B2 planning uses, this is considered proportionate and effective mitigation.
- **Section 3.1** demonstrates, since starting in early 2022, there is nothing to suggest Dunamis operations have resulted in a negative impact on traffic accidents in the area.
- **Section 3.2** demonstrates Church members are willing to engage with sustainable modes of travel, and given many members live locally, they have the opportunity to do so.

4.4.3 With reference to the above, it is concluded Dunamis operations at Unit 1A would have a minor impact on the surrounding road network.

4.4.4 Any associated impacts on highway safety should not be considered 'unacceptable' in accordance with the NPPF. Any associated impacts on the adjacent road network should not be considered 'severe' in accordance with the NPPF.

5.0 Conclusions

- 5.1.1 This Transport Technical Note has demonstrated that Dunamis Manchester's impact on the surrounding highway network (including impact on the existing parking arrangements) should not be considered contrary principles set out in local planning policy and the NPPF.
- 5.1.2 Furthermore, it is considered any direct impacts of Dunamis Manchester's operations are mitigated by the Dunamis Parking Warden and Church Bus initiatives that have been self-imposed. It is noted these initiatives can be formalised and monitored through a Travel Plan; which can be secured via condition.
- 5.1.3 Curtins concludes there are no transport planning or highways reasons for refusal, and that the Appeal should not be dismissed on these grounds.

Appendix A – Site Accessibility by Sustainable Modes of Travel

Pedestrian Accessibility

The National Model Design Code – Part 2 (DLUHC, 2021) expresses *“the aim that walking and cycling should be the first choice for short local journeys, particularly those of 5 miles or less.”*

The Department for Transport’s National Travel Survey (from Tables NTS0308a and NTS0601) shows that walking is the most frequent mode used for short trips: 80% of all trips and 74% of walking trips were under 1 mile (1.6km) in 2019 – with the 1.6km distance broadly comparable with the Chartered Institution of Highways and Transportation (CIHT) ‘Preferred Maximum’ walking distance of 2.0km in ‘Providing for Journeys on Foot’ (2000). On this basis, 800m and 2km walking catchments are considered further below.

The 800m walking catchment covers various residential areas to the north and west throughout Monsall and Miles Platting. There are also a large range of services and facilities that may be linked with a trip to the Dunamis services; for instance, Manchester Superstores, medical facilities such as Victoria Mill Health Centre, schools including Park Mill Victoria School and St Augustine’s Primary School, Collyhurst Park.

Further afield but within a 2,000m walking distance, there are numerous residential properties throughout areas such as Moston, Failsworth, Openshaw and eastern areas of the City Centre including Ancoats. There are also various additional and wider-ranging educational, leisure, retail, employment and medical facilities.

The site is considered accessible on foot.

Cycle Accessibility

Cycling is a cheap, efficient and healthy way to travel. Cycling also provides a predictable arrival time which depending on location, can be quicker than driving or using public transport, and is subject to fewer delays.

In order to assist in assessing the accessibility of the site by cycle, this report considers 5.5km and 8km cycle catchments for the site, along with the National Cycle Network (NCN) routes available within these ranges.

The 5.5km catchment encompasses numerous residential properties extending to Middleton in the north, Littlemoss to the east, Longsight to the south, and Manchester city centre to the west, including major transport links and employment facilities. The 8km catchment extends further to Chadderton to the north, Ashton-under-Lyne to the east, Fallowfield to the south, and Salford City Centre to the west.

A combination of on and off-road local cycle routes form an interconnected network in the vicinity of the site. The local cycle network within the vicinity of the site is reproduced in **Figure A1.1:**



Figure A1.1 – Local Cycle Network

(Source: TfGM, 2022)

Route 66 on the National Cycle Network (NCN) is situated to the south of the site. The route connects the site to many nearby residential areas whilst providing access to Manchester Piccadilly and Failsworth Town Centre, as well as an abundance of other key facilities.

Route 66 mostly runs along Rochdale Canal Tow Path and is therefore mostly free of any vehicular traffic, providing opportunities for residents to travel by bicycle.

Route 60 is located approximately 100m west of the site (off Hulme Hall Lane) and can be accessed via Route 66. It runs along a north – south alignment, connecting to areas such as The Etihad Campus, Openshaw, Gorton and Reddish. The route eventually terminates at Stockport to the south, and Blackley to the north. The route comprises a combination of both on road and off-road links and notably consists of a segregated cycle lane in the vicinity of the site, along the A6010.

The site is therefore well placed to take advantage of the cycle connections around Manchester. The site is considered highly accessible by cycle.

Public Transport Accessibility

Developed by Transport for Greater Manchester (TfGM), Greater Manchester Accessibility Levels (GMAL) are a measure of the accessibility of a point to both the conventional public transport network (i.e. bus, Metrolink and rail) and Greater Manchester's Local Link (flexible transport service), considering walk access time, service availability, and average waiting time. The method is essentially a way of measuring the density of the public transport provision at any location within the Greater Manchester region.

The accessibility index score is categorised into eight levels (1 to 8), where level 8 represents a high level of accessibility and level 1 a low level of accessibility. The site is located in an area with a GMAL rating of 7, and is considered appropriately situated to take advantage of existing public transport infrastructure in the vicinity of the site. **Figure A1.2** details the GMAL assessment:

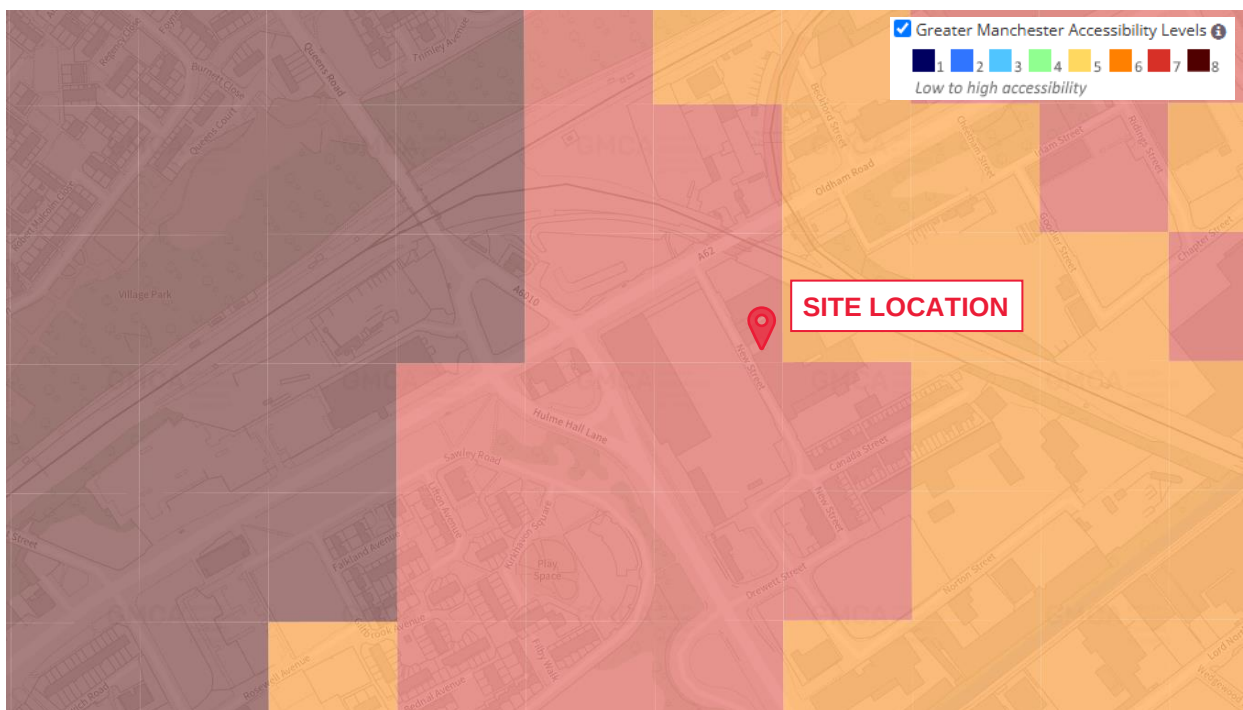


Figure A1.2 – GMAL

(Source: TfGM, 2022)

Accessibility by bus, rail, and Metrolink are considered further below, with a local public transport network map included in **Figure A1.3**:



Figure A1.3 – Local Public Transport Network

(Source: TfGM, 2023)

Bus Accessibility

The National Model Design Code – Part 2 (DLUHC, 2021) states: “Generally, people are prepared to walk further to a railway station or tram stop (10 minutes) [800m walking distance] than to a bus stop (5 minutes) [400m walking distance].” These times and distances are also cited in the CIHT document ‘Planning for Walking’ (2015), while a distance of up to 500m is quoted as a maximum walking distance to bus services in the CIHT document ‘Buses in Urban Developments’ (2018).

The nearest bus stops are located on Oldham Street, approximately 80m to the northwest of the site. Alternatively, there are further bus stops along the Hulme Hall Lane (c. 100m west of the site) that host additional services. **Table A1.1** details the services that call at these stops, and their associated frequencies:

Bus Service	Route	Mon – Fri first bus	Mon – Fri last bus	Peak Hourly Frequency		
				Mon – Fri	Sat	Sun / Hols
From A62 Oldham Road:						
83	Piccadilly Gardens – Failsworth – Oldham – Sholver	05:01	00:16	10 mins	10 mins	30 mins
	Sholver – Oldham – Failsworth – Piccadilly Gardens	04:34	23:49	10 mins	10 mins	30 mins
84	Piccadilly Gardens – Hollinwood – Oldham – Lees – Uppermill	05:16	00:31	10 mins	10 mins	20 mins
	Uppermill – Lees – Oldham – Failsworth – Piccadilly Gardens	04:49	00:04	10 mins	10 mins	20 mins
182	Manchester City Centre - Chadderton - Shaw - Wrens Nest	06:03	23:16	60 mins	60 mins	60 mins
	Wrens Nest - Shaw - Busk - Chadderton - Piccadilly Gardens	05:41	22:54	60 mins	60 mins	60 mins

Bus Service	Route	Mon – Fri first bus	Mon – Fri last bus	Peak Hourly Frequency		
				Mon – Fri	Sat	Sun / Hols
From Hulme Hall Lane:						
53	Pendleton - Old Trafford - Higher Crumpsall - Cheetham Hill	05:38	23:36	30 mins	30 mins	60 mins
	Cheetham Hill - Higher Crumpsall - Old Trafford - Pendleton	05:24	23:26	30 mins	30 mins	60 mins

Table A1.1 – Summary of Bus Services Frequencies in the Vicinity of the Site

These stops provide access to various destinations in and across Greater Manchester, providing access from a variety of key employment, leisure and educational destinations.

It is noted that the provision of bus services will change during different seasons in the year and over time in response to current circumstances. The bus times are accurate at the time of writing, and up-to-date bus times can be found on TfGM's website: <https://tfgm.com/public-transport/bus>.

Overall, the site is well served by (and considered to be highly accessible by) bus.

Rail Accessibility

The closest rail stations to the development are Manchester Piccadilly and Manchester Victoria, both c.3km from the site. The stations are major regional stations, and are staffed and has automated ticketing facilities. All the platforms are accessible via a footbridge or with lifts for step-free access. There is also sheltered cycle storage available which is monitored by CCTV cameras.

Both stations provide multiple regional and national frequent services and local commuter train services. Up-to-date rail times can be found on the respective train operators' websites:

- Northern Rail: <https://www.northernrailway.co.uk/travel/timetables>
- Transpennine Express: <https://www.tpexpress.co.uk/travel-updates/timetables>
- East Midlands Railway: <https://www.eastmidlandsrailway.co.uk/timetables>
- Transport for Wales: <https://tfw.wales/service-status/timetables>
- CrossCountry: <https://www.crosscountrytrains.co.uk/travel-updates-information/train-timetables>
- Avanti West Coast: <https://www.avantiwestcoast.co.uk/travel-information/plan-your-journey/timetables>

Overall, the site is well served by rail as part of a multi-modal trip involving bus, cycling, Metrolink or taxi.

Metrolink (Light Rail) Accessibility

The closest Metrolink stop to the proposed development is Monsall, located approximately 1km north of the site. Etihad Campus Metrolink stop is also situated c.3km south of the site.

Monsall has regular services to areas such as East Didsbury, Rochdale Town Centre, Failsworth and Shaw via the Pink Line. Users can also change at Victoria or St Peter's Square station to access additional services to Piccadilly, Bury, Eccles, Altrincham, or Manchester Airport, as shown in the Metrolink map in **Figure A1.4** below:

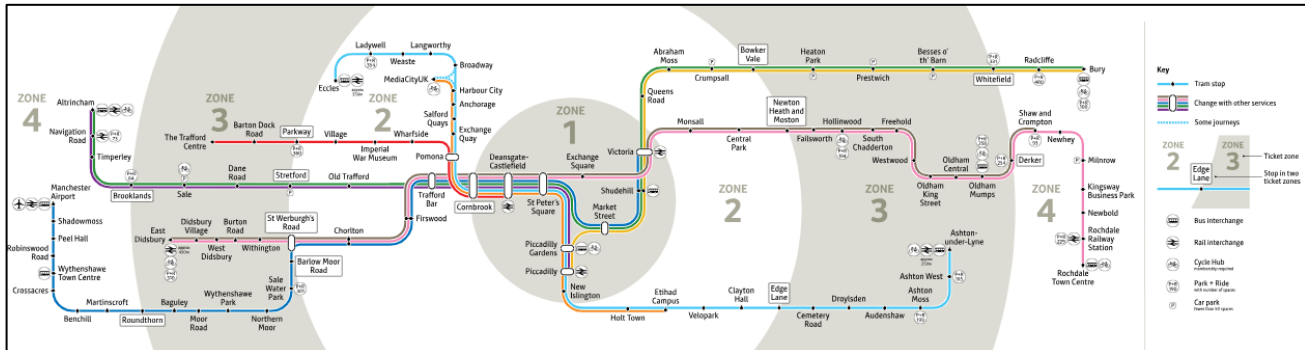


Figure A1.4 – Metrolink Map

(Source: TfGM, 2023)

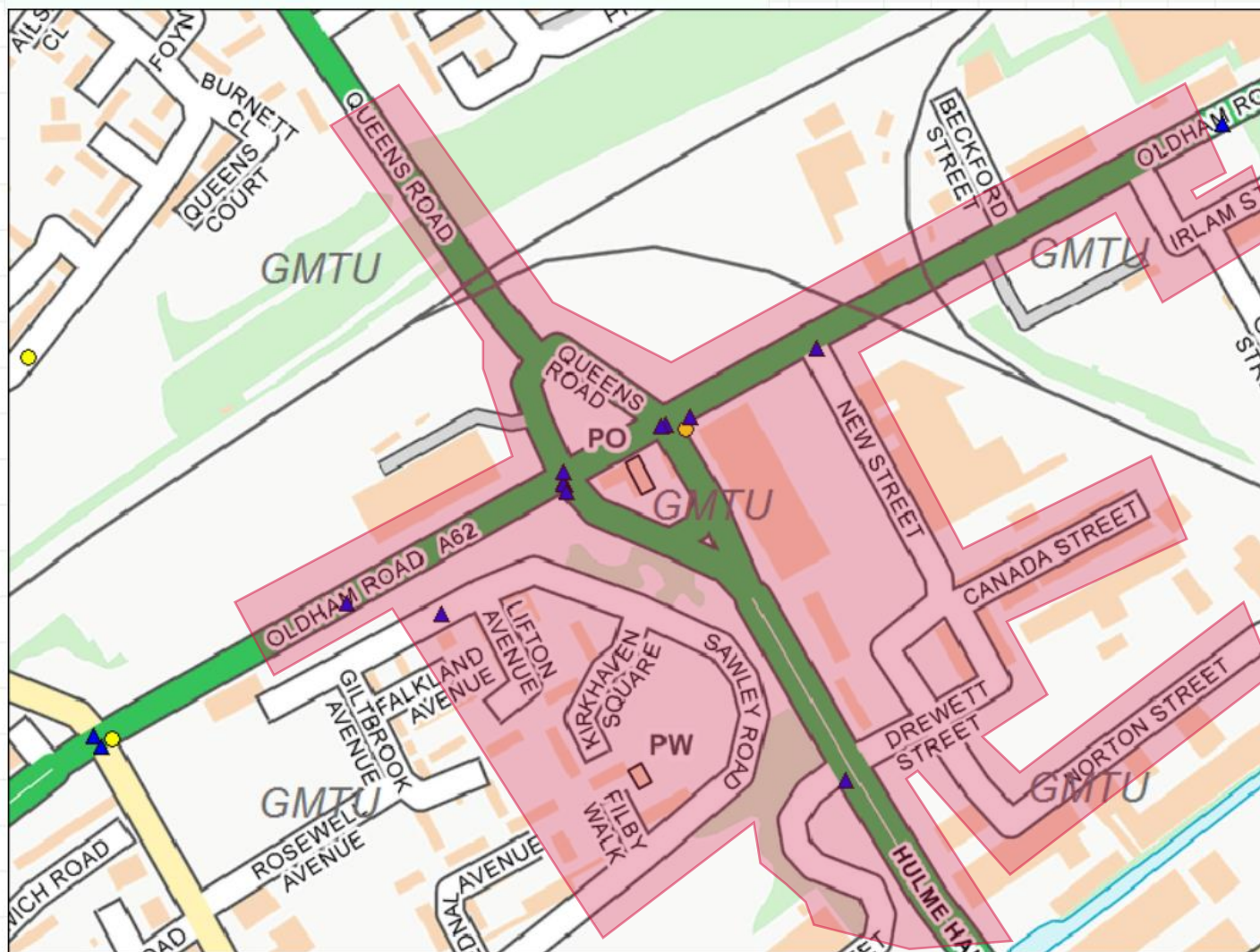
All lines run at a frequency of every 12 minutes between 06:00 – 00:00 on Mondays to Saturdays, every 24 minutes between 00:00 – 01:00 on Fridays and Saturdays, and every 15 minutes between 07:00 – 00:00 on Sundays.

The start and end times for the specific stops that residents wish to call at will change over time in response to current circumstances. The Metrolink frequencies are accurate at the time of writing, whereas up-to-date times can be found on the Metrolink website at: <https://tfgm.com/public-transport/tram/tram-times>.

Metrolink services provide access to the site seven days a week with trams running from a variety of locations across Greater Manchester, including key interchanges at Victoria, Piccadilly Gardens, and St Peter's Square.

It is considered the site is accessible by Metrolink (light rail) as part of a multi-modal trip involving walking bus, cycling or taxi.

Appendix B – TfGM Accident Data



Find street Data Results Key Help

- ▲ slight accident
- serious accident
- fatal accident
- 🚗 traffic count

AADT = Annual Average Daily Traffic flow
AAWT = Annual Average Weekday Traffic flow

accidents

year	day	severity	casualties
2020	Wednesday	slight	1
2022	Saturday	slight	1
2023	Friday	slight	1
2023	Wednesday	slight	1
2023	Tuesday	slight	1
2021	Monday	serious	1
2021	Wednesday	slight	1
2021	Sunday	slight	1
2021	Sunday	slight	2
2021	Sunday	slight	2
2019	Thursday	slight	1
2019	Wednesday	slight	1
2019	Thursday	slight	1
2019	Wednesday	slight	1

Appendix C – Dunamis Travel Survey Questions

Please take 2 minutes of your time to fill out this short but important travel survey for our Church. You can fill out the survey every time you attend a service, and please encourage others to do likewise.

* 1. Which service are you attending today?

- ☐ Saturday 9th November: 5:30 pm - 6:30 pm
- ☐ Sunday 10th November: 9.00 am - 11.30 am
- ☐ Wednesday 13th November 7.00 pm - 8.30 pm
- ☐ Saturday 16th November: 5.30 pm - 6.30 pm
- ☐ Sunday 17th November: 9.00 am - 11.30 am
- ☐ Wednesday 20th November 7.00 pm - 8.30 pm

* 2. What is your home postcode? Please provide your full postcode.

* 3. How did you travel to Dunamis Manchester today? Please choose whichever option best fits the majority of your journey.

- ☐ Walking
- ☐ Cycling
- ☐ Bus
- ☐ Train
- ☐ Metrolink (Light Rail)
- ☐ Car (I was the Driver)
- ☐ Car (I was the Passenger)
- ☐ Taxi
- ☐ Other (please specify)

* 4. Please describe where you parked your car.

- ☐ On the road next to the kerb
- ☐ In an off-road designated car parking space
- ☐ Other (please specify)

* 5. What road did you park on?

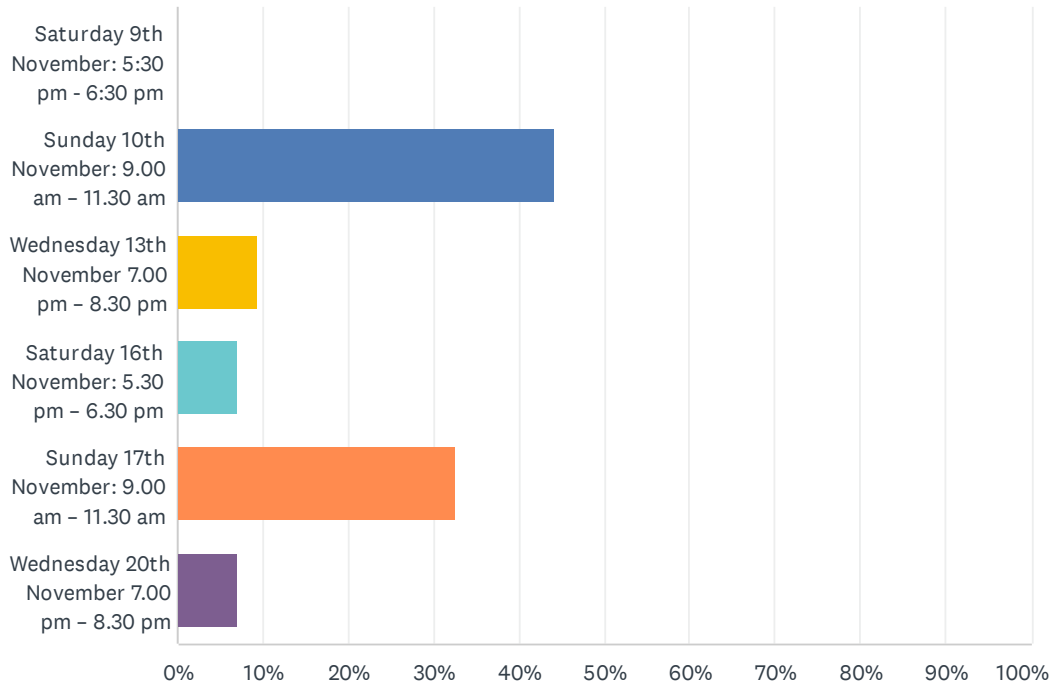
- ☐ New Street
- ☐ Canada Street
- ☐ Drewett Street
- ☐ Norton Street
- ☐ Vickers Street
- ☐ Sawley Road
- ☐ Beckford Street
- ☐ Other (please specify)

Appendix D – Dunamis Travel Survey Raw Datasets

(Postcodes Redacted)

Q1 Which service are you attending today?

Answered: 43 Skipped: 0



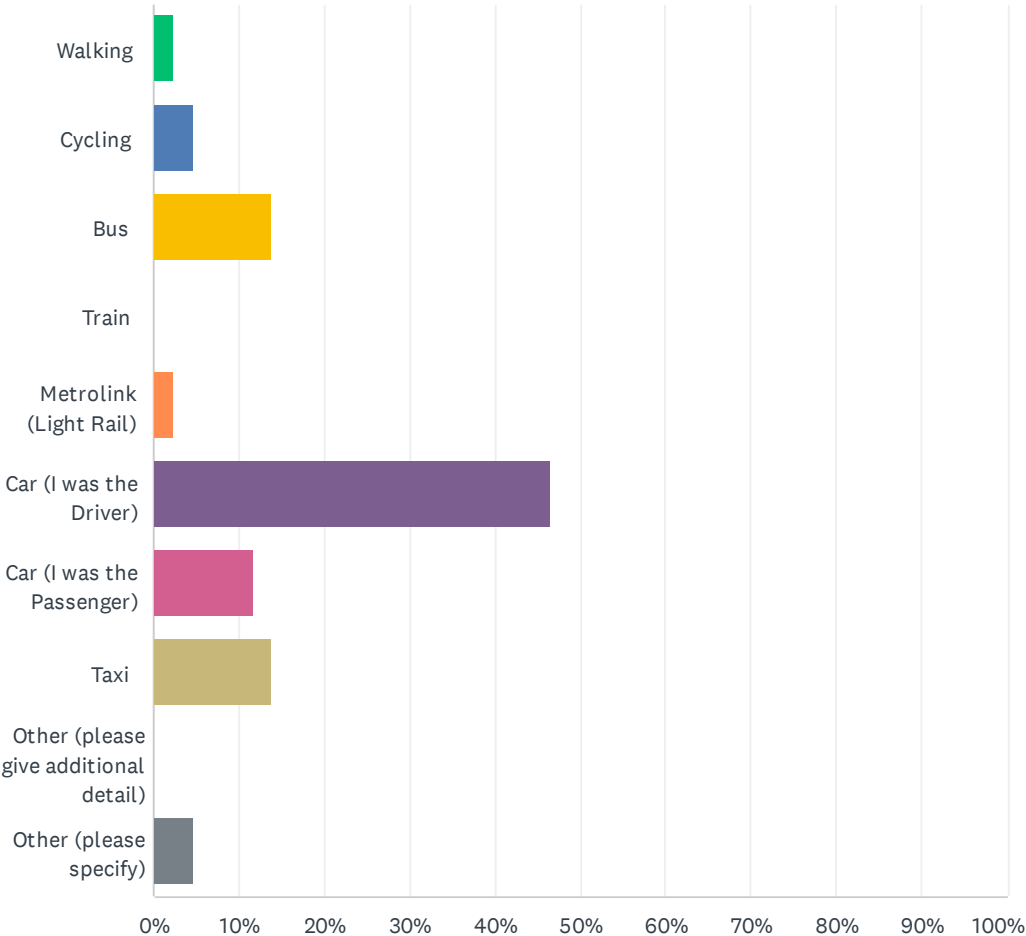
ANSWER CHOICES	RESPONSES	
Saturday 9th November: 5:30 pm - 6:30 pm	0.00%	0
Sunday 10th November: 9.00 am – 11.30 am	44.19%	19
Wednesday 13th November 7.00 pm – 8.30 pm	9.30%	4
Saturday 16th November: 5.30 pm – 6.30 pm	6.98%	3
Sunday 17th November: 9.00 am – 11.30 am	32.56%	14
Wednesday 20th November 7.00 pm – 8.30 pm	6.98%	3
TOTAL		43

Q2 What is your home postcode? Please provide your full postcode.

Answered: 43 Skipped: 0

Q3 How did you travel to Dunamis Manchester today? Please choose whichever option best fits the majority of your journey.

Answered: 43 Skipped: 0

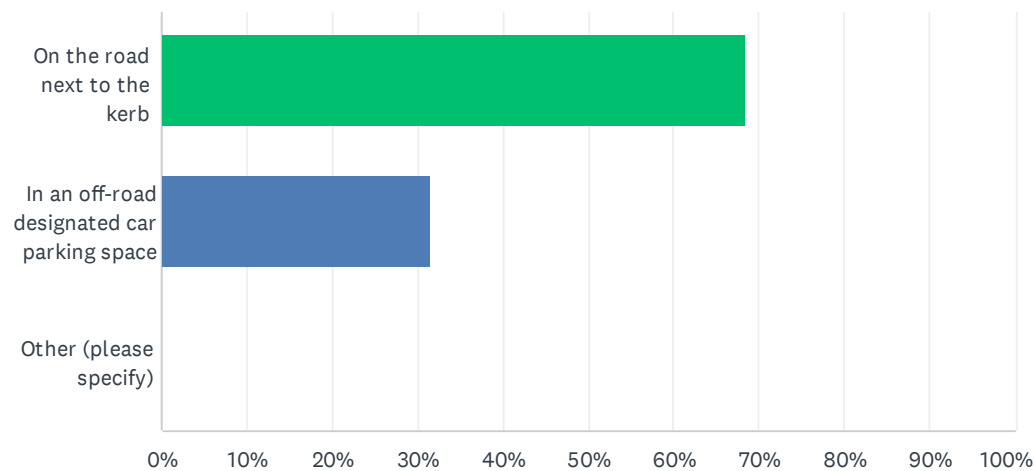


Dunamis Travel Survey

ANSWER CHOICES	RESPONSES	
Walking	2.33%	1
Cycling	4.65%	2
Bus	13.95%	6
Train	0.00%	0
Metrolink (Light Rail)	2.33%	1
Car (I was the Driver)	46.51%	20
Car (I was the Passenger)	11.63%	5
Taxi	13.95%	6
Other (please give additional detail)	0.00%	0
Other (please specify)	4.65%	2
TOTAL		43

Q4 Please describe where you parked your car.

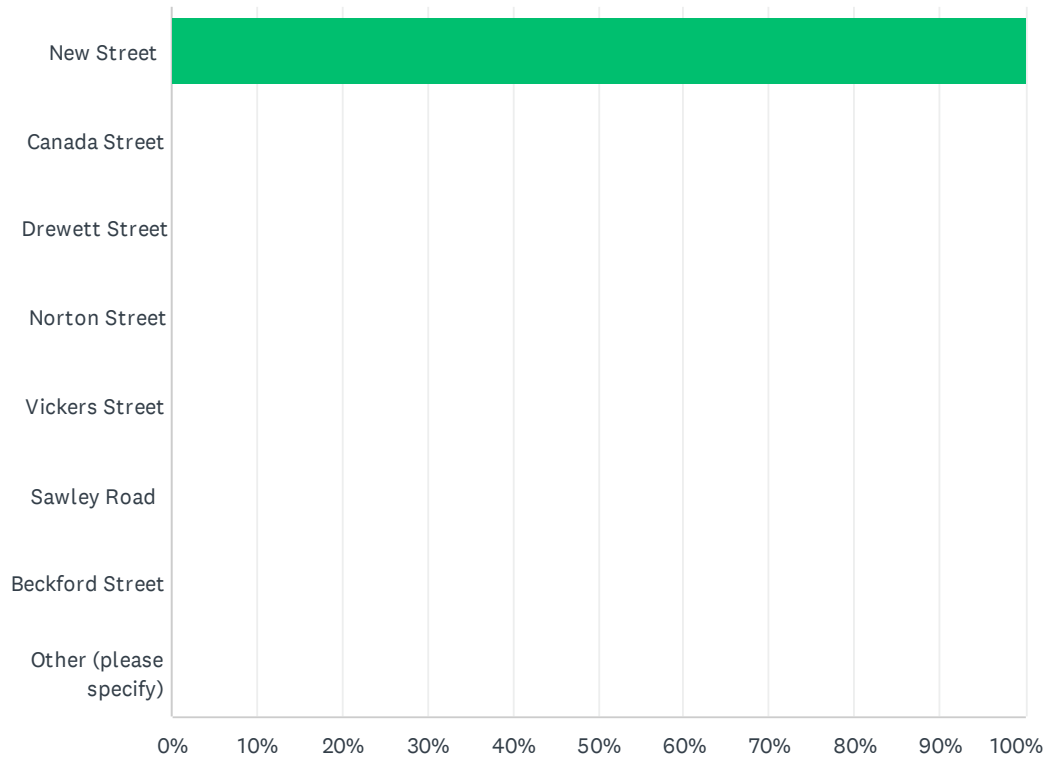
Answered: 19 Skipped: 24



ANSWER CHOICES		RESPONSES	
On the road next to the kerb		68.42%	13
In an off-road designated car parking space		31.58%	6
Other (please specify)		0.00%	0
TOTAL			19

Q5 What road did you park on?

Answered: 19 Skipped: 24



ANSWER CHOICES	RESPONSES	
New Street	100.00%	19
Canada Street	0.00%	0
Drewett Street	0.00%	0
Norton Street	0.00%	0
Vickers Street	0.00%	0
Sawley Road	0.00%	0
Beckford Street	0.00%	0
Other (please specify)	0.00%	0
Total Respondents: 19		

OUR LOCATIONS

Birmingham

2 The Wharf
Bridge Street
Birmingham
B1 2JS
T. 0121 643 4694
birmingham@curtins.com

Bristol

Quayside
40-58 Hotwell Road
Bristol
BS8 4UQ
T. 0117 302 7560
bristol@curtins.com

Cambridge

50 Cambridge Place
Cambridge
CB2 1NS
T. 01223 631 799
cambridge@curtins.com

Cardiff

3 Cwrt-y-Parc
Earlswood Road
Cardiff
CF14 5GH
T. 029 2068 0900
cardiff@curtins.com

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K Village
Lound Road
Kendal
LA9 7FH
T. 01539 724 823
kendal@curtins.com

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Leeds
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T. 0113 274 8509
leeds@curtins.com

Liverpool

51-55 Tithebarn Street
Liverpool
L2 2SB
T. 0151 726 2000
liverpool@curtins.com

London

40 Compton Street
London
EC1V 0BD
T. 020 7324 2240
london@curtins.com

Manchester

Merchant Exchange
17-19 Whitworth Street West
Manchester
M1 5WG
T. 0161 236 2394
manchester@curtins.com

Nottingham

32-34 Stoney Street
Nottingham
NG1 1LL
T. 0115 941 5551
nottingham@curtins.com

Appeal Decisions

Site visit made on 20 September 2022

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal A Ref: APP/B4215/W/22/3292608

1 New Street, Miles Platting, Manchester M40 8AW

- 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 Animal Crossing Music Ltd against the decision of Manchester City Council.
- The application Ref 132291/FO/2021, dated 18 November 2021, was refused by a notice dated 17 January 2022.
- The development proposed is change of use of industrial unit (Use Class B2) to a Cultural Event's Space (Use Class Sui Generis) with some external alterations.

Summary of Decision: The appeal is allowed, and planning permission is granted in the terms set out in the formal decision.

Appeal B Ref: APP/B4215/C/22/3292609

Land at The Loft, Unit F (Cohens), Hillbit House, 1 New Street, Manchester M40 8AW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Animal Crossing Music Ltd against an enforcement notice issued by Manchester City Council.
- The enforcement notice was issued on 14 January 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the premises to a cultural events space (Sui-Generis).
- The requirements of the notice are:
 1. Cease the use of the premises in its entirety, dismantling and removing from the land all physical manifestations of the use, including but not limited to the bar and DJ booth.
 2. Remove from the land all building materials, rubble and waste resulting from carrying out the above step.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Application for costs

1. An application for costs has been made by Manchester City Council against Animal Crossing Music Limited. This application is the subject of a separate Decision.

Procedural Matters

2. The address for the appeal premises, as set out in the banner headings above, has been taken from the Appellant's application form in Appeal A and the Enforcement Notice in Appeal B. However, it is clear from the plans attached to the application form and notice that Appeal A and Appeal B both relate to the same premises.
3. Appeal A seeks to regularise the unauthorised development alleged in the enforcement notice which is being considered under Appeal B. There is no dispute between the main parties that the proposed use the subject of Appeal A is currently taking place and I have considered Appeal A on that basis.
4. The Appellant's agent advised that there was an error on the Appeal form and that the Appellant Company in both Appeal A and Appeal B is Animal Crossing Music Ltd. The correct Appellant details are set out in the banner headings above.

Appeal A

Main Issues

5. The main issues are:
 - whether the appeal site is an appropriate location in principle for the development, having regard to local and national planning policies; and
 - the effect of the development on the living conditions of nearby residents, with particular regard to noise and disturbance; and
 - whether the use contributes to on-street parking congestion and, if so, whether the business needs of neighbouring residents would be compromised as a result.

Reasons

Appropriate location in principle

6. 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 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. I am aware that the public sector equality duty (PSED) applies¹ as occupants of Canada Street include those which share protected characteristics of age or disability.
7. The Appellant's operate what is described as an intimate cultural events space centred around community wellbeing. The events, which have a capacity for 275 people, are said to include day-time yoga classes, seminars, workshops and night-time DJ led music events. From the evidence before me, and observations on my site visit, the premises are currently being used almost exclusively for DJ-led events, with the ground floor comprising a chill-out

¹ Section 149 of the Equalities Act 2010.

lounge, green room and toilet facilities, and the first floor a DJ area, bar and dance floor. The events at The Loft are run and managed by Animal Crossing Music Ltd, who are established operators in the music industry.

8. 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 EC6 of the CS relates specifically to the Central Park Strategic Employment Location and seeks to encourage a range of employment types, including sui generis employment uses, with the aim of supporting the creation of a sustainable employment destination.
9. 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.
10. It is understood that prior to the unauthorised use commencing, the premises had been vacant since 2018. Evidence of marketing of the unit has been provided by the Appellant² and indicates that it had attracted interest from a variety of occupiers, including business and leisure users. However, feedback from prospective occupiers identified the following constraints: difficult access arrangements to the upper floors; size, age and poor condition of the unit and initial outlay costs. From the evidence before me, including photographs of the property, the premises were in a poor condition prior to the current occupiers undertaking their conversion works³. Furthermore, I noted on my site visit that, although there appears to be a relatively high occupancy of modern, single storey units within Central Park, the appeal premises forms part of a larger and older industrial building which has been subdivided and is less attractive for modern use with poor access/loading facilities, restricted working height, and accommodation arranged over ground and upper floors in a long and narrow format.
11. Advice from an industrial letting agency, which forms part of the Appellant's appeal submission⁴, confirms that whilst there is currently high demand for modern single storey industrial units in the area, out of date floorspace such as the appeal premises, with physical restrictions, is not attractive to potential tenants and is struggling to be let. There are other vacant units close by which are similarly out of date in terms of layout and condition.
12. Policy EC1 of the CS promotes economic and employment growth in Manchester and seeks to support business and other employment generating uses. Similarly, CS Policy EC6 makes provision for sui generis employment uses. The Loft, albeit not large in scale, provides a leisure and cultural offer

² Appendix 3 Appellant's Statement of Case.

³ Appendix E Appellant's Statement of Case.

⁴ Appendix G Appellant's Statement of Case.

and currently provides employment for four full-time employees as well as up to fifty part-time staff associated with events⁵. There are also wider economic benefits associated with the use, including overnight stays and spending on food and drink in the city, support for public transport, etc. Furthermore, the premises have good access to public transport routes.

13. The development has provided a new economic use for the premises and investment in the building's fabric, including internal refurbishment, outside cladding and improved access arrangements through the provision of an external staircase. There is no substantive evidence that a predominant night-time use, with a small-scale community daytime use, would have any negative impact on the future letting of other units close by. Indeed, the existing unauthorised use of the premises for these purposes has operated without objection from adjoining business operators for many months.
14. I recognise that there would be some conflict with Saved Policy EM5 of the Manchester Unitary Development Plan, adopted 1995 (UDP), which aims to regenerate Central Park with B1, B2 and B8 uses. However, considering the provisions of the development plan as a whole, which includes the more recent Manchester Core Strategy, 2012 which provides specific policy advice for development in Central Park, I give limited weight to the conflict with Saved Policy EM5.
15. I appreciate that there could be opportunities in the future to redevelop the appeal site and adjoining vacant premises to provide a more attractive and modern industrial unit. However, there are currently no such proposals for redevelopment, and it is clear for the reasons set out above, that attempts to let the site for a B1, B2 or B8 use have not come to fruition in recent years. The use of the premises as proposed in this appeal has resulted in investment in a vacant property and generated employment opportunities with some wider economic benefits to the Regional Centre. Whilst I appreciate that the number of jobs and benefits may not be substantial, the use provides a leisure and cultural offer in a sustainable location which aligns with the Council's spatial principles as set out in SP1 and EC6 of the CS for the Regional Centre. Furthermore, there is no demonstrable harm to the Council's existing employment space provision, nor its economic and employment objectives. There are thus social, environmental, and economic benefits to the development, which outweigh the limited conflict with Saved UDP Policy EM5. The development makes effective use of land and supports the National Planning Policy Framework's (the Framework's) objective of achieving sustainable development.
16. I conclude that the appeal site is an appropriate location in principle for the development, having regard to local and national planning policies. There would be no conflict with the development plan as a whole in this regard, and in particular with Policies SP1, EC1, EC2, EC3, EC5 or EC6 of the CS or policies with the Framework, the aims of which are set out above.

Living conditions

17. The Council are concerned that the proposed use would result in harm to the living conditions of nearby residents on Canada Street, which is occupied by military veterans. They are concerned about noise outbreak from the venue in

⁵ Appendix H Appellant's Statement of Case.

the late evening/early morning and about noise and disturbance resulting from incidents of anti-social behaviour as people leave the premises in the early hours of the morning.

18. The original planning application was supported by a noise impact assessment⁶, which concluded that noise outbreak from the proposed venue would fall into the NOEL - No Observed Effect Level, which the Framework indicates is the level below which no effect can be detected, below this level, there is no detectable effect on health and quality of life due to noise. However, this assessment was undertaken prior to the venue being operational. Consequently, a further ambient noise survey was undertaken whilst an event took place within the venue, to assess noise outbreak from the venue and any subsequent impact on nearby noise sensitive dwellings on Canada Street⁷.
19. The impact of noise from the venue was judged to be low, being faintly discernible, but still at a low absolute level, with the conclusion being that any perceptible noise would not significantly affect the acoustic character of the area and could be described as having no observed effect. In addition, the Appellant has: installed noise limiters into the sound system; undertaken upgrades to the roof to improve acoustic insulation; installed double lobby doors to suppress noise; and implemented a management plan to mitigate anti-social behaviour and encourage dispersal from the venue in a respectful manner.
20. The Council do not dispute the findings of the noise impact assessment reports; however, they remain concerned that noise limiters can be bypassed and believe that it would be difficult to prevent noise outbreak from the building. Furthermore, they consider that the coming and goings of people in the early hours and anti-social behaviour often associated with drinking at such venues, will have a negative impact on the amenity of the area. The Council further advise that there have been several complaints regarding noise and disturbance from the venue to their out of hours team, details of which they have provided to support their case⁸.
21. It is clear from the out of hours team records that they have attended the venue and surrounding streets in response to either complaints or as a follow up. On those occasions their reports indicate that there was either no audible noise from the venue or that a bass beat could be heard at a low level, but not at a level that would be a nuisance. Those findings would generally concur with the conclusions of the noise impact assessment reports. Whilst I have had regard to the Council's concern about noise limiters, there is no substantive evidence that would lead me to believe that the noise limiters on the sound system would be bypassed. Furthermore, the Appellant's sound engineer refutes that assertion and has provided technical evidence which would suggest that bypassing the limiters is not possible without his consent and confirms that the venue has a pre-installed sound system utilised by all artists which he maintains.
22. I recognise that there will be some limited noise outbreak from the venue when doors are opened for visitors to enter and exit the building. However, considering the evidence before me, including the noise impact assessments

⁶ Noise Impact Assessment – The Loft, PDA Acoustic Consultants, May 2021.

⁷ Noise Impact Assessment - The Loft, PDA Acoustic Consultants, 9 Feb 2022.

⁸ Appendix One, LPA Statement of Case.

and notes from the out of hours team, I do not consider that any noise from the venue itself would have a significantly harmful effect on the living conditions of nearby residents.

23. When visitors to the venue are leaving the premises in the early hours, their dispersal is likely to be either by taxi or on foot. The nearest residential properties are on Canada Street/New Street and are susceptible to noise and disturbance. I noted from observations on my site visit that Canada Street has low connectivity to other transport/pedestrian links. Therefore, whilst it is unlikely to be a main thoroughfare for traffic and pedestrians accessing or leaving the venue, I recognise that pedestrians and traffic may pass the end of this street. This is evidenced by an objection from a local resident stating that "clubbers" have been found at the end of their street or the alleyways leading to the backs of properties in the early hours, wandering because they are lost.
24. Furthermore, evidence provided by the Council from their out of hours team records indicate that since the late-night events have been operating, there have been some incidents of anti-social behaviour in the area. Those incidents include littering, shouting and anti-social behaviour, car horns and one incident of a breach in the licencing agreement, whereby door staff had signed off work whilst customers were still loitering.
25. However, the number of recorded incidents is not significant. The premises has been in operation now for over a year and only one letter of objection has been received from a nearby resident in relation to the enforcement notice, and none in relation to the planning application or appeal. The absence of objections is an indication that noise and disturbance is not a constant or significant concern to local residents, and there is no substantive evidence that would lead me to conclude that the use in this case results in significant harm to the living conditions of neighbouring residents. Furthermore, the imposition of a condition that would require the Appellant to provide and adhere to an agreed event's management plan to include a dispersal policy, litter clearance and mechanisms to ensure windows and doors remain closed would provide mitigation against the Council's concerns.
26. For the reasons given above and considering the location of the nearest residential properties and surrounding land uses, I conclude that the development does not have a significant harmful effect on the living conditions of neighbouring residents, with regard to noise and disturbance. There is no conflict with the development plan, and with Policies DM1 of the CS and Saved Policy DC26 of the UDP which seek to ensure, amongst other things, that development has regard to effects on amenity, including litter generation, noise, traffic generation and does not result in unacceptably high levels of noise in residential areas.

Parking

27. The appeal site is located on New Street and the premises do not benefit from off-street parking provision. From observations on my site visit, there are no on-street parking restrictions on New Street in the immediate vicinity of the appeal premises, although there is a traffic regulation order on New Street Southwest. Manchester Superstores and a haulage depot also take access from New Street, both have large yards and on-site parking provision. However, neither of the smaller neighbouring units occupied by a church and a kitchen manufacturer have on-site parking.

28. The site is in an accessible location, within walking distance of Oldham Road, where there are regular bus links to the city centre and surrounding areas. In addition, the premises is close to a Metrolink facility.
29. The nature of the use is that it is predominantly a night-time venue, although there is an intended use of the ground floor in the daytime for yoga classes and community workshops. The hours of operation are Sunday to Thursday 12 noon to midnight and Fridays and Saturdays 12 noon to 5am. The Appellant's Highway Consultant advises that, although there is some traffic generation associated with the use, this is predominantly from taxi's picking up or dropping off at the night-time venue. Traffic generation in relation to the use would be relatively low and any impact, given the nature of the use and availability of public transport, would be minimal on the safety and operation of the local highway network. There are footways on both sides of the New Street and the road is wide enough to allow vehicles to pass without obstruction⁹.
30. I have not been provided with any substantive evidence that would demonstrate that New Street suffers from parking stress. Considering the surrounding business uses, which generally operate during the daytime, there is sufficient space along New Street for taxis to drop off or pick up without resulting in any significant impact on the transport network. Furthermore, considering the site's highly accessible location, I am satisfied that the proposed day time leisure/cultural uses would be unlikely to generate significant traffic or parking requirements. I am also mindful of the premises existing use rights and the level of traffic/parking requirements associated with such use.
31. The Framework makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe¹⁰. I have not been provided with any substantive evidence that would demonstrate that the use has or would result in any demonstrable harm to highway safety nor have a harmful impact on the operation of the local highway network.
32. I conclude that the development would not have a harmful effect on on-street parking congestion or highway safety, and the business needs of neighbouring residents would not be compromised. I therefore find no conflict with the aims of the Framework as set out above. In addition, there is no conflict with Policy SP1 or EC1 of the CS, which seek to ensure that new development reduces the need to travel and has good access to sustainable transport provision, or Policy DM1 of the CS which requires regard to be had, amongst other things, to road safety, traffic generation and accessibility.

Conditions

33. The Council has suggested several conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some in the interest of clarity and omitted others. The development has already commenced so there is no requirement to place a time limit on commencement.

⁹ Appendix M, Appellant's Statement of Case.

¹⁰ Paragraph 111, National Planning Policy Framework.

34. I have imposed a condition specifying the approved plans to provide certainty. Conditions are necessary to restrict times for deliveries/servicing and to require and secure noise mitigation measures to protect the living conditions of nearby residents. A condition requiring details of lighting is necessary to assist with crime reduction and personal safety.
35. I have imposed a condition to require an operational management plan and waste management strategy to be submitted and implemented to safeguard the living conditions of nearby residents. Whilst I appreciate that the application was accompanied by an operational management plan, I am mindful that the specific details within it may require refinement to ensure that it fully aligns with other conditional matters.
36. A condition is necessary to restrict the use of the premises to protect the living conditions of nearby residents and control the future use of the premises, considering the site's location within Central Park Strategic Employment Location.
37. Taking into consideration the size of the venue, the nature of the proposed use, and the premises accessibility to public transport, it is not reasonable or necessary to require a travel plan to be provided.
38. The purpose of conditions 2,3,4 and 5 below is to require the Appellant to comply with a strict timetable for dealing with acoustic insulation, lighting, to provide a management plan and a waste strategy all of which need to be addressed to make the development acceptable. The conditions are drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter. The conditions therefore provide for the loss of the effective benefit of the grant of planning permission where the detailed matters in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority ("LPA") or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the conditions not be met in line with the strict timetable, then the use would have to cease.

Conclusion on Appeal A

39. For the reasons given above and taking into account all other matters raised, I conclude that Appeal A should succeed.

Appeal B on ground (g)

40. The issue is whether the compliance period is reasonable. The Appellant considers that given the extent of removal works required and the indicative timescales a contractor has given them to carry out those works, a period of four months would have been more reasonable.
41. The initial enforcement notice was issued on 14 January 2022 with a compliance period of two months. However, on 4 March 2022 and after the appeal had been made, the Council pursuant to Section 173A (1)(b) of the Town and Country Planning Act, 1990 varied the enforcement notice to extend the time for compliance to six months.

42. In varying the requirement of the notice and issuing an amended version the Council acknowledged that a period of two months was not reasonable. Although the Appellant has expressed concerns that the notice may come into effect prior to a decision being made on his s78 appeal, he does not dispute that a period of six months to carry out the requirements is unreasonable, and I see no reason to disagree.
43. I conclude that six months is a reasonable time within which to comply with the notice in full, and the Appeal B on ground (g) thus fails.

Conclusion on Appeal B

44. For the reasons given above, I conclude that the appeal is dismissed, and the enforcement notice is upheld.

Formal Decisions

Appeal A

45. The appeal is allowed and planning permission is granted for change of use of industrial unit (Use Class B2) to a Cultural Event's Space (Use Class Sui Generis) with some external alterations at 1 New Street, Miles Platting, Manchester M40 8AW in accordance with the terms of the application, Ref 132291/FO/2021, dated 18 November 2021 and subject to the following conditions:
- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Ref:01; Existing Site Plan, Ref:02; Existing Floor Plans, Ref:03; Existing Sections, Ref:04; Proposed Site Plan, Ref:05; Proposed Plans, Ref:06; Proposed Elevations, Ref:07; and Proposed Sections, Ref:08.
 - 2) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 4 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within one month of the date of this decision a scheme to include mitigation measures for noise control as recommended in the submitted Noise Impact Assessment for the premises undertaken by PDA, dated 28 May 2021, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within two months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 4 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within one month of the date of this decision a scheme for waste management, including the storage and disposal of refuse, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within two months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 4) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 4 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within one month of the date of this decision an operational management plan shall have been submitted for the written approval of the local planning authority and the plan shall include a timetable for its implementation.
 - ii) If within two months of the date of this decision the local planning authority refuse to approve the plan or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted plan shall have been approved by the Secretary of State.
 - iv) The approved plan shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved plan specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 5) The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 4 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within one month of the date of this decision a lighting scheme for external areas shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within two months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 6) Deliveries, servicing and collections, including waste collection, shall not take place outside the following hours: Monday to Saturday 0730hrs to 2000hrs and not at any time on Sundays or on Bank or Public Holidays.
- 7) The premises shall be used as a cultural events space and music venue (DJ led events), and for no other purpose (including any other purpose in any Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Appeal B

46. The appeal is dismissed and the enforcement notice is upheld.

Elizabeth Pleasant

INSPECTOR

Appeal Decision

Site visit made on 16 May 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/B4215/W/17/3166971

Unit 1, Hillbit House, New Street, Manchester M40 8AW

- 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 Mr Kelvin Shaw of Worldwide Waste Management Ltd against the decision of Manchester City Council.
 - The application Ref 112433/FO/2016, dated 8 June 2016, was refused by notice dated 16 December 2016.
 - The development proposed is change of use from Use Class B8 to Use Class B2.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Manchester City Council against Worldwide Waste Management Ltd. This application is the subject of a separate Decision.

Preliminary Matters

3. The application proposes the erection of a 3 metre high brick wall to the site frontages on New Street and Oldham Road as well as change of use. The site has been used for processing of waste plastic since 2014 but the proposed wall has not been erected. I shall consider the proposal on the basis that it is partially retrospective.
4. The proposed change of use relates to a building and adjacent yard area which is used partly for storage of materials and partly for vehicle servicing space. A triangular shaped area at the rear of the yard is owned by Network Rail. The layout plan submitted with the application (Ref 1547-01A) indicates that this area would be used for storage and this is the plan on which the Council based its decision. An amended layout plan (Ref 1547-01B) was submitted with the appeal which excludes the area owned by Network Rail from the proposed storage area. I see no reason why any party would be prejudiced by my taking into account the amended plan in my decision.

Main Issues

5. The main issues in the appeal are:
 - i) the effect of the development on the character and appearance of the area; and
-

- ii) the effect of the development on highway safety.

Reasons

Character and Appearance

6. The facility processes waste plastic to produce granulated material for recycling. Some of the waste material is baled and sent elsewhere for processing. The yard area is used for storage of both waste and processed material and this is on the corner of New Street and Oldham Road. The site is at a higher level than the latter road, with a low retaining wall forming the boundary. Above this a concrete block wall of about 1.8 metres in height has been erected along the road frontages. This differs from the proposed wall in terms of the material used and its height.
7. A previous retrospective application for change of use¹ was refused in June 2015 and since then the Council has issued an Enforcement Notice which requires cessation of the use. One of the reasons for the previous refusal was that the appearance of the stored waste, which was visible from Oldham Road before the current wall was erected, was found to be unacceptable. The proposed 3 metre high wall is intended to screen the stored waste from view and as such would address the previous reason for refusal. However this would be of significant height and would be a dominant feature in the street scene. The overall height of the wall would be greater than 3 metres because it would be above the existing retaining wall.
8. The site adjoins a railway line which is at a higher level and there are walls associated with the railway bridges that cross Oldham Road. The proposed wall would be close to the bridge walls and would be seen in association with them but would clearly be a distinct structure. It would be prominently sited on the corner of the two roads and would be at the back edge of the footway which is narrow on New Street. This would provide significant enclosure to the two roads and a generally oppressive appearance.
9. Along Oldham Road there are commercial premises most of which are set back from the road frontages. I saw that there is a brick wall of over 2 metres in height around a garage nearby but for the most part frontages are open. The garage wall has piers and decorative relief which reduce its perceived scale. On the opposite side of New Street there is a transport yard which is enclosed by palisade fencing. For the reasons given I find that the proposed wall would be unduly dominant and that it would unacceptably detract from the character and appearance of the area. This effect would be particularly harmful given that Oldham Road is a key route within the city and the proposed wall would thus be prominent in the context of the wider area. The site is within the East Manchester Regeneration Area as identified in the Manchester Core Strategy (2012) (CS) and the negative appearance of the development would not support the aims of regeneration within that area. The appellant has pointed out that some bagged material is stored within the transport yard opposite but I saw that this is limited in extent and this does not alter my finding on this main issue.
10. The appellant states that as a fall-back position waste plastic could be stored on the site under the existing authorised use which is Class B8 (Storage or

¹ Ref 106866/FO/2014/N1

Distribution)². The *Land Use Gazetteer* confirms that plastic waste storage falls within that Use Class. It has not however been demonstrated that the storage of waste plastic separately from the processing activity and of the volume previously stored in the yard would be viable as a realistic alternative.

11. A number of development plan policies require protection and enhancement of the character and appearance of the area. Policies SP1 and EN1 of the CS require creation of well-designed places and good design particularly on major radial roads. Saved policy E3.3 of the Manchester Plan³ has a similar requirement. Policy EC1 of the CS while providing for economic growth requires enhancement of the sense of place of the wider area and policy EN19 encourages improvement of the environment in connection with waste management facilities. The proposal would not accord with those policy requirements or with policy DM1 of the CS which requires consideration of scale, form and massing in relation to the character of the surrounding area.

Highway Safety

12. The appellant has advised that the largest Heavy Goods Vehicles (HGVs) which service the site are articulated and 16.5 metres in length. There are up to 3 deliveries per day by these vehicles. They arrive in accordance with scheduled time slots so that no more than one HGV should be at the site at any time. In the event that two HGVs visit the site at the same time the appellant has an arrangement with the transport company opposite for an HGV to park within that company's yard temporarily. The proposed servicing arrangement would require HGVs reversing from New Street onto the site. The appellant has demonstrated that this manoeuvre is achievable. There is no on-street parking restriction on New Street however and any parked vehicle could restrict such access.
13. The Council says that over the last 3 years storage of waste has encroached onto the servicing area resulting in HGVs servicing the site from New Street or from partially within the site and has provided photographic evidence of this. Conditions could be imposed requiring maintenance of the servicing area free from stored material and servicing in accordance with an agreed management plan. However based on site observations the Council is not satisfied that acceptable servicing arrangements have been demonstrated. This casts doubt on the effectiveness of any condition in this respect in terms of its enforceability. Furthermore the exclusion of the Network Rail land from the area to be used for storage would increase pressure on the remaining area and the likelihood that stored material would encroach on the servicing area.
14. Given the frequency of servicing movements and the size of vehicles any servicing from the highway would be likely to be prejudicial to highway safety and particularly pedestrian safety. The development would not accord with policies SP1 and DM1 of the CS which require the health, safety and wellbeing of residents, road safety and vehicular access to be taken into account.

Overall

15. The facility employs 10 people and is of benefit in terms of its contribution to the local economy. It also provides a facility for recycling of up to 6,000 tonnes of waste plastic annually as an alternative to it being treated at a lower

² Town and Country Planning (Use Classes) Order 1987 (as amended)

³ The Unitary Development Plan for the City of Manchester (1995)

level in the waste hierarchy. These benefits must be weighed against the harms that I have identified. The employment provided by the facility may be more than would be likely to be provided by a storage and distribution facility as authorised, but there is no evidence before me in this respect. For these reasons I give moderate weight to this benefit. The facility makes a contribution to sustainable processing of waste and I give significant weight to this benefit. The proposed brick walls do not attract any weight as a benefit because they would only serve to mitigate the visual impact of the waste and I have found that they would be visually harmful.

16. The benefits of the development in these respects accord with provisions of the CS. Policy EC1 supports new employment provision in this part of Manchester which is identified as the Regional Centre and Central Park in the Plan. This aspect would also be generally supportive of the local economy within the Regeneration Area. Furthermore policy EN19 of the CS and the Greater Manchester Joint Waste Development Plan are in general terms supportive of the type of waste facility proposed. The development would accord with the development plan in these respects but it would not accord with key provisions in terms of the harms identified. For these reasons the development would not accord with the development plan as a whole. This conflict carries substantial weight.
17. In addition to that substantial weight I give further significant weights to the harms that I have identified in terms of the effects of the development on the character and appearance of the area and highway safety. I have given significant and moderate weights to the benefits of the development but those weights are not sufficient to outweigh the weights that I have given to the harms.
18. 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.

Conclusion

19. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR