Application Number	Date of Appln	Committee Date	Ward
086996/FO/2008/S1	27th Jun 2008	21st Aug 2008	Moss Side Ward

Proposal Erection of a two storey building to form mosque

Location 87A Monton Street, Moss Side, Manchester, M14 4LS,

Applicant Mr M Aslam, Unit 5, Monton Trading Estate, Greenheys, Manchester, M14 4LS,

Agent Mr Rahat Anwar 53 Bertrand Road, Bolton, Greater Manchester, BL1 4RS,

Description

This application relates to a vacant rectangular site of 0.0449 hectares formerly occupied by a single storey building destroyed by fire late in 2007. The applicant has already prepared the foundations for the development. The site is adjoined to the west and east by terraced residential properties with small rear yards, to the south is the Greenheys Centre , a Grade II Listed Building, and the north a general industrial unit in the same ownership as the applicant. Access to the site is via the rear alleyways from Monton Street and Upper Lloyd Street.

It is proposed to erect a two story brick building with a grey, unspecified, sheet material roof to be used as a mosque. All windows in the development would be obscurely glazed to prevent overlooking. Access to the mosque would be from the rear alleyways to Monton Street and Upper Lloyd Street. No parking is proposed though the applicant claims that there are 50 spaces available for use by worshippers at the local church, local medical centre, Guru Nanak Dev Ji Gurdwara temple, Greenheys Home Appliances and Greenheys MOT Station. Only the ground floor of the proposed mosque would be accessible. There is no indication within the application of the opening hours for the proposed mosque.

In October 1989 a retrospective application was submitted for the use of a warehouse as a community centre for a temporary period of three years. The application was approved in December 1989. In January 2004 planning permission was granted for the retention of the use for a further 12 months. By the time the premises were destroyed by fire the permission had expired and the use become unauthorised.

Consultations

Local residents - Twelve letters have been received objecting to the proposed development. One of the writers says that they have a good relationship with their Muslim neighbours and in theory have no problems with a mosque on this site , however, they do have concerns. The comments of the local residents are summarised below:-

1. The previous use as a mosque on the site caused endless problems with noise, the comings and goings of large numbers of people and problems caused by large numbers of cars wishing to park in the area.

2. Work has commenced on site despite not having permission

3.The building will be in close proximity to the rear elevation of residential properties, and the noise generated late at nigh will disturb people trying to sleep, particularly in the bedrooms at the rear of the houses.

4. It is inappropriate to erect a public building on a backland site.

5. The proposal will result in large numbers of people having to use the back alleyways to access the mosque. This will disturb residents and increase the risk of properties being the subject of criminal or anti-social behaviour.

6. The use of the alleyways will prevent hen from being alley gated at some future point.

7. The proposal will result in a more intensive use of the site over the previous use for industrial purposes.

8. Up to 400 people used to use the old mosque.

9. The building would be in constant use detracting from the amenity of residents.

10. The previous use as a mosques resulted in a lot of litter being dumped in the alleyways.

11. The use of amplified voices and music disturbs local residents.

12. The use will generate a great deal of traffic and in the past this has caused problems with parking in the area and friction with residents.

13. The design of the building is very poor and will detract from the visual amenity of the area.

14. Residents are concerned that the obscure glass proposed could be replaced with clear glass resulting in a loss of privacy.

15. A two storey building in this location is inappropriate and will have an overbearing impact on the adjoining houses.

16. Concern is expressed that a single woman living near the mosque may feel vulnerable as the use will attract increasing numbers of males to the area.

17. Residents have been verbally abused by worshippers, in one instance when a disabled parking space was blocked by a worshippers car.

18. It is difficult for emergency vehicles to access the site.

Residents groups - The Great Western Street Residents Association have received numerous complaints about the mosque including illegal parking as well as parking in general, noise, anti social hours of worship, litter, spitting, sitting on residents vehicles, blocking footpaths, and blocking the road.

In 2003 the association met with ward Members, the local MP and representatives of the mosque to discuss the problems experienced by local residents, but within days the problems had reappeared.

The original temporary permission was granted to allow time to find alternative premises. It appears little or nothing has been done in this regard.

There is a long tradition in Moss Side of blending people of different ethnic backgrounds, and respects the right to worship for all creeds, but in an appropriate location. The association works hard with all groups in improving the appearance of the area, and an application is in the process of being prepared for alley gating.

Residents feel that since the fire there has been an improvement in the quality of their lives. Furthermore, the association has no confidence in any guarantees given by the leaders of the mosque, based on their previous record.

The proposed building is a storey higher than the original and of poor design.

The Association wish to highlight the need to develop a strategic planning approach towards places of worship in the area. In recent years there has been a prolific increase in the number of places of worship approved by planning.

Ward members - Councillors Roy Walters and Alistair Cox have written to object to the current application in support of local residents. There has been a Mosque building on this site for several years - and more recently it had been granted temporary planning permission. This was to allow the Mosque committee to locate a more suitable site for their Mosque in the longer term. Whilst strongly and actively supporting their right to worship during this period, ward members have always made it clear that the landlocked nature of the site makes it unsuitable as a site for a permanent Mosque. Access is restricted through four narrow passageways, there is no parking provision and the site is very close to two rows of terraced houses. There is no doubt that local residents have been greatly inconvenienced by noise and parking problems, and there have been concerns expressed about safety issues. It was fortunate that the fire that destroyed the Mosque caused no injury and that the damage was confined to the Mosque building itself. Both rows of terraced houses had to be evacuated in the middle of the night and at one stage there were fears that the fire would spread to the adjacent Greenheys Education Centre.

Ward members remain committed to working with the Mosque Committee to find other more suitable locations both for the Mosque itself and for its education work with children and young people. This work is still going on, and members of the Mosque Committee are actively engaged in this process. Ward members recognise the distress that has been caused by the destruction of this Mosque - several hundred worshippers have had their place of worship destroyed and for many this has been a traumatic experience. But, for the above reasons, ward members are not able to support an application which rebuilds the Mosque on its former site in Monton Street.

Tony Lloyd MP – believes past problems for local residents in relation to access and traffic would recur if planning permission were granted.

Greater Manchester police Architectural Liaison Unit - Due to the location of the mosque it is important to ensure that the existing lighting to the rear alley ways is retained.

Greater Manchester Police Crime Reduction Officer - There have been a number of incidents at mosques where persons sneak into the building/car park and steal items during prayers. It is difficult to secure a building whilst unknown persons are free to enter.

South Manchester Regeneration Team - The regeneration team are unable to support this application. The proposed location of the mosque is the main concern in that access is restricted through narrow passage ways and there is no parking provision associated with the mosque. The site is close to rows of terraced housing and residents would be inconvenienced by parking problems and noise. The recent fire on the site highlighted its in appropriate location in regards to health and safety as residents in surrounding houses had to be evacuated. Fortunately no injury or damage was caused.

The regeneration team are happy to work with the Mosque Committee to provide advice on suitable locations for the mosque and we appreciate and recognise the distress caused by the fire for the worshippers of the mosque.

Regulatory and Enforcement Services - Should planning permission be granted conditions should be applied relating to a noise breakout insulation scheme, refuse storage and light pollution.

Engineering Services - There is concern that there are no parking spaces allocated within the site boundary. The design and access statement claims that agreements have been made with surrounding businesses/organisations/places of worship. There is no written evidence of such arrangements provided and, as such would, be difficult accept. Conflicts with the various opening times of the co-operating parties has the potential to reduce the number of spaces available.

There is potential that at key service times (notably Friday evenings) traffic associated with the proposed mosque will park on street causing significant problems for local residents. A workable travel plan formulated in conjunction with the Travel Change team is recommended.

Issues

Unitary Development Plan - There are no site specific policies within the plan. Relevant policies are H2.2 which seeks to protect the amenity of residents from the adverse impact of developments, policy T2.6 which requires new developments to provide parking facilities for the disabled, policy E3.5 which requires new developments to design out crime, policy DC18 seeks to protect buildings that are Listed as being of Architectural or Historic Interest from inappropriate development, policy Dc26 which looks to protect the amenity of

residents from noisy developments and the Guide to development in Manchester which seeks to ensure new developments make a positive contribution to the City.

Regional Spatial Strategy - The relevant policies are DP1, DP2 and DP3 which seek to require new developments to make the most effective use of land , enhance the quality of life and ensure that new developments are of a high standard.

Principle - the original building on the site dates back to the industrialisation of Manchester when it was not uncommon for industrial buildings to be cheek by jowl with houses. However, this is a land locked site with only pedestrian access along the back alley ways and no road frontage, it is not an acceptable location for a public building and to develop it for such a purpose would be contrary to the provisions of the Guide to Development in Manchester.

Disabled Access - only the ground floor of the proposed mosque would be accessible to the disabled. This is unacceptable for a public building and contrary to policy E3.5 and Design for Access 2

Crime and Disorder - If the rear alleyway becomes a well used public thorough fare it will render the backs of properties vulnerable to crime at a time when residents are lobbying for an alley gating scheme.

Residential Amenity - the proposed mosque would be situated between two terraces of residential properties and can only be accessed along the rear alley ways to these properties. The use would attract large numbers of people to the property some of whom arrive extremely early or stay very late. The residents suffered a loss of amenity from the unauthorised mosque previously. The proposed use will once again have a negative impact on the amenity of local residents in terms of the large numbers of comings and goings to the mosque , the noise generated by those people together with the increased demand for on-street parking, the noise of vehicles starting up and car doors slamming. The Head of Planning believes that the absence of a main road frontage for the proposed mosque makes it more difficult for worshippers to disperse quickly and quietly and will thus have a significant adverse impact on the amenity of the adjoining residents.

Scale, Architectural Massing and Design - The original building on the site was single storey and covered the whole of the site. The proposed new building is a storey higher and given its close proximity to the rear of the residential properties, a distance of approximately 8 metres, this additional height will have an overbearing impact to the detriment of the amenity of the residents. As well as being extremely large, the design of the building is utilitarian and will detract from the visual amenity of local residents.

Parking - The applicant refers to several remote sites for parking but has provide no evidence to demonstrate their availability. Experience has shown with other places of worship that worshippers tend to park as close as possible in preference to using remote car parks and this would exacerbate existing on-street parking problems in the area. In addition the floor area of the mosque will effectively be doubled thus increasing the potential for demand for on-street parking and the potential for conflict with residents.

Rebuilding - In justification for commencing building work the applicant claimed that he was rebuilding a fire damaged building and therefore planning permission was not required. In that this is clearly a larger building, two storeys as opposed to one, this is not the case. However, even if this was not the case and the appellant was rebuilding an identical building to that destroyed Section 336 of the Town and Country Planning Act makes it clear that building operations include demolition and re-building.

Impact on Listed Building - The proposed building is located at the rear of the Greenheys Centre, which is a Grade II Listed Building. Whilst it is not the principle fascade of the listed building the increase in massing, poor fenestration and close proximity means that the proposed building will have a significant impact in visual terms.

Conclusion - It is the Head of Planning's view that the demolition of the original building has extinguished the existing use of the site and that the erection of a building for any purpose will require planning permission. In this case the site is in close proximity to residential accommodation and by its nature the use will involve large numbers of people visiting the site for a substantial part of the day, including late into the night. Consequently there is a substantial potential, given previous experience with a smaller mosque on the site, for a loss of amenity and it is not felt that this could be controlled through the use of conditions. Hence, the recommendation to refuse consent.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Planning has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by the refusal of the application is proportionate to the wider benefits of refusal and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation REFUSE

Conditions and/or Reasons

1) The proposed development by reason of its excessive scale and architectural massing in close proximity to the rear elevations of residential properties at 71 to 87 Monton Street and 26 to 40 Upper Lloyd Street would

have an overbearing impact to the detriment of the amenity of the occupiers of those properties. The proposed development is therefore contrary to the provisions of policy H2.2 of the Unitary Development Plan for the City of Manchester.

2) The proposed development would have a detrimental affect on the amenity of the occupiers of residential accommodation at 71 to 87 Monton Street and 26 to 40 Upper Lloyd Street by reason of the noise and general activity associated with large numbers of worshipers using the alleyways to the rear of those properties. The proposed development is therefore contrary to the provisions of policies H2.2 and DC26 of the Unitary development plan for the City of Manchester.

3) The developer has failed to provide evidence that the car parking described in the design and access statement will be available for use. The proposed development will therefore result in increased demand for on street parking in an area where there is an existing parking problem. The proposed development is therefore contrary to the provisions of policies H2.2 and T2.6 of the Unitary Development Plan for the City of Manchester

4) The proposed development fails to take adequate measures to design out crime in that there is no natural surveillance from the public domain of the entrances to the proposed mosque and the use will encourage the use of the rear alley ways undermining the security of the adjoining residential properties. The proposed development and adjacent properties would therefore be vulnerable to criminal or anti-social behaviour contrary to the provisions of Policy E3.5 of the Unitary Development Plan of the City of Manchester and the guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development".

5) The proposed development by reason of its scale, mass and design would result in an overdominant and intrusive building that would have a detrimental impact on the visual amenity of the area and the Greenheys Centre which is a Grade II Listed Building. The proposed development is therefore contrary to the provisions of policies H2.2 and DC18 of the unitary Development Plan for the City of Manchester and the Guide to development in Manchester which is a Supplementary Planning Document

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 086996/FO/2008/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

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

Engineering Services
Environmental Health
Moss Side Ward Co-ordinator

Environment & Operations (Refuse & Sustainability)
South Manchester Regeneration
Greater Manchester Police
Great Western Street Residents Association
Tony Lloyd MP
Judith Sadler, Crime Reduction Officer
8a, Maine Road,
4 - 8Maine Road,
69 – 87, 62 - 100 Monton Street,
5 - 53 Normanby Street,
11 – 47, 20 - 40 Upper Lloyd Street,
173 - 233 Great Western Street
Flat 1 to Flat 24, Whitworth Park Mansions 366-372, Moss Lane East,
Flat 1 to Flat 51 Cardinal Court 344-346, Moss Lane East,
23 - 33 Upper Lloyd Street, Manchester,
23a, Upper Lloyd Street,
29a, Upper Lloyd Street,
42 Upper Lloyd Street
225a, Great Western Street, Manchester, M14 4LG
60 Monton Street,
Manchester Adult Education Service, Greenheys Adult Education Centre, Upper Lloyd Street,
25a, Upper Lloyd Street,
Greenheys Home Appliances, 37-39, Upper Lloyd Street,
27a, Upper Lloyd Street,
Greenhay`s M O T Centre, Monton Street,
Rear Of 37-39, Upper Lloyd Street,

Representations were received from the following third parties:

Councillor Roy Walters
Councillor Alistair Cox
Margaret Bradley, 86 Monton St, Moss Side , Manchester, ,
John Meighan, 76 Monton St, Moss Side , Manchester
Gerry Doyle, 79 Monton Street,, Manchester. M14 4LS., Lancs.
, 73 Monton Street, Manchester, M14 4LS
, 75 Monton Street, Manchester, M14 4LS
, 79 Monton Street, Manchester, M14 4LS
, 87 Monton Street, Manchester, M14 4LS
, 70 Monton Street, Manchester, M14 4LT
, 86 Monton Street, Manchester, M14 4LT
, 21 Upper Lloyd Street, Manchester, M14 4HY
Mr & Mrs Cornell, 88 Monton Street
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Email : d.morris@manchester.gov.uk