Planning

Growth & Development

Delegated officer report for planning application

Application no.	138517/FO/2023
Date registered valid:	4 December 2023
Proposal:	Erection of first floor extension to creation additional floorspace (Class F.1)
Address:	50A Birch Lane, Manchester, M13 0WN
Ward(s):	Rusholme Ward
Applicant:	Manchester Jame Masjid & Cltrl Ctr
Agent (if any):	Mr Syed Uddin, SHUAS
Case officer:	Ian Jarvis Tel: 0161 234 4079 Email: ian.jarvis@manchester.gov.uk
Recommendation:	Refuse
Date of recommendation:	29 January 2024

Application details

Type of application: Full Application Consent

Development type: Minor Other

Standard consultations:
Printed: 7 December 2023 Expired: 28 December 2023

Neighbour notifications
Printed: 7 December 2023 Expired: 28 December 2023

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

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

This application relates to an existing mosque, prayer hall and community centre, which lies in an otherwise mostly residential area.

In April 2015 a Certificate of Lawful Development (108028/LE/2015/N2) was granted for the use, so the centre has therefore been operational since at least 2005. At the time the certificate was granted, the premises comprised of ground floor prayer rooms, and associated facilities, with some community rooms in a first floor element that had a smaller footprint, than the ground floor, and which was positioned along the common boundary with no.2 Alwyn Drive. The applicant has confirmed that this first floor element was subsequently removed, due to structural issues, but has not indicated when this occurred.

It is now proposed to re-introduce an upper floor element, which would be approximately the same size, height and footprint, as the previous structure. It would again be on the west side of the building, running along the common boundary with no.2 Alwyn Drive. It would have an external footprint of approximately 5.3 metres x 18.7 metres, giving an internal floor area of approximately 100 square metres, and it would have a total height, above ground level, of approximately 6 metres to eaves level and 7.8 metres to the roof apex. It would be constructed in materials to match the existing.

The submitted proposed floor plan indicates that the space would be used as a single classroom. No car parking is provided on site.

Consultations & Notification Responses

Local residents - No comments received

Highway Services - Makes the following comments:

PARKING AND ACCESS
It is anticipated that there is no on-site car parking associated with the development. As such, they are concerned that vehicular demands associated with the site may impact on existing residential on-street parking, with terraced properties reliant on this arrangement. Information is needed on the existing capacity of the building? Is there any survey information regarding the number of visitors arriving by car? Is there any information on where vehicles currently park? Is there currently a parking management strategy for the site?

REFUSE AND SERVICING:
A refuse storage area is noted to the side of the main entrance. This is considered to be appropriate in ensuring no obstruction on the adjacent highway.

Strategic Area and Citywide Support Manager - Recommends that conditions are attached, to any permission, in relation to acoustic insulation, air quality, refuse and construction management.

Issues

National Planning Policy Framework (September 2023) - Sets out the Government's Planning Policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that achieving sustainable development means that the planning system has 3 overarching objectives:

An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land, of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy

The Framework has been related to the proposed development, with particular emphasis given to the following:

It states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development;

b) are visibly attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 12 'Achieving Well Designed Places' states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. paragraph 127).

The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.
A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.

Policy SP1 identifies the City Council's Core Development Principles and states that development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-
- Creating well designed places that enhance or create character
- Making a positive contribution to the health, safety and wellbeing of residents
- Considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment

Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.

Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy EN1 relates to design principles and strategic character areas and states that all development in Manchester will be expected to follow the seven principles of urban design listed below:
- Character: a place with its own identity

- Continuity and enclosure: a place where public and private places are clearly distinguished
- Quality of the public realm: a place with attractive, and successful outdoor areas
- Ease of movement: a place that is easy to get to and move through
- Legibility: a place that has a clear image and is easy to understand
- Adaptability: a place that can change easily
- Diversity: a place with variety and choice

Policy EN19 relates to waste and states that the Council will require all developers to submit a waste management plan to demonstrate how both construction and demolition waste will be minimised and recycled on site wherever possible and how the sustainable waste management needs of the end user will be met.

Policy T2 states that outside the City Centre all new development should provide appropriate car parking facilities, taking account of the guidance in Appendix B (of the Core Strategy). In all parts of the City proposals should have regard to the need for disabled and cycle parking, in line with appendix B (this indicates maximum car parking standards for various uses).

Notwithstanding the above, Policy T2 requires that consideration is given to the particular circumstances of each proposal to determine the appropriate levels of car parking that may be required. Policy T2 requires the provision of proportionate Traffic Impact Assessments and Travel Plans for all major applications and for any proposals where there are likely to be access or transport issues.

Policy DM 1 states that all development should have regard to the following specific issues for which more detailed
guidance may be given within a supplementary planning document:-
- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality and road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.
- Community safety and crime prevention.
- Design for health.
- Adequacy of internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.
- Green Infrastructure including open space, both public and private.
- Flood risk and drainage.
- Existing or proposed hazardous installations.

Unitary Development Plan - The site is unallocated in the plan.

Saved policy DC26.1 states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:
a. the effect of new development proposals which are likely to be generators of noise; and
b. the implications of new development being exposed to existing noise sources, which are effectively outside planning control.

Principle- The site is surrounded by residential properties and whilst, in principle, it is not an inappropriate use, in a residential area. It is noted that the use of the site has been established, by a Lawful Development Certificate, but the Local planning Authority has never had the opportunity to assess the proposal as part of a formal application for planning permission. Thus, the original upper floor structure formed part of the Lawful Development Certificate application, where matters such as visual impact of the structure, and car parking requirements could not be assessed. The fact that it was subsequently removed, and its re-introduction requires an application for planning permission, means that these matters can be assessed and, whilst being a consideration, the presence of a similar structure, previously on site does not justify, in itself, the granting of permission for the proposed structure.

Use of structure - The applicant has indicated that the previous upper floor structure was occupied by an education class that was moved to the main hall, on the ground floor, when the first floor was demolished and which subsequently shared part of the prayer space on the ground floor. This has sometimes led to disturbance between the prayer and education activities, so the stated aim, of the applicant, is to revert to the previous arrangement, rather than to increase levels of activity at the site. It is stated that the total number of children, using the accommodation will range from 30 to 35 during the early evening hours.

Car parking - No dedicated car parking is currently provided on site and none is to be provided in relation to the proposed works. To enable the assessment of the application the applicant was asked to examine if any car parking was possible on site and to provide the following information:
- A detailed schedule of existing activities on site, with an indication of visitor numbers and a detailed schedule of proposed activities on site, with projected visitor numbers:
- A transport statement which details how visitors currently travel to the site and which assesses the potential impact of trips to the site, in connection with the proposed extension.

This information has not been provided and the Council is not therefore satisfied that the proposed development would not lead to additional on-street parking demands in the area, which would be detrimental to the amenities of local residents and the proposal, as submitted, is not supported by Highway Services. Whilst the comments of the applicant are noted, relating to how the premises would operate, the proposal nevertheless creates additional accommodation on site, which could be used simultaneously with the remainder of the premises, rather than shared and would thereby allow for additional people to be present on site, at a given time, with associated additional comings and goings and vehicular activity/parking, that would potentially be detrimental to the amenity of local residents.

Visual Impact of works - The proposed development would run right up against, and along the common boundary, with no 2 Alwyn Drive, creating a substantial feature along this boundary and at the head of a small residential cul-de-sac. It is considered that this would lead to a significant loss of outlook to the occupiers of adjoining properties, particularly 2 Alwyn Drive, notwithstanding that a structure was previously present on site.

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 polices 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 worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Due to the proposal being contrary to planning policy, the Council has sought a solution to the problems, however the intervention has not resulted in a solution.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed development would be unduly detrimental to the amenities that occupiers of adjacent residential properties might reasonably expect to enjoy, by virtue of increased comings and goings associated with the additional accommodation, vehicle movement, together with the insufficient arrangements for the parking of vehicles within the curtilage of the site and the resulting exacerbation of existing on-street parking, highway difficulties and traffic congestion in the area, to the detriment of pedestrian and highway safety. As such the proposal would be contrary to saved policy DC26, of the Unitary Development Plan for the City of Manchester and policy DM1 of the Manchester Core Strategy.

2) The proposed development, by reason of its relationship along the common boundary with no. 2 Alwyn Drive would create an unsympathetic, overbearing cumulative feature by virtue of the size, scale and massing of works along this common boundary, which would be detrimental to amenity of the neighbouring occupiers by reason of having an overbearing appearance and would therefore be contrary to policies SP1 and DM1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

52 Birch Lane, Manchester, M13 0WN
Vehicle Repair Workshop Rear Of 48, Birch Lane, Manchester, M13 0NN
49 Birch Lane, Manchester, M13 0WW
54 Birch Lane, Manchester, M13 0WN
Creative Support, 46 - 48 Birch Lane, Manchester, M13 0NN
47 Birch Lane, Manchester, M13 0NW
2 Bates Street, Manchester, M13 0WL
51 Birch Lane, Manchester, M13 0WW
45 Birch Lane, Manchester, M13 0NW
56 Birch Lane, Manchester, M13 0WN
Flat 5, 50 Birch Lane, Manchester, M13 0WN
Flat 4, 50 Birch Lane, Manchester, M13 0WN
Flat 3, 50 Birch Lane, Manchester, M13 0WN
Flat 2, 50 Birch Lane, Manchester, M13 0WN
Flat 1, 50 Birch Lane, Manchester, M13 0WN

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding Zone - All Exceeding 90M
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA