

Planning

Growth & Development

Delegated officer report for planning application

Application no. 134923/FO/2022
Date registered valid: 23 July 2023
Proposal: Erection of single storey rear extensions to mosque
Address: 11A Bedford Avenue, Manchester, M16 8JS
Ward(s): Whalley Range Ward

Applicant: Shaie E Rabbani Mosque, Kamani Commercial Property Ltd
Agent (if any): Mr Nadeam Khan, NK Architectural
Case officer: Steven McCoombe
Tel: 0161 234 4607
Email: steven.mccoombe@manchester.gov.uk

Recommendation: Approve
Date of recommendation: 21 September 2023

Application details

Type of application: Full Application Consent

Development type: Householder

Date of site visit: 18 August 2023

Standard consultations:

Printed: 2 August 2023 Expired: 23 August 2023

Neighbour notifications

Printed: 2 August 2023 Expired: 23 August 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

This application relates to a three storey, bay fronted, terraced property incorporating a part single, part two storey outrigger and rear roof dormer. The front of the property adjoins the back of the pavement, whilst to the rear there is a small yard area.



View of the rear of the property showing the position of the proposed extension

The property was formerly in use as traditional dwellinghouse but was granted planning permission for use as a religious education centre following a successful appeal against an enforcement notice for unauthorised use of the building. Presently, the property serves the local Islamic community as a Shair-e-Rabbani mosque.

The property is situated along a short cul-de-sac and bounded on all sides by similar terraced properties, all of which are in residential use.

The existing use of the property was originally refused planning permission by the City Council in 1994 due concerns surrounding noise, disturbance and lack of car parking. Despite this, the property was occupied for the use sought and planning permission eventually granted via the granting of an enforcement appeal subject to certain conditions relating to daytime hours of use only, acoustic insulation and the restriction of the second floor to residential use only. It is understood that top floor is now vacant and no longer used for residential purposes.

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

Description of area

The immediate area is predominantly residential in a character, largely comprising two and three storey, semi-detached and terraced dwellings. The British Muslim Heritage Centre is located a short distance to the north, opposite the entrance to the cul-de-sac along Clarendon Road. A short distance to the north-west, along Clarendon Road is a parade of local shops.

Description of development

Planning permission is sought for the erection of a single storey rear extension to form an extended prayer room intended to provide improved accommodation due to the existing internal arrangement being cramped.

The proposal is identical to the proposal approved in 2019 (120677/FO/2018) which has since expired.

The proposed extension infills the area at the side of the outrigger and extends across the full width of the yard to a point approximately 1 metre from the end of the yard. The extension would have a flat roof and the only openings would be a door and a window in the rear elevation. A refuse storage area is provided in what remains of the rear yard.

Consultations & Notification Responses

Local Residents/Occupiers – 2 representations have been received which raise objections. Comments are summarised below:

-The proposal would lead to a reduction in amenity space for refuse storage and other ancillary uses. The infill with also have a detrimental effect on the neighbouring properties and their ability to enjoy their external amenity space.

-The proposal could lead to an increase in the occupation of the building in a residential area.

-There is no parking available which leads to overcrowded parking on Bedford Avenue and neighbouring streets such as Palmerston Avenue and Clarendon Road.

-The impact of the proposed extension will be visible from many of the neighbouring properties.

-The proposed extension is out of keeping of the rest of the properties in the neighbouring area.

- It's likely that the proposed extension will cover the main manhole in the back yard. T
- The proposed location for the refuse area in the back yard seems very small in relation to the use of the property and could lead to more refuse facilities at the front of the property.
- The application mentions that the proposal will include greater access for elderly and disabled people. The drawing doesn't appear to include drawings for ramp(s)
- The proposed drawing doesn't appear to highlight fire exits at the rear of the property.

Environmental Health – The bin storage arrangement for the top floor flat is questioned, as well as the internal facilities provided. It is also considered that the mosque use should have recycling arrangements.

Highway Services – No objection. It is understood that the proposed development has received planning approval previously.

Refuse will be stored within the yard to the rear of the property and brought to the collection point on collection days as per the current arrangement. This is acceptable.

Planning History

120677/FO/2018

Erection of single storey rear extension to existing mosque (Class D1). *Approved 13 March 2019.*

101182/FO/2012/S1

Erection of part single/part three storey rear extension to an existing mosque. *Refused 15 March 2013.*

102774/FO/2013/S1

Erection of a single storey rear extension to mosque (Class D1). *Approved 26 July 2013.*

045110/FU/CENTL1/94

Change of use from a dwellinghouse to a teaching facility for the Islamic faith for the education of young people. *Refused 26 May 1994. Appeal Dismissed*

051399/ENF/CENTL1/94

Application deemed to have been made following the submission of an appeal against an Enforcement Notice which relates to the unauthorised use for residential use and use as a religious education centre. *Approved 28 April 1995.*

Policy

The below policy and guidance is considered relevant to the consideration of this application:

- Saved policy DC16 of the UDP;
- Policies DM1 and SP1 of the Manchester Core Strategy;
- The National Planning Policy Framework (NPPF);

Issues

Principle

Planning permission was granted for a similar, slightly smaller extension to be used as a kitchen/dining room in 2013 and subsequently for an extension identical to that now proposed granted in 2019. The application in 2019 was considered against Core Strategy policies and as there has been no changes to development plan policies relevant to this application since then, the principle of the proposed development is considered acceptable.

Use

The scheme looks to construct an extension to the ground floor to accommodate a prayer room for the existing congregation/patrons as the current arrangement is considered cramped. Also, prayers clash with children's classes which causes organisational issues within the building. Prayer and education are inextricably linked, and the premises has been used for both prayer and education for many years. There is no change of use involved in the development.

Residential Amenity

The proposed extension will not impact on the adjacent properties in terms of being overbearing or dominant. There are no windows proposed that would cause overlooking issues.

As the proposed extension is not intended to intensify the use, it is considered that on balance there would be no significant change in terms of the impact of comings and goings on the amenity of residents.

Waste Management

There is adequate space within the retained yard for the storage of refuse and the existing arrangement would continue. As the proposed extension is not to facilitate increased capacity, it follows that there would be no uplift in waste generation.

Whilst Environment Health raise concerns about the storage arrangement for the top floor flat, it has been confirmed by the applicant that this accommodation is no longer in use. Further, whilst it is questioned whether recycling arrangements should be provided for the mosque, the application relates to an established use, with no intended intensification. It is therefore considered onerous in legislative terms to request a revised bin storage arrangement.

Impact to the Highway

The extension would create a modest increase in floorspace and is required to address current conflicts within the building rather than to increase its capacity. On balance it is considered that there will be no significant change in respect of traffic using the facility.

Conditions

This is an application for an extension to an existing use. Conditions can only be added that relate to the proposed development and not to control the use of the remainder of the building. Nevertheless, it is considered necessary to reattach the conditions that were imposed in respect of the enforcement appeal and the subsequent permission to extend the premises. The wording of the conditions has been updated to take account of current legislation.

Conclusion

On balance it is considered that there have been no material changes since the previous consent was granted in 2019 and that on balance consent should be granted.

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: Approve

Article 35 Declaration

Officers have worked with the applicant / agent in a positive and proactive manner to guide the application through all stages of the planning process and resolve any issues that arose in dealing with the planning application.

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

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Location Plan and drawing referenced 04-18 BA103/A received by the City Council as Local Planning Authority on 12 September 2012 and drawing referenced 04-18 BA-102/A received by the City Council as Local Planning Authority on 11 April 2023.

Reason - To ensure that the development is carried out in accordance with the approved plans, pursuant to policies SP1 and DM1 of the Manchester Core Strategy.

3) The development hereby approved shall be constructed using materials that match those used in the original building in terms of size colour and texture.

Reason - To ensure that the appearance of the development is acceptable to the City Council as local planning authority in the interests of the visual amenity of the area within which the site is located, as specified in policies SP1 and DM1 of the Manchester Core Strategy.

4) The development shall only be carried out in accordance with the refuse storage scheme detailed within the submitted waste management pro forma and bin store shown on drawing numbered 04-18 BA-102/A received by the City Council as Local Planning Authority on 29 November 2022 and 11 April 2023 respectively. The approved scheme shall be implemented prior to first occupation of the extension hereby approved and shall remain in situ at all times whilst the use or development is in operation. No bins should be stored outside the curtilage of the property, other than on the day of collection.

Reason - In the interests of residential amenity and public health, pursuant to Policies DM1 and SP1 of the Manchester Core Strategy.

5) The top floor of the premises shall not be for religious instruction or the education of young people at any time and shall remain in residential usage.

Reason - To prevent and over-intensive use of the property in order safeguard residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended by The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2020 (or any order revoking and re-enacting that Order with or without modification) ground and first floor of the premises shall be used for religious instruction and the education of young people in the Islamic faith and for no other purpose (including any other purpose in F.1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by The Town and Country Planning (Use Classes) (Amendment) (England) Order 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose(s) of F.1.

Reason - To safeguard residential amenity, pursuant to policies DM1 and SP1 of Manchester Core Strategy.

7) The use as a religious education centre shall not take place except between 1600 and 1900 hrs Monday to Saturday and not all on Sundays and Bank Holidays.

Reason - In order to safeguard residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

8) No more than 50 patrons shall be within the host premises at any time.

Reason - To safeguard residential amenity, pursuant to policies DM1 and SP1 of the Manchester Core Strategy.

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health

Flat 2, 3 Bedford Avenue, Manchester, M16 8JS
Flat 1, 3 Bedford Avenue, Manchester, M16 8JS
Flat 6, 11 Bedford Avenue, Manchester, M16 8JS
Flat 3, 11 Bedford Avenue, Manchester, M16 8JS
18 Palmerston Avenue, Manchester, M16 8JR
12 Palmerston Avenue, Manchester, M16 8JR
Flat 5, 11 Bedford Avenue, Manchester, M16 8JS
Flat 4, 11 Bedford Avenue, Manchester, M16 8JS
Flat 2, 11 Bedford Avenue, Manchester, M16 8JS
Flat 1, 11 Bedford Avenue, Manchester, M16 8JS
3 Bedford Avenue, Manchester, M16 8JS
1 Bedford Avenue, Manchester, M16 8JS
Flat 4, 1 Bedford Avenue, Manchester, M16 8JS
Flat 3, 1 Bedford Avenue, Manchester, M16 8JS
Flat 2, 1 Bedford Avenue, Manchester, M16 8JS
4 Bedford Avenue, Manchester, M16 8JS
18 Bedford Avenue, Manchester, M16 8JS
9 Bedford Avenue, Manchester, M16 8JS
8 Bedford Avenue, Manchester, M16 8JS
7 Bedford Avenue, Manchester, M16 8JS
6 Bedford Avenue, Manchester, M16 8JS
5 Bedford Avenue, Manchester, M16 8JS
20 Bedford Avenue, Manchester, M16 8JS
2 Bedford Avenue, Manchester, M16 8JS
19 Bedford Avenue, Manchester, M16 8JS
16 Bedford Avenue, Manchester, M16 8JS
17 Bedford Avenue, Manchester, M16 8JS
14 Bedford Avenue, Manchester, M16 8JS
12 Bedford Avenue, Manchester, M16 8JS
10 Bedford Avenue, Manchester, M16 8JS
8 Palmerston Avenue, Manchester, M16 8JR
20 Palmerston Avenue, Manchester, M16 8JR
16 Palmerston Avenue, Manchester, M16 8JR
14 Palmerston Avenue, Manchester, M16 8JR
10 Palmerston Avenue, Manchester, M16 8JR
15 Bedford Avenue, Manchester, M16 8JS

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
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA