

List No. 9

Moss Side Ward	Application Number 085261/JO/2007/S1	Date of Appln 18th Dec 2007	Committee Date 29th May 2008
Proposal	Continuance of use of first floor as a place of worship and extensiion of opening hours to allow 24 hour use		
Location	200 Platt Lane, Rusholme, Manchester, M14 7DE		
Applicant	Mr Zafar Mahmood, Al Jamia Al Karima, 200 Platt Lane, Rusholme, Manchester, M14 7DE		
Agent	Paul Butler Associates 31 Blackfriars Road, Salford, M3 7AQ		

Description

This application relates to the first floor of a two storey, free standing building bounded by Platt Lane, Yew Tree Road, Lynton Street and Tintern Street. The ground floor is used for retail purposes within class A1 of the Use Classes Order. There are no off-street parking or servicing facilities and access to the first floor is from an entrance on Yew Tree Road.

The site is enclosed on three sides by residential properties, whilst facing the site across Platt lane is Manchester City Football Club's Platt Lane Complex which is used as a training ground for the club's academy.

In October 1996 planning permission, ref. 048427/FO/CENTL1/95, was granted for the use of the first floor as an Islamic Cultural Centre. Attached to the permission were, amongst others, two conditions. Condition 2 limited opening hours to 4.30pm to 7.30 pm Monday to Friday and 9.00am to 7.30 pm Saturday and Sunday, whilst condition 4 precluded the use of the premises for any other purpose within Class D1. This included use as a place of worship.

In response to complaints that the premises were being used as a place of worship and in breach of the hours condition, an application 060835/JO/SOUTH1/00, was submitted in November 2000 to vary the relevant conditions. The application was refused by the Committee in February 2001.

An appeal was subsequently lodged against the refusal and following an informal hearing the Inspector ruled that the appeal should be allowed in respect of condition 2, namely that the premises should be allowed to open between the hours of 9.00am and 9.30 pm seven days a week and that all persons should leave the premises by 9.30 pm. In respect of condition 4, namely the use of the premises as a place of worship, the Inspector dismissed the appeal. In dismissing the appeal he said 'Traffic hazards arising from heavy on-street parking reasonably close to the appeal premises render them unsuitable for use as a mosque in the absence of a binding commitment to the supervision of parking activities'.

However, an agreement was subsequently reached between the mosque and the City Council which could form the basis of the binding agreement referred to by the Inspector. Planning permission was granted on 1st March 2006 for a period of 12 months and subject to a Section 106 agreement that enabled the property to be used as a place of worship. The S106 required the mosque to use its best endeavours to ensure that visitors (including worshippers) do not park their vehicles in contravention of any parking restrictions in force from time

List No. 9

to time when visiting the premises and such endeavours shall include erecting notices in prominent locations. The agreement went on to require the mosque to display information and timetables relating to public transport to the site and to keep the information up to date.

This current application seeks permanent permission for the continued use of the first floor as a place of worship. In addition they are seeking to extend the opening hours to allow the premises to open 24 hours a day. The extension to the hours is required not so much that the premises can be used more intensively but rather to enable worshippers to attend prayer before dawn and after dusk, the times of which vary throughout the year. The applicants indicate that these sessions are rarely attended by more than six or seven worshippers. The exception would be during Ramadan there will be a significantly larger number of worshippers.

Consultations

Local Residents/businesses - Five letters have been received from local residents making the following points.

1. The mosque currently breaches its approved hours of opening.
2. It is impossible to park outside homes on the surrounding streets when the premises are being used for worship. Particularly at Friday lunchtime.
3. The applicant has breached the obligations in the S106 agreement attached to the previous consent.
4. Worshippers regularly park illegally and without consideration.
5. Would have no objection to the mosque if the worshippers parked in Platt Fields Park.

Ward Members - Councillor Alistair Cox is very keen to regularise the situation with the mosque and that generally the situation seems to have greatly improved. However, a resident recently visited his surgery to complain about the parking. Whilst the resident supports the right to worship, he requests that they are reminded of their responsibility to park in ways that do not obstruct local residents and that they adhere to the agreed hours.

Elected Members - Councillor Lynne Williams opposes the proposed development. She is concerned about the 24 hours operation of the premises and the nuisance it will cause to local residents. She feels the view expressed by the mosque that there are no traffic and noise problems is not shared by local residents. The parking problem is particularly acute on Friday lunchtimes, with vehicles often left on the footpath causing an obstruction to residents. She believes that as part of the previous permission parking was to be provided in Platt fields. This has neither been successful or enforced. If such a condition was imposed on this application she feels it would be unenforceable and therefore not remedy any problem. The anti social parking as well as being a nuisance for residents restricts access for emergency vehicles. There is considerable noise caused by worshippers when they arrive and depart, with cars starting up and doors slamming. The longer hours of use for both the mosque and for educational purposes will cause a severe disturbance to local residents in terms of loss of amenity and severe noise nuisance.

List No. 9

Councillor Williams concludes that the use of the premises as a place of worship is inappropriate due to the loss of amenity and that planning permission should be refused.

Greater Manchester Police Architectural Liaison Unit - The proposal could lead to disputes between residents and worshippers which may require The Police to resolve. They are therefore unable to support the application due to the lack of parking.

Issues

Unitary Development Plan - There are no specific policies within the plan relating to places of worship. However, policy H2.2 which seeks to protect residential accommodation for the adverse affects of development and policy DC26 which address potential noise issues from development are relevant.

Regional Spacial Strategy - Policy DP1 seeks to achieve the effective use of buildings and previously developed land. Policy UR2 looks to promote the provision of facilities necessary for local communities and to maximise the potential for existing facilities.

Principle - the committee has previously accepted that the principle of the use of the first floor of the premises as a place of worship is acceptable. However, arising from concerns of local residents a temporary permission was granted in order to ascertain if the issues raised by residents could be adequately managed.

Disabled access - The proposed use is located on the first floor and the mosque has the use of a small entrance hall at ground floor level. It is not therefore possible to provide a lift to improve access. Currently stewards assist people with impaired mobility to access the premises.

Crime and Disorder - Whilst the Architectural Liaison Officer has expressed concern about the potential for conflict arising from inconsiderate parking this is not a material consideration. The development itself is not likely to result in increased crime or anti-social behaviour.

Parking - The property itself has no off street parking provision. The principle time that the lack of parking generates a problem is Friday lunchtimes and during feasts such as Ramadan. Whilst there is a great deal of on-street parking in the surrounding area, it is in front of private dwellings and cars parking in the residential streets has been the cause of friction, principally by a minority of drivers who park illegally and inconsiderately. It should of course be noted that a resident has no right to park on the street in front of his or her property and it is not therefore possible to condition the permission to prohibit worshippers from thus parking. There is however, a substantial amount of on-street capacity on the south side of Platt Lane, adjacent to the park and on Yew Tree Road adjacent to the Manchester City Football Club Academy. These areas are within walking distance of the mosque and worshippers are encouraged to use them. There will always be a minority of motorists who will go to extreme lengths to

List No. 9

park as close to their destination as possible and the planning system cannot legislate for them. A condition is proposed that will require the mosque to use its best endeavours to encourage motorists to park legally and with consideration for local residents and to use the preferred locations.

There has in the past been talk of using part of Platt Fields park for car parking by the mosque. This is further from the mosque than the on-street areas and in winter could raise crime and disorder issues from people having to enter the park in darkness. Members will also recall the furore when Manchester Royal Infirmary sought to use part of the Park as a temporary car park during the redevelopment of the hospital.

Noise - The principle source of noise is from worshippers leaving the premises. There is a condition proposed that would prohibit the use of an amplification system to call worshippers to prayer. The principle concern of residents is from cars starting up, car doors slamming, car radios and people talking before getting into their cars. By encouraging worshippers to park in the designated areas they are further from residential properties and noise should be kept to a more manageable level.

Hours of use - The extended hours of use are to enable a small number of worshippers to pray before dawn and after dusk on a regular basis. It would also enable worshippers to pray at the appropriate times during Ramadan, which is a movable feast that requires prayers to be said before dawn and after dusk. Currently worshippers may have to breach the planning permission depending upon the time of year.

S106 - the previous temporary permission was accompanied by a Section 106 agreement that required the mosque to use its best endeavours to encourage worshippers to park considerately and to use the agreed areas on Platt Lane and Yew Tree Road. It is proposed rather than enter into a new agreement to condition the permission in this respect as it is felt that the conditions can be adequately enforced.

Conclusion - Whilst complaints about parking have not completely ceased since the previous temporary permission was granted, the mosque appears to have made significant progress in addressing the issue. The Head of Planning believes it is the role of the parking enforcement services to control illegal and inconsiderate parking and not the planning system. It would be unreasonable to refuse to grant a permanent permission for this use, subject to appropriate condition because of the actions of a small number of car borne worshippers

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

List No. 9

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 approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and country Planning Acts.

Recommendation APPROVE

On the basis that the proposal is in accord with the City Council's Unitary Development Plan in particular policy h2.2 which seeks to protect the amenity of local residents from the adverse impact of development and policy Dc26 which seeks to protect residents from the adverse impact of noisy developments and there are no material considerations of sufficient weight to indicate otherwise.

Conditions and/or Reasons

1) Within one month of the date of this permission signs shall be positioned in prominent positions within the building directing worshippers and staff to park considerately in the surrounding streets, with particular emphasis to the south side of Platt Lane and the west side of yew Tree Road south of Platt Lane and that wardens should be stationed outside the mosque to ensure compliance.

Reason

To protect the amenity of local residents from the adverse impact of inconsiderate parking pursuant to policy H2.2 of the Unitary Development Plan.

2) There shall be no amplified calls to prayer and all other calls to prayer shall be confined to between the hours of 8.00am to 6.00pm

reason

To protect the amenity of the occupiers of nearby residential accommodation from noise pursuant to policies H2.2 and Dc26 of the Unitary Development Plan for the City of Manchester.

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: 085261/JO/2007/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:

Greater Manchester Police
Moss Side Ward Co-ordinator
Steve Hobson, Crime Reduction Officer
South Rusholme Residents Association
Thornton Road Residents Association

List No. 9

176a, Platt Lane, Manchester, M14 7DE
1 Barnston Avenue, Manchester, M14 7BG
3 Barnston Avenue, Manchester, M14 7BG
109 Platt Lane, Manchester, M14 7BQ
111 Platt Lane, Manchester, M14 7BQ
113 Platt Lane, Manchester, M14 7BQ
115 Platt Lane, Manchester, M14 7BQ
117 Platt Lane, Manchester, M14 7BQ
119 Platt Lane, Manchester, M14 7BQ
121 Platt Lane, Manchester, M14 7BQ
123 Platt Lane, Manchester, M14 7BQ
125 Platt Lane, Manchester, M14 7BQ
127 Platt Lane, Manchester, M14 7BQ
129 Platt Lane, Manchester, M14 7BQ
131 Platt Lane, Manchester, M14 7BQ
133 Platt Lane, Manchester, M14 7BQ
135 Platt Lane, Manchester, M14 7BQ
Platt Lane Surgery, 204 Platt Lane, Manchester, M14 7BS
206 Platt Lane, Manchester, M14 7BS
208 Platt Lane, Manchester, M14 7BS
210 Platt Lane, Manchester, M14 7BS
212 Platt Lane, Manchester, M14 7BS
214 Platt Lane, Manchester, M14 7BS
216 Platt Lane, Manchester, M14 7BS
218 Platt Lane, Manchester, M14 7BS
220 Platt Lane, Manchester, M14 7BS
222 Platt Lane, Manchester, M14 7BS
224 Platt Lane, Manchester, M14 7BS
1 Rosford Avenue, Manchester, M14 7BW
10 Rosford Avenue, Manchester, M14 7BW
11 Rosford Avenue, Manchester, M14 7BW
12 Rosford Avenue, Manchester, M14 7BW
13 Rosford Avenue, Manchester, M14 7BW
14 Rosford Avenue, Manchester, M14 7BW
15 Rosford Avenue, Manchester, M14 7BW
16 Rosford Avenue, Manchester, M14 7BW
2 Rosford Avenue, Manchester, M14 7BW
3 Rosford Avenue, Manchester, M14 7BW
4 Rosford Avenue, Manchester, M14 7BW
5 Rosford Avenue, Manchester, M14 7BW
6 Rosford Avenue, Manchester, M14 7BW
7 Rosford Avenue, Manchester, M14 7BW
8 Rosford Avenue, Manchester, M14 7BW
9 Rosford Avenue, Manchester, M14 7BW
10 Brompton Road, Manchester, M14 7GA
12 Brompton Road, Manchester, M14 7GA
14 Brompton Road, Manchester, M14 7GA
16 Brompton Road, Manchester, M14 7GA
18 Brompton Road, Manchester, M14 7GA
2 Brompton Road, Manchester, M14 7GA
20 Brompton Road, Manchester, M14 7GA
22 Brompton Road, Manchester, M14 7GA
24 Brompton Road, Manchester, M14 7GA
26 Brompton Road, Manchester, M14 7GA
28 Brompton Road, Manchester, M14 7GA

List No. 9

30 Brompton Road, Manchester, M14 7GA
32 Brompton Road, Manchester, M14 7GA
34 Brompton Road, Manchester, M14 7GA
36 Brompton Road, Manchester, M14 7GA
4 Brompton Road, Manchester, M14 7GA
6 Brompton Road, Manchester, M14 7GA
8 Brompton Road, Manchester, M14 7GA
1 Worthing Street, Manchester, M14 7PR
10 Worthing Street, Manchester, M14 7PR
11 Worthing Street, Manchester, M14 7PR
12 Worthing Street, Manchester, M14 7PR
13 Worthing Street, Manchester, M14 7PR
14 Worthing Street, Manchester, M14 7PR
15 Worthing Street, Manchester, M14 7PR
16 Worthing Street, Manchester, M14 7PR
17 Worthing Street, Manchester, M14 7PR
18 Worthing Street, Manchester, M14 7PR
19 Worthing Street, Manchester, M14 7PR
2 Worthing Street, Manchester, M14 7PR
20 Worthing Street, Manchester, M14 7PR
22 Worthing Street, Manchester, M14 7PR
24 Worthing Street, Manchester, M14 7PR
26 Worthing Street, Manchester, M14 7PR
28 Worthing Street, Manchester, M14 7PR
3 Worthing Street, Manchester, M14 7PR
30 Worthing Street, Manchester, M14 7PR
32 Worthing Street, Manchester, M14 7PR
34 Worthing Street, Manchester, M14 7PR
36 Worthing Street, Manchester, M14 7PR
38 Worthing Street, Manchester, M14 7PR
4 Worthing Street, Manchester, M14 7PR
5 Worthing Street, Manchester, M14 7PR
6 Worthing Street, Manchester, M14 7PR
7 Worthing Street, Manchester, M14 7PR
8 Worthing Street, Manchester, M14 7PR
9 Worthing Street, Manchester, M14 7PR
1 Tintern Street, Manchester, M14 7PS
11 Tintern Street, Manchester, M14 7PS
13 Tintern Street, Manchester, M14 7PS
15 Tintern Street, Manchester, M14 7PS
17 Tintern Street, Manchester, M14 7PS
3 Tintern Street, Manchester, M14 7PS
5 Tintern Street, Manchester, M14 7PS
7 Tintern Street, Manchester, M14 7PS
9 Tintern Street, Manchester, M14 7PS
114 Parkfield Street, Manchester, M14 7PT
116 Parkfield Street, Manchester, M14 7PT
118 Parkfield Street, Manchester, M14 7PT
120 Parkfield Street, Manchester, M14 7PT
122 Parkfield Street, Manchester, M14 7PT
123 Parkfield Street, Manchester, M14 7PT
124 Parkfield Street, Manchester, M14 7PT
125 Parkfield Street, Manchester, M14 7PT
126 Parkfield Street, Manchester, M14 7PT
127 Parkfield Street, Manchester, M14 7PT

List No. 9

128 Parkfield Street, Manchester, M14 7PT
129 Parkfield Street, Manchester, M14 7PT
130-132, Parkfield Street, Manchester, M14 7PT
131 Parkfield Street, Manchester, M14 7PT
133 Parkfield Street, Manchester, M14 7PT
134 Parkfield Street, Manchester, M14 7PT
135 Parkfield Street, Manchester, M14 7PT
136 Parkfield Street, Manchester, M14 7PT
137 Parkfield Street, Manchester, M14 7PT
139 Parkfield Street, Manchester, M14 7PT
141 Parkfield Street, Manchester, M14 7PT
143 Parkfield Street, Manchester, M14 7PT
22 Redruth Street, Manchester, M14 7PX
24 Redruth Street, Manchester, M14 7PX
26 Redruth Street, Manchester, M14 7PX
28 Redruth Street, Manchester, M14 7PX
30 Redruth Street, Manchester, M14 7PX
32 Redruth Street, Manchester, M14 7PX
34 Redruth Street, Manchester, M14 7PX
36 Redruth Street, Manchester, M14 7PX
38 Redruth Street, Manchester, M14 7PX
40 Redruth Street, Manchester, M14 7PX
42 Redruth Street, Manchester, M14 7PX
162 Platt Lane, Manchester, M14 7PY
164 Platt Lane, Manchester, M14 7PY
166 Platt Lane, Manchester, M14 7PY
168 Platt Lane, Manchester, M14 7PY
170 Platt Lane, Manchester, M14 7PY
172 Platt Lane, Manchester, M14 7PY
174 Platt Lane, Manchester, M14 7PY
1 Brompton Road, Manchester, M14 7QA
11 Brompton Road, Manchester, M14 7QA
13 Brompton Road, Manchester, M14 7QA
15 Brompton Road, Manchester, M14 7QA
17 Brompton Road, Manchester, M14 7QA
19 Brompton Road, Manchester, M14 7QA
21 Brompton Road, Manchester, M14 7QA
23 Brompton Road, Manchester, M14 7QA
25 Brompton Road, Manchester, M14 7QA
27 Brompton Road, Manchester, M14 7QA
29 Brompton Road, Manchester, M14 7QA
3 Brompton Road, Manchester, M14 7QA
31 Brompton Road, Manchester, M14 7QA
33 Brompton Road, Manchester, M14 7QA
5 Brompton Road, Manchester, M14 7QA
7 Brompton Road, Manchester, M14 7QA
9 Brompton Road, Manchester, M14 7QA
70 Yew Tree Road, Manchester, M14 7BN
72 Yew Tree Road, Manchester, M14 7BN
54 Yew Tree Road, Manchester, M14 7PP
56 Yew Tree Road, Manchester, M14 7PP
58 Yew Tree Road, Manchester, M14 7PP
60 Yew Tree Road, Manchester, M14 7PP
62 Yew Tree Road, Manchester, M14 7PP
64 Yew Tree Road, Manchester, M14 7PP

List No. 9

66 Yew Tree Road, Manchester, M14 7PP
2 Lynton Street, Manchester, M14 7NZ
4 Lynton Street, Manchester, M14 7NZ
6 Lynton Street, Manchester, M14 7NZ
8 Lynton Street, Manchester, M14 7NZ
10 Lynton Street, Manchester, M14 7NZ
12 Lynton Street, Manchester, M14 7NZ
14 Lynton Street, Manchester, M14 7NZ
16 Lynton Street, Manchester, M14 7NZ
18 Lynton Street, Manchester, M14 7NZ
2 Tabley Avenue, Manchester, M14 7RJ
4 Tabley Avenue, Manchester, M14 7RJ
6 Tabley Avenue, Manchester, M14 7RJ
8 Tabley Avenue, Manchester, M14 7RJ
10 Tabley Avenue, Manchester, M14 7RJ
12 Tabley Avenue, Manchester, M14 7RJ
2 Watford Avenue, Manchester, M14 7RL
4 Watford Avenue, Manchester, M14 7RL
6 Watford Avenue, Manchester, M14 7RL
8 Watford Avenue, Manchester, M14 7RL
10 Watford Avenue, Manchester, M14 7RL
12 Watford Avenue, Manchester, M14 7RL
14 Watford Avenue, Manchester, M14 7RL
16 Watford Avenue, Manchester, M14 7RL
178 Platt Lane, Manchester, M14 7DE
180 Platt Lane, Manchester, M14 7DE
182 Platt Lane, Manchester, M14 7DE
184 Platt Lane, Manchester, M14 7DE
186 Platt Lane, Manchester, M14 7DE
188 Platt Lane, Manchester, M14 7DE
A J S Trading Ltd, 200 Platt Lane, Manchester, M14 7DE
Greater Manchester Police, Sports Club, Platt Lane, Manchester, M14 7PZ
176 Platt Lane, Manchester, M14 7DE
Manchester City Football Club Ltd, Platt Lane Complex, Yew Tree Road,
Manchester, M14 7UU
1 Tintern Street, Manchester, M14 7PS
74 Platt Lane, Manchester, M14 7PY

Representations were received from the following third parties:

Councillor Alistair Cox
Councillor Lynne Williams
12 BROMPTON RD, RUSHOLME, MANCHESTER
1 Tintern Street, Manchester, M14 7PS
74 Platt Lane, Manchester, M14 7PY
letters received had no address

Relevant Contact Officer : Dave Morris
Telephone number : 0161 234 4539
Email : d.morris@manchester.gov.uk