

Application Number	Date of Appln	Committee Date	Ward
088479/FO/2008/S1	4th Dec 2008	15th Jan 2009	Moss Side Ward

Proposal Erection of a single storey building to form B2 general industrial use (450 square metres gross floor area) in connection with adjoining area

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

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

Agent PDC Architects Barclay House, 35 Whitworth Street West, Manchester, M1 5NG

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 single story brick building covering 100% of the site, and abut the boundary wall to the Greenheys centre. There would be internal doors linking the proposed building to the existing building as well as there being new entrances to the alleyways on either side of the building. The submitted drawings show a single storey building constructed of brick with a dual pitch slate roof. There are no windows in the building and the building would be 3.6 metres high to the eaves and 5.8 metres high to the ridge. No additional parking is proposed. The proposed operating hours are 8.00am to 6.00pm Monday to Friday and 8.00am to 4.00pm Saturdays. The use of the premises would fall within Class B2 general Industrial of the Use Classes Order.

In October 1989 a retrospective application was submitted for the use of the 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 became unauthorised. A planning application for the erection of a two-storey building to form a mosque was refused by Planning and Highways Committee in August 2008. The reasons for refusing permission were:

- 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 alleyways 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

Consultations

Local residents/businesses - Four letters have been received from local residents, 2 objecting to the proposed development in the follow grounds and one generally supportive of the proposal but concerned about the disruption that will occur during construction. The grounds for objecting are:-

1. The architectural design is very utilitarian and adds no value to the area.
2. Sandwiched between two rows of residential property, the location is inappropriate for industrial use.
3. Access to the land is very restricted and has no road access.
4. There is inadequate access for emergency services, and this was proven when the previous building was burned to the ground when the fire services efforts were severely hampered. Indeed damage to surrounding property did not occur due to the mild weather conditions and lack of wind. Embers from the fire could so easily have entered any of the open windows in the Adult Centre and

surrounding properties. Also there were oxyacetylene tanks in the adjoining building. The prospect of a further incident is frightening and intimidating to residents. It is worth noting the date of the fire - Bonfire Night at 2:00am.

5. We have moved on from Victorian times when the need to locate industrial premises next to the workforce was a requirement

6. The presence of an industrial unit would potentially bring increased noise, dust and fumes within close proximity of a nursery, an educational centre and residential properties

7. All of the activity associated with an industrial premises would be unpleasant for residents, for example, additional heavy traffic, footfall and the general comings and goings, potentially at unsociable hours

8. Residents have total mistrust in the owner of the land with regards the future use of the building. Previous leniency shown by the Planning Service permitted the use of the former industrial unit as a 'Family Centre' which very quickly became a mosque. The limited permission was granted on the proviso that an alternative would be found, however, no attempts were made to locate an alternative. The use of the building as a mosque was highly inappropriate and brought much stress and anxiety to the residents

9. If planning permission were to be granted, there is sufficient evidence to suggest it's use would revert to that of a mosque. It would be prudent to 'nip in the bud' any such intentions and circumvent the need for protracted and expensive legal proceedings in the future. The bullish approach of the owner to flout planning protocol is very concerning for residents. This was illustrated when he was requested to stop the pouring of concrete for the foundations taking place on a Sunday morning, the owner's son bared his bottom and used foul and abusive language to a resident.

10. When the concrete was poured into the footing, without Building Control approval the drains were partially blocked during and the road and paths were badly stained and remain an eyesore.

Ward Members - Councillor Alistair Cox has some concerns about this application. He does not believe that a factory extension is desirable in this highly confined area and therefore at this stage opposes the application. In his view, such an extension is likely to cause disruption to residents whose houses back on to both sides of the proposed building. It is also potentially a health and safety hazard. Permission may have been granted 25 years ago for engineering works in this location but circumstances have now changed. He thinks that the application should be considered in the light of these changes, and in the light of the many years of disruption experienced by local people caused by the use of the former building as a mosque. It would of course be completely unacceptable for any new building to then be used as a Mosque, which is what happened with the previous building on this site.

Greater Manchester Police - No objection in principle to the proposed development and should permission be granted an appropriate condition relating to Secured by Design accreditation should be imposed.

Head of Regulatory Services (Contaminated Land Section) - historical information relating to this site indicates the possible presence of significant levels of contamination. Should permission be granted an appropriate condition is proposed.

Great Western Street Residents Association - have written to report the many objections they have received to the application on the grounds of the lack of road access, the design of the building, the inappropriateness of the location for industrial activity, potential fumes and activity close to homes and a nursery, and the potential for lost sleep due to noise from industrial activity. They fear the return of disturbance as was the case of the previous mosque use and believe the overall community needs to be protected from disamenity.

Issues

Unitary Development Plan - There are no site-specific policies contained within the plan. However, the following part 2 policies are relevant;

H2.2 which seeks to protect the amenity of residents from the adverse impact of developments,

E3.5 which requires new developments to design out crime,

I3.1 requires new industrial developments to be of a high standard of design,

DC19.1 seeks to protect buildings that are Listed as being of architectural or historic interest from inappropriate development. The City Council will have regard to the desirability of securing the retention, restoration, maintenance and continued use of such buildings and to protect their general setting.

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 RSS was adopted as part of the development plan for the City of Manchester in September 2008. The relevant policies are:-

DP1 which sets down the spatial principle that underlines the plan, including the promotion of sustainable communities and the promotion of environmental quality.

DP2 which seeks to promote sustainable communities includes the fostering of sustainable relationships between homes and workplaces.

DP2 promotes good quality design

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 and whilst access can be gained through the adjoining building it is not an acceptable location for a general industrial use given its relationship to adjacent residential properties.

Disabled access - According to the design and access statement the building would be accessible and disabled facilities would be provided in the adjoining building.

Crime and Disorder - Whilst the Architectural Liaison officer has raised no issues concern is expressed that the presence of an industrial unit in this location, particularly with doors onto the rear alleyways could attract people to the rear of the residential properties and render them vulnerable to crime.

Design - Whilst the site is not clearly visible from the public domain it is overlooked by a number of residential properties and adjoins a Grade II Listed Building. Whilst the building uses traditional materials the design of the building is functional with no aesthetic qualities. It would neither enhance the setting of the listed building or the visual amenity of residents.

Residential amenity - Whilst a new building could be insulated more efficiently against the escape of noise, general industrial uses are not compatible with residential amenity. So close are the adjacent residential properties, 7 metres at their closest, such a use will have a harmful impact on the level of amenity currently enjoyed by residents. The Use Classes Order and the accompanying Circular make it clear that only uses falling within class B1 are compatible with residential accommodation. Whilst they are marked as fire doors on the plans there are three entrances onto the alleyways which could potentially be a source of nuisance if they are either left open for ventilation or for servicing.

Scale and Architectural Massing - No details of the building destroyed by fire are available and therefore it has not been possible to compare the sizes of the original and proposed buildings. The submitted drawing shows the proposed building as being the same height as the adjoining industrial premises. However, the outline of the building destroyed by fire can be seen on the exposed gable and this suggests that the building was substantially smaller than that which it is propose to erect. This additional scale and mass would result in a building that would have a significant overbearing impact of the adjacent dwellings as well as impacting on their visual amenity.

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. However, Section 336 of the Town and Country Planning Act makes it clear that building operations include demolition and rebuilding and therefore planning permission is required.

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 facade of the listed building the proximity of the building and poor fenestration means that the proposed building will have a detrimental impact in visual terms.

Use of the premises as a mosque - this application is for the erection of an industrial building within class B2 of the Use Classes Order. Given the recent history of the use of the former premises as a mosque and the application to rebuild a mosque on the site it is understandable that residents are concerned that this could be a way to get a new building that would then be used as a

mosque. However, the application must be determined on its planning merits and on the basis of what has been applied for.

Conclusion - The site originally developed in an era when it was both acceptable and necessary for residential accommodation and industrial uses to be in close proximity. This is no longer the case and the proposed development would seriously harm the amenity of adjacent residents.

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 building occupies an excessively large proportion of the site and includes access points on the side elevation in close proximity to residential properties. This in turn would have an overbearing impact in terms of both visual amenity and the disamenity caused by increased comings and goings. As such, the proposed development is contrary to the provisions of policies H2.2 and I3.1 of the Unitary Development Plan for the City of Manchester.

2) The proposed industrial use by reason of noise, disturbance and general activity associated with such uses would have a detrimental impact upon the amenity of nearby residential occupiers at 71 to 87 Monton Street and 26 to 40 Upper Lloyd Street. As such, the proposed development is contrary to the provisions of policies H2.2, I1.6 and DC26 of the Unitary development plan for the City of Manchester.

3) The mass of the proposed building and its excessively large site coverage would result in an overdominant and intrusive building which would have a detrimental impact on the visual amenity of the area and the appearance and setting of the nearby Greenheys Centre which is a Grade II listed building. As such, the proposed development is contrary to the provisions of policies H2.2, I3.1 and DC19.1 of the Unitary Development Plan for the City of Manchester and the Guide to Development in Manchester (SPD).

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: 088479/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
South Manchester Regeneration
Greater Manchester Police
Judith Sadler, Crime Reduction Officer
Great Western Street Residents Association
Flat 1 to flat 18, Whitworth Park Mansions 366-372, Moss Lane East,
Manchester Adult Education Service, Greenheys Adult Education Centre, Upper
Lloyd Street
Greenhay`s M O T Centre, Monton Street,
225 to 229, Great Western Street,
11 to 47, 32 to 44 Upper Lloyd Street
68 to 100, 69 to 87 Monton Street,
189 to 233, Great Western Street,

Representations were received from the following third parties:

Councillor Alistair Cox
81, 70, 96 Monton Street,

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