

DELEGATED REPORT

Report by Tom Beirne	Date of report: 23/06/2022	Ref: 68057/FUL
Registration: 03/03/2022	LDFC: 08/04/2022	Expiry Date: 28/04/2022
Site Visit: 31/05/2022	Site Notice: N/A	Press Date: N/A
Objections: 0	Con Area: N/A	Adv Type: NONE
Reason for Delay: N/A		EIA: NA Dec Level: DEL Stat Class: MIOT

Proposal: Extension of temporary permission of 3 years for retention of existing portacabin for use as a classroom with the addition of main entrance extension and toilet facility at rear;
Alterations to car park layout

Location: 52 Bury Old Road, Prestwich, Manchester, M25 0ER

Description

The application relates to a single storey building, which has been altered and extended in recent years and now serves as a mosque and a teaching facility for the local Muslim community. There is a small private car park serving the centre between the building and Bury Old Road and a public car park immediately to the south-east, across the access. There are houses to the north, on Woodthorpe Grange and to the east, on Woodthorpe Close. Across Bury Old Road is a Local Shopping Centre and semi-detached houses. Bury Old Road, in front of the site, has parking restrictions in the form of double yellow lines and there is a bus stop on Bury Old Road just to the South-East of the entrance.

The site is accessed from Bury Old Road. The Bury Old Road boundary comprises a wall (1500mm) and mixed deciduous trees and shrubs while along the northern boundary, there is a timber fence and large coniferous trees. A wall and fence (approximately 3m high) runs along the rear boundary and the adjoining properties on Woodthorpe Close have mixed tree planting immediately behind the fence.

The proposal seeks to extend the previous approval for another 3 years, to provide a separate teaching facility within a modular classroom on the north-west side of the main building. The applicant states that the facility is necessary as there is limited space in the main building for the growing range of activities offered to the local muslim community.

The flat roof modular building has already been on site for a number of years after gaining initial approval for a temporary period and would comprises two classrooms. The building has a footprint 15.5m by 6.2m, with a total height of 3.1m. It would be accessed via a ramped access to a side entrance between the new building and the existing centre.

It is proposed to upgrade the existing parking and provide 19 spaces on site - as it should have done previously. The applicant has also stated that the agreement with the nearby Maccabi Community and Sports Club, (170m to the north) to make available their 60 space car park on Friday afternoons as an 'overflow car park' for those attending 'Friday prayers' is still in place. The applicant has also stated that a private 'parking warden' would manage the parking arrangements on Friday afternoons, which is the busiest period.

Relevant Planning History

45759 - Temporary siting of portable classroom - Approve with Conditions 19/04/2006
53283 - Single storey extension (retrospective) - Refused 24/01/2011
56824 - Single storey extensions to form washroom facilities and kitchen (retrospective) -

Approve with Conditions 21/01/2014

58744 - Siting of 1 no. portacabin for use as a classroom - Withdrawn - Invalid 23/07/2015

60004 - Temporary Siting (for 3 years) of 1 no. Portacabin for use as a Classroom and Alterations to Car Park Layout - Approved 27/07/2016

21/0384 - Breach of condition no.1 of temporary planning permission 60004 (Portacabin to be on site no more than 3 years) and addition of 1 no. portacabin - 18/03/2022

Publicity

Immediate neighbours notified by letter dated 18/03/2022. No objections received.

Statutory/Non-Statutory Consultations

Traffic Section - No objection

Pre-start Conditions - Agreed.

Unitary Development Plan and Policies

EN1/2	Townscape and Built Design
CF1	Proposals for New and Improved Community Facilities
CF2	Education Land and Buildings
EN7/2	Noise Pollution
HT2/4	Car Parking and New Development
HT6/2	Pedestrian/Vehicular Conflict
NPPF	National Planning Policy Framework

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights

conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Principal. The site has established use for Class D1 Non-Residential Institutions, which includes the use as a Islamic Centre and the proposed classroom . As with most religions, teaching is an integral part of the Islamic tradition and as such the provision of facilities on the site for such a use are appropriate.

Traffic - There are parking restrictions in the form of double yellow lines along Bury Old Road. Parking problems have in the past occurred around the site, particularly on Fridays when the Muslim community attend the centre for prayer and other functions, however these issues have lessened recently somewhat with parking management measures that have been implemented at the site - wardens to oversee traffic and overflow parking at the nearby Maccabi sports club. The applicant has confirmed that they intend to continue with these measures and have agreed to a suitable condition.

The traffic team has no objection to the proposal. The proposed parking arrangements on site would improve the existing facilities with better markings. This, together with the provision of additional parking at Maccabi and the use of wardens, would be acceptable and complies with UDP Policies HT2/4 Car Parking and New Development and CF1 Proposals for New and Improved Community Facilities.

Visual Amenity. The site is well screened from Bury Old Road by the main building and heavy planting along the frontage. The site is also screened from properties fronting Woodthorpe Grange by tall conifers and from properties at the rear by a fence and planting.

In this location, the single storey building, would not be particularly prominent within the site. It is the intention, and requirement, for the extension to be finished to match the existing building. With a further temporary consent of 3 years, the building should not deteriorate in appearance. The proposal is considered to be acceptable and complies with UDP policies relating to visual amenity including EN1/2 Townscape and Built Design.

Residential amenity. The building is screened from neighbouring properties as it is set down from the top of the wall/fence along the rear boundary and separated by high conifer trees along the side boundary. The distance between the proposed classroom and the rear wall of the residential properties on Woodthorpe Court would be approximately 17m and 40m in relation to Woodthorpe Grange. Any noise from the building as a classroom, would not be so loud as to cause such a loss of residential amenity. As such the proposal is considered to comply with UDP Policies CF1 and EN7/2 in relation to residential amenity.

Long terms plans - The applicant has indicated that a more permanent building is planned for the site in the future but currently the applicant lacks the funding for the project. The temporary consent would allow the applicant more time to develop the project. Given the community benefits, the proposed finish and the parking mitigation measures, the proposal is acceptable and complies with the NPPF and UDP Policies listed.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 Permission is hereby granted for a limited period only, namely for a period expiring three years from the date of this decision notice, and the building, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued at the end of the said period and the land reinstated to its former condition unless a valid application is received by the Local Planning Authority for its retention.
Reason. The development is of a temporary nature only.
- 2 This decision relates to drawings numbered 01A, 02A, 03 and 04 and the development shall not be carried out except in accordance with the drawings hereby approved.
Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.
- 3 Details of the proposed external finishing for the building be shall be submitted to and approved in writing by the Local Planning Authority within one month of this decision. The approved finish shall be fully implemented within three months of the date of this decision notice.
Reason. No material samples have been submitted and are required in the interests of visual amenity and to ensure a satisfactory development pursuant to UDP Policy EN1/2 Townscape and Built Design.
- 4 Within one month of the date of this decision notice, details of a scheme for car parking signage shall be submitted for approval to the Local Planning Authority. The approved signage shall be implemented in full within 3 months and maintained thereafter.
Reason. In order to ensure proper traffic management of the site in the interests of highway safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
- 5 The access and parking improvements indicated in the revised plan 02/B shall be implemented within 6 months of the date of this decision notice.
Reason. In order to ensure proper traffic management of the site in the interests of highway safety pursuant to UDP Policy HT2/4 Car Parking and New Development.
- 6 The traffic management measures detailed within the Planning Statement shall be fully implemented and maintained thereafter:
 - On Fridays, the Maccabi Social and Sports Centre will allow the Masjid-E Bilal Islamic Centre to use the Macabbi Car Park car park from 12.45---2.30 pm;
 - On Fridays, there shall be a 'car parking warden' organising the parking on the site of 52 Bury Old Road and, when full, requesting worshipper's park at the Macabbi car park further along Bury Old Road.Reason. In order to ensure proper traffic management of the site in the interests of highway safety pursuant to UDP Policy HT2/4 Car Parking and New Development.

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<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	23/06/2022		