

Comments for Planning Application 21/00264/CEU

Application Summary

Application Number: 21/00264/CEU

Address: Madina Mosque 2 Stanley Road Oxford OX4 1QZ

Proposal: Application to certify that the existing single storey outbuilding is lawful development.

Case Officer: Stacey Harris

Customer Details

Name: Dr Clare Oxby

Address: 4 Stanley Road Oxford OX41QZ

Comment Details

Commenter Type: Neighbours

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Access
- Amount of development on site
- Contaminated land issues
- Effect on adjoining properties
- Effect on character of area
- Effect on privacy
- Effect on traffic
- Height of proposal
- Information missing from plans
- Light - daylight/sunlight
- Local ecology, biodiversity
- Local plan policies
- Noise and disturbance
- Not enough info given on application
- On-street parking

Comment:GENERAL COMMENTS

The application to regularise the use of the outbuilding as morgue or mortuary is linked to the earlier application to extend the outbuilding used as mortuary. In 2014, neighbours were told by OCC Planning Department that the outbuilding could be used in connection with mosque functions, but that it could not be extended or developed in any way. Presumably it is now intended to regularise the use as mortuary in order that the outbuilding may be extended..

At least 18 neighbours submitted their comments to OCC Planning in connection with the earlier Dec 2020 application, including the chair of our residents association IRARA. Of the 17 letters I

hold, 9 neighbours objected to the proposal, a further 8 neither objected nor supported it, and not one neighbour wrote in to support the application. This points to serious problems and concerns among neighbours with the current and future use of this outbuilding, and its proposed extension.

In their submitted letters, 9 neighbours referred to the need to resolve a boundary issue with the adjoining neighbour: the outbuilding in question was a garden shed, constructed many decades before the site was authorised as mosque in 1985, and built leaning on to the side and rear boundary walls. Over the years since 1985 the mosque has adapted this shed for use as mortuary but without altering this basic structure. Moreover the roof, renewed by the mosque in recent years, extends on top of and over the neighbour's party wall in an irregular way (photo to be sent to the case officer). The Planning Department and the public health authorities will know what kind of a building is appropriate for a designated mortuary. A minimum requirement would surely be that it has 4 walls of its own and that its roof does not overhang the neighbour's wall.

Since 1985 neighbours have witnessed regular attempts, on the part of mosque managers, to expand the buildings on this already overdeveloped plot. Neighbours have had to continually write letters to the Planning Department over the years, as can be seen from the record. This has caused some bad feeling amongst neighbours, especially since they are not consulted before these applications, and because the people who take decisions do not live in the property or even in the road, and do not attend residents association meetings.

The latest 3 planning applications, submitted around Christmas 2020, have exacerbated this situation.

All of us residents of Stanley Road are now united in looking to the Planning Department to urgently redress this situation, by rigorously applying on this site the same regulations that other neighbours have to comply with, in order to restore good neighbourly relations in our road.

Neighbours have been told that during the current lockdown no funeral rituals or services are taking place at the Stanley Road Mosque, so there is no current use as mortuary to be regularised. What are the current provisions for the deceased while the Stanley Road mortuary is not being used? Are bodies being taken to the purpose-built Manzil Way mortuary for the funeral? Might it not be desirable for such temporary arrangements to be made permanent, especially in our era of pandemic?

COMMENTS ON THIS APPLICATION

My view is that planning consent should only be given with certain conditions. I have been advised by an OCC councillor to include suggested planning conditions, see below end of each section.

Application Plans / Local Plan Policies: comparing these plans with the earlier Dec 2020 plans for 20/03813/FUL, the inaccuracies which I have already commented on in my Dec 2020 letter to

Planning largely remain: the term 'fence' is still being used, rather than 'wall', despite the fact that there is no fence, only brick walls. I now understand why: if it can be made to appear that this boundary is a fence, it can be made to appear that the existing brick wall is part of the mosque outbuilding. But this is not correct, the brick wall is the party wall belonging to the neighbour at No. 4. The outbuilding leans up against the boundary walls to the side and rear, it seems to have only 2 walls of its own (see photo sent to case officer).

SK7 Existing Elevation: fails to show that the mortuary roof extends over and rests on the no. 4 boundary wall. The wall height is inaccurate. The phrase 'fence (brick wall)' is misleading and inaccurate.

SK7 Existing Plan: suggests that there is a separate solid wall built within the mortuary up against No 4 and up against the rear boundary wall. Do these walls really exist?

SK8: similar comments

Regularisation of use as mortuary would be conditional on rebuilding the outbuilding in accordance with OCC Planning regulations including the Party Wall Act 1996.

Effect on character of area: the outbuilding has been renovated using grey breeze blocks, out of character with adjoining walls and buildings made of brick (see photo sent to case officer).

Regularisation of use as mortuary would be conditional on the exclusive use of bricks on the external side of the outbuilding walls.

Application Form / Public Health / Access via public alleyway:

Q4: it is stated that the lawful certificate is being applied for because of 'existing building works'. Which building works? Neighbours can see that there are no existing building works.

Q5: the description of the current use as 'washroom' is inaccurate and misleading, since it is the deceased not the living who are washed there.

Q6: it is stated that a certificate is being sought for a use, operation or activity in breach of a condition or limitation, and reference is made to the earlier FUL application. This implies that the use for washing the deceased is in breach of a condition or limitation. How can we neighbours express our views about this use as mortuary, if we are not enlightened about the condition or limitation this use has been breaching? We have previously been told repeatedly by Planning that the current use is authorised. It is a great pity that we are not able to see the redacted answer to Q9, no doubt this would explain things. At the end of Q6 it is incorrectly stated 'this small outbuilding was constructed'. The outbuilding existed many decades before the mosque came into existence, as can be seen by the older brickwork. The mosque did not 'construct' the outbuilding, it 'adapted' it gradually over the years, from the previously existing garden shed.

Q7: the use as mortuary is currently interrupted because of the pandemic, contrary to what is asserted here, so there is no current use to be regularised. Then it is stated that there is a 'material change in the use of the land' since the start of this use, and the details given are 'plans already submitted'. Which material change in use is referred to here?

Q9: the long answer about pre-application advice from the local authority has been blacked out. Why would such planning advice be hidden from the public view? Is it in the public's best interest to withhold such information?

Regularisation of use as mortuary would be conditional on resubmission of the application form so that the answers given to questions are realistic and understandable by ordinary members of the public. It would also be conditional on neighbours being shown updated public health consents relating to: the suitability of this outbuilding as mortuary; the use and disposal of chemicals, foul water and used cleaning cloths; and the transport of dead bodies on a trolley to the back entrance of the mosque via the public alleyway linking Stanley and Magdalen Roads, especially bearing in mind COVID-19 risks.

National, local policies / Sunlight / Privacy / Noise and Disturbance: Funeral rituals have the potential to cause noise and disturbance in this quiet residential neighbourhood, particularly if the mortuary is to be enlarged following regularisation of use. Two yew trees next to the outbuilding have grown so tall and thick that they take away most of the sun from the adjoining neighbour's garden: there is an urgent need for tree care plans such as felling of oversized trees, replanting with appropriate tree size and species, tree pruning, and general plant care. Mosque rear and front yards, both overlooked by neighbours, are used to store old building materials and unwanted items.

Regularisation of use as mortuary would be conditional on consultation with neighbours, via the local residents' association IRARA, in order to reassure neighbours about conformity with local Conservation Area priorities, OCC building regulations including the Party Wall Act 1996, and guidance concerning tree overshadowing and plant care.

Traffic / Highway Safety / Parking: when the mortuary is in use, relatives and worshippers attend the ceremonies taking place in the back yard of the mosque. Neighbours have seen that numbers vary from a handful to over a hundred people. Such occasions exacerbate the already critical traffic and parking situation in the road and at the junction of Stanley and Iffley roads. If the mortuary is to be enlarged following the regularisation of its use, it will attract larger numbers of attendants. Regularisation of use as mortuary would be conditional on limiting the hours of use and the numbers of worshippers attending funeral rituals, bearing in mind that the mortuary is likely to be expanded.