

Proposed Mosque – Public Inquiry

Land to the south of D'Urton Lane, Preston, PR3 5LD

This document is intended to assist objectors at the Public Inquiry. It consists of:

1. Reasons Preston Council gave initially for refusal before changing their mind.
2. Recommendation Preston Council then gave for being 'minded to approve' the application.
3. Note on the best way to improve the chances of a positive outcome at Public Inquiry.
4. How to approach the technical issues at the inquiry.

Preston Council were minded to approve the application, but it was 'called in' by central Government for a decision. This means the developer and Preston Council will both argue the development should go ahead. The Parish Council and other objectors will argue otherwise.

1 Initial reasons for refusal

Objections must address the planning reasons for approval or refusal – it is rare to get new planning issues considered at a public inquiry; non-planning reasons will always be discounted and may antagonise the Inspector and harm the case. The key words are highlighted below:

Preston Council officers initially wrote a report recommending refusal. These are also the reasons we can use (where they are still relevant) to argue the development should be refused.

*The application site is in the **open countryside** as shown on the policies map of the **Preston Local Plan 2012-2026** (Site Allocations and Development Management Policies). The proposed development would be **contrary to the hierarchy of locations for focussing growth** and investment at urban, brownfield and allocated sites, within key service centres and other defined places. It fails to accord with the management of growth and investment set out in **Policy 1 of the Central Lancashire Core Strategy**. Furthermore, the proposed development is not the type of development deemed permissible in the open countryside under Policy EN1 of the Preston Local Plan 2012-2026 (Site Allocations and Development Management Policies). The proposed development is contrary to the spatial strategy set out in Policy 1 of the Central Lancashire Core Strategy and Policy EN1 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).*

*2. The site is located at the western end of D'Urton Lane, which serves eight residential properties, accommodates the **Guild Wheel cycle route** and a traffic regulation order prohibits parking on both sides of the lane. The **significant shortfall in parking spaces** would have an **unacceptable impact on highway safety**, contrary to paragraph 109 of the Framework, and the efficient and convenient movement of all highway users would be prejudiced contrary to Policies ST1 and ST2 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies).*

3. Due to the absence of matters of appearance, scale, and layout, it is not possible to assess the level of harm to the setting of the nearby listed buildings, one of which is grade II, which would be affected by the proposed development. In considering the potential harm to the setting of the listed buildings, and having regard to the duty imposed by Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 to the **desirability of preserving the listed buildings or their setting**, the application fails to demonstrate that the proposed development would preserve the setting of the nearby listing buildings and there is no certainty that harm would not occur. The proposed is contrary to Policy 16 of the Core Strategy, Policy EN8 of the Preston Local Plan 2012-26 (Site Allocations and Development Management Policies) and the Framework.*

2 Reasons Preston want to approve

Officers provided a supplementary note for Planning Committee - 3 February 2022. To overcome the recommended reason for refusals the applicant provided:

- Reason 2: Traffic Management Plan, Car Park Management Plan (CPMP) and an updated Highways Technical Note.
- Reason 3: proposed site layout, floor plans and elevations together with an updated Heritage Statement.

Officers considered these satisfactorily addressed the recommended reasons for refusal 2 and 3.

While reason for refusal 1 still stood, the officers considered:

*'... positive weight should be given to the **benefits of the proposed development**, which in this case are the **growing need for the Muslim population of the immediate local areas** of north Preston and the **innovative architectural quality of the proposed design** would create a landmark building to the north of the city. Further public benefits include **promoting social inclusion by using, amongst other things, religious or cultural facilities as destinations to promote social interaction and integration**. The proposed building would serve current and future needs and support the social and cultural well-being of local communities. Furthermore, the proposed development would **make use of materials and technology to minimise environmental impact and promote high levels of sustainability, mitigating and adapting to climate change, including moving to a low carbon economy**. These material planning considerations are benefits that weigh in favour of the application.'*

When we all make our case, we will need to consider how far the additional information does indeed address the initial reasons for refusal 2 and 3.

We will also need to analyse each of the presumed benefits to see how far the benefits are real.

Council officers accept that their 'minded to approve' recommendation was marginal, so the case is finely balanced.

3 Public Inquiries and how to win

The key players are:

- The **planning inspector**, who is attached to the Planning Inspectorate and should be independent. The Inspector will make a report to the Government who will have the final say on whether the development goes ahead or not.
- The **scheme promoter** and their advisors who will make the case why it should go ahead.
- **Preston City Council**, who will also argue the scheme should go ahead.
- **Third parties**, including the Parish Council, residents, and non-government organisations – that is us! We will have a planner/advocate (Peter Black), planning witness (Jacquie Copley), a heritage witness (tbc) and Neighbourhood Plan witness (Cllr Pat Hastings)

So, what are the key points when you appear?

- There have been plenty of instances of inquiries where a **David with a good argument has beaten a Goliath**. The fight may appear unequal, but you can still win.
- Inspectors can only consider **planning issues** ('material considerations') and will not be influenced by mere strength of local opposition – although some emotion can help.
- Inspectors know that members of the public have key local knowledge and help them get a well-rounded view of the issues – they are always considerate with nervous witnesses.
- It is **NOT like the TV or a film** – everyone is polite; the inspector will prevent any bullying
- Sit in on evidence and cross-examinations of witnesses who come before you. This will give you a feel for the rhythm and style of the inquiry, and what kinds of questions you might be asked. It also shows support for our side.
- Sit in on witnesses whose evidence is related to yours. This can help to identify points we need to refute. For witnesses from our side, it makes sure we do not contradict each other.
- Your main audience is **The Inspector**. The whole point of the inquiry is to help them decide.
- Your evidence should aim to:
 - **Provide the inspector with the evidence to turn down the application**
 - **Don't give ammunition to the other side.**
- Our 'unique selling point' is local knowledge and interpretations about other evidence presented to the inspector.
- If you really feel you have been misrepresented, you can pass a note to the Inspector.

DO:

- Dress sensibly, speak slowly and clearly. Print out (if possible) and read aloud what you are going to say the night before. I practice on a mirror first, then my daughter.
- Emotion is good – the inspector needs to know you are upset by the development.
- If you get flustered, just stop. Take a sip of water; the inspector will give you time.
- Talk to other objectors (including the Council) both before and during the inquiry

DON'T

- Get very emotional or interrupt the proceedings. It will harm our case.
- Say anything you can't back up – the developer will get a chance to tackle you about it and may try to use even minor discrepancies to discredit your whole evidence.
- Worry – everyone is nervous, including me - it really doesn't matter.

4 How should we approach the inquiry?

Anyone can speak at the Inquiry (currently 2-5 and 8-9 August 2022). Let the Parish Council know if you would like to speak. You don't have to attend the whole event, and we can help prepare.

To find the planning documents [this link should work](#) – if not, google 'Preston Council Planning Search', open the first search result and in the 'Planning Reference' box type in **06/2021/0431**. Click on the application to see documents.

We are slightly confused as to what the planning consent is for - the developer is proposing a Mosque, but any consent might be used to build a different sort of place of worship.

Religion and diversity will not play a part in the decision. We would object to any place of worship in this location and believe there are better sites for this sort of development.

Note: some issues such as wildlife, cultural history and traffic are important and may be the main reason some people have objected, but the key battleground for this application is essentially open countryside, landscaping, effect on the listed buildings (church and its surroundings) and parking.

Preston Council will support the application with technical arguments about highway modelling, parking, heritage, and other issues. They will have to acknowledge that the proposal is against their policies on open countryside, but will argue that the 'benefits' outweigh this consideration

The sort of things it would be good to mention (**only if they are true, and you have experienced them**) are listed below, with some of the things you might want to say. We've kept them brief; to be effective they need to be in your words:

Neighbourhood Plan

The community has been through a substantial exercise which was widely publicised to determine what local people need and want in the area. There was ample opportunity for different communities to put forward their needs. At no point was the need or desire for a new place of worship brought up.

A key part of the plan was to provide a green enclave at this end of the village, with a specific policy for screening that would be impossible with the current proposed development.

Any involvement you've had in the Neighbourhood Plan process and setting priorities for the community would be useful to mention

Church and its setting

A key part of the NP, and landscaping following bypass construction was to create a tranquil setting for the various listed buildings (including the Church and cottage). The new development is intended to be a dominating 'landmark' structure and will affect the church. The design is modern and striking and would dominate and overshadow the existing historic environment. Your life in the village, and how you experience and use the church and the area around is valuable.

Parking

A key part of the justification for the scheme is a high and highly organised level of car-sharing. If you live near the proposed development, can you give any details on current parking issues?

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