

Application Number	12/1139/FUL	Agenda Item	
Date Received	4th September 2012	Officer	Miss Catherine Linford
Target Date	30th October 2012		
Ward	Petersfield		
Site	2 Tenison Road Cambridge Cambridgeshire CB1 2DW		
Proposal	Retrospective application for temporary continuation of use for additional assembly area for worship on Fridays (12.30pm to 2.30pm) and during Ramadan (midday to 2pm and 5pm to sunset).		
Applicant	Mr Islamic Centre 1 Mawson Road Cambridge CB1 2DZ		

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 The application site lies between Tenison Road and Mawson Road, close to the point at which these two streets meet Mill Road. It adjoins at its western end, and is connected via internal doors to, the Islamic Centre premises at 1 Mawson Road. Tenison Road and Mawson Road are both predominantly residential, with a mixture of family houses and buildings which are in use as HMO's, or subdivided into flats. There are commercial premises on the opposite side of Tenison Road. The building on the application site is the northernmost of a terrace of houses on the west side of Tenison Road.
- 1.2 A narrow alleyway runs along the whole length of the northern boundary of the application site, and continues along the northern boundary of 1 Mawson Road, forming a link between Tenison Road and Mawson Road. This alley provides rear access to some of the retail premises along Mill Road and to flats which occupy the upper floors of most of these premises. Several of the flats have first floor rear terraces. There are emergency exits from both the application site and 1 Mawson Road into the alleyway, which is obstructed in several places by large waste bins.

1.3 The Islamic Centre at 1 Mawson Road is used for a number of religious purposes, including Friday prayers. The ground floor of 2 Tenison Road is also used for prayers, but according to neighbour representations is also used extensively at other times for young people's activities.

2.0 THE PROPOSAL

2.1 Following the expiry of the previous permission for the use of the ground floor of the building on this site as an assembly area for prayers (08/0568/FUL), this application retrospectively seeks permission for continued use for Friday prayers every week, and daily during Ramadan. These uses are sought for a further three-year period, pending the opening of the new Mill Road mosque.

3.0 SITE HISTORY

3.1 At 1 Mawson Road:

Reference	Description	Outcome
81/0483	Use of premises as Islamic Centre	Approved with conditions
81/0703	Use of premises as non-residential club	Refused
98/1013	Removal of flat roof and erection of pitched roof over rear assembly room	Approved with conditions
00/1046	Extension to rear to form enlarged assembly room	Approved with conditions

3.2 At 2 Tenison Road:

Reference	Description	Outcome
98/0472	Conservatory	Approved with conditions
02/1261	Change of use of ground floor to assembly room for prayer meetings	Approved with conditions
08/0568/FUL	Retrospective application for temporary change of use to	Approved with

additional assembly area for conditions worship.

- 3.3 Subsequent to the consent for temporary use of the ground floor of this site for prayers (02/1261), a single-storey extension to the building with a glazed roof and high-level windows along the boundary wall with 4 Tenison Road was erected without planning permission or Building Regulations approval. This extension has now been demolished.

4.0 PUBLICITY

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| 4.1 | Advertisement: | Yes |
| | Adjoining Owners: | Yes |
| | Site Notice Displayed: | Yes |
| | DC Forum (meeting of 16 January 2012): | Yes |
- 4.2 The minutes of the Development Control Forum are attached to the report as Appendix 1.

5.0 POLICY

5.1 Central Government Advice

National Planning Policy Framework (March 2012)

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations.

Circular 11/95 – The Use of Conditions in Planning Permissions

5.2 Cambridge Local Plan 2006

3/1 Sustainable development
3/4 Responding to context
3/7 Creating successful places
4/11 Conservation Areas
4/13 Pollution and amenity
5/11 Protection of community facilities
5/12 New community facilities

8/2 Transport impact
8/6 Cycle parking
8/10 Off-street car parking

5.3 **Supplementary Planning Documents**

Cambridge City Council (May 2007) – Sustainable Design and Construction:

5.4 **Material Considerations**

Central Government Guidance

Letter from Secretary of State for Communities and Local Government (27 May 2010)

The coalition government is committed to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

Written Ministerial Statement: Planning for Growth (23 March 2011)

Includes the following statement:

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant and consistent with their statutory obligations they should therefore:

(i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;

(ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;

(iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect

benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

- 6.1 No transport information is supplied on which to assess the impact of this proposal, which would intensify use of the site and has the potential to generate additional trips on the network and parking demand in the area. The applicant should provide a Transport Statement to inform the decision making process.

Head of Environmental Services

- 6.2 No objection on the prerequisite that conditions 2, 3, 5 (with amended Ramadan dates) and 6 are applied as detailed in planning permission 08/0568/FUL.

Historic Environment Manager

- 6.3 No comment.
- 6.4 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations objecting to the application:

- 36 Tenison Road
- 5 Mawson Road
- 24 Mawson Road
- 38 Mawson Road
- 5 Mill Street
- 6 Mill Street
- 17 Guest Road
- 23 Glisson Road
- 31 Butt Lane, Milton
- Salvation Army
- Glisson Road/Tenison Road Area Residents Association (GTARA)

7.2 The representations can be summarised as follows:

- Traffic
- Illegal and inconsiderate parking
- Cars blocking the road
- Noise – in the street and from the tannoy system
- Hostile atmosphere and intimidation
- Permission for the new mosque was granted, in part, in exchange for the surrendering of this premises
- Rubbish in front of the premises
- The premises should be monitored by the Council
- There is not enough space for the number of worshippers
- The Council ignores the infringement of planning laws and parking rules

7.3 The owners/occupiers of the following addresses have made representations supporting the application:

- 2A Mawson Road
- 6 Mawson Road

7.4 The representations can be summarised as follows:

- Once the new mosque is complete worshippers will move there
- This is a reasonable request until the new mosque is completed

7.5 The owners/occupiers of the following addresses have made representations neither objecting to or supporting the application:

- 14 Tenison Road

7.6 The representations can be summarised as follows:

- Parking, noise, and disturbance should be resolved by conditions
- The Mosque should be monitored to ensure that these issues have been fully addressed.

7.7 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Residential amenity
3. Highway safety
4. Car and cycle parking
5. Third party representations

Principle of Development

8.2 Although there are factors which make this site less than ideal for a place of worship, the principle of mosque use on the wider site was accepted in 1981, and the principle of its extension (albeit temporarily) to 2 Tenison Road in 2003. The development and extension of new community facilities for which there is a local need is supported by policy 5/12 of the Cambridge Local Plan (2006). In my view, in a context in which the mosque authorities have already taken major steps towards making permanent provision for worship elsewhere, the principle of this temporary development is in accordance with policy 5/12 of the Cambridge Local Plan (2006).

Residential Amenity

- 8.3 In my view, the use of 2 Tenison Road as an additional assembly space for religious purposes has the potential for an adverse impact on the residential amenity of neighbours in several ways, which I will address in turn.

Noise from activities within the building

- 8.4 I accept that, as in the case of any building used for worship, there is likely to be some impact on neighbour amenity from noise as a result of this use. It is my view, however, that the adverse impact of noise from this site during prayers to date has arisen mainly from the unauthorized use of amplification equipment, the unauthorized use of open windows and rooflights.
- 8.5 In the previous decision (08/0568/FUL) the following conditions were added, but have not been complied with:

Windows, rooflights and external doors on the ground floor of the building shall be kept closed during prayers.

Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)

Amplification equipment shall not be used on the site at any time unless specifically authorised in writing by the Local Planning Authority.

Reason: To protect neighbour amenity and limit noise pollution. (Cambridge Local Plan 2006, policies 3/4 and 4/13)

- 8.6 The applicant has explained that the first condition relating to the keeping shut of windows and doors can be complied with and I therefore recommend that this condition is added again (condition 2).
- 8.7 The applicant has explained that the second condition cannot be complied with. This is because when the building is full for prayers, the transferring of a voice from one end of the building to the other is not possible without some form of amplification. Clearly the amplification is causing distress to neighbours and therefore must be controlled. In order to allow the mosque to operate and minimise the impact on neighbours from noise escaping the building, I recommend a condition requiring a

noise insulation scheme for the building in the event that amplification is used (condition 3).

- 8.8 The previous permission included a condition preventing the use of the outdoor area on the curtilage for noise-generating activity and I recommend that this condition is added again (condition 4).
- 8.9 Notwithstanding the closeness of residential uses, and the objections raised in representations, it is my view that for a limited period, and subject to the conditions I recommend, the limited use for prayers sought in this application will have a noise impact, which is acceptable.

Noise and disturbance from those assembling and dispersing

- 8.10 Those arriving at, and leaving, places of worship often do so en masse, and in this situation, a significant level of noise often results, as does disturbance from vehicle lights and congestion on the footway and the street. However, the use of 1 Mawson Road as a mosque has longstanding and permanent permission. To refuse the current application on this basis would not, in my view be reasonable. Control of the noise and disturbance issues must rely on the responsibility and authority of the mosque authorities, and if this proves insufficient, on the Police.
- 8.11 The application proposes no additions to the existing building so, notwithstanding neighbour representations, no issues of overlooking or overshadowing arise.

Use for educational activities

- 8.12 In the previous decision (08/0568/FUL) the following condition was imposed.

The ground floor area of 2 Tenison Road shall not be used for activities other than prayers, and shall particularly not be used for education, young people's activities or social events.

Reason: To protect the residential amenity of neighbouring occupiers. (Cambridge Local Plan 2006, policy 3/4)

This condition has not been complied with.

- 8.13 A Madrasa is held here and the applicant has explained that this is essential. I am of the view that continued prohibition of any educational use of the site would be both unreasonable and unenforceable, and would therefore fail the tests of Circular 11/95. To ensure that the scale of educational activities offered on the site does not cause unacceptable harm to neighbour amenity, I recommend a condition requiring a framework detailing the educational activities sought so that this can be agreed with the Local Planning Authority and controlled (condition 6).
- 8.14 In my opinion, subject to conditions, the proposal adequately respects the residential amenity of its neighbours, and is compliant with Cambridge Local Plan (2006) policies 3/4 and 4/13.

Car and Cycle Parking

- 8.15 The application makes no formal provision for car or cycle parking. There is considerable pressure on on-street car parking in this area, and it is clearly the case that some of those who attend the mosque for prayers travel by car. However, at the time of the original application for change of use on this site, the case officer expressed the view that it would be unreasonable to resist the proposal on the basis of a pre-existing traffic problem, given both that there are on-street parking restrictions, and that the mosque is by no means the only contributor to parking pressure in the area. In my opinion this view remains justified.
- 8.16 Illegal parking is referred to in representations, but this is a matter which must be tackled by other regulatory systems, and is not a matter for planning control. Given that parking restrictions apply in this area, I do not consider that the continuation of the change of use sought is likely to worsen existing parking pressure. The city council's car parking standards are maxima, and I do not consider that the proposal is in conflict with policy 8/10 of the Cambridge Local Plan (2006).
- 8.17 The proposal does not provide cycle parking in accordance with policy 8/6 of the Cambridge Local Plan (2006), but the original application for change of use fell short of policy requirements in exactly the same way, and I do not consider that it would now

be reasonable to invoke this shortcoming as a reason to refuse the application, especially when only temporary permission is sought.

Transport

8.18 I note the advice of the highway authority that a transport statement is required. I also note that one has not been provided. The use of 2 Tenison Road for prayers does increase the intensification of the use of the site compared to the use of 1 Mawson Road only for this purpose, but this principle has been accepted on two previous occasions. The proposed use is the same as what has been occurring for the last eleven years, and I do not consider that it would be reasonable now to cite the transport impact of that use continuing as a reason to refuse the application.

Third Party Representations

8.19 I have addressed the issues of noise, traffic, car and cycle parking, and the impact of people assembling at and dispersing from, the mosque.

8.20 Rubbish is an issue controlled by other regulatory regimes.

8.21 The Council's resolution to grant permission for a new mosque in Mill Road was not conditional on the surrender of these premises, but in any event, permission for this use is only sought for a temporary period. It may be some time before a new mosque is completed.

8.22 The issues of the Council's alleged inadequate monitoring and alleged failure to enforce planning and parking laws are not reasons to refuse the application.

8.23 I accept that the mosque premises are not adequate comfortably to accommodate all those wishing to attend prayers, but the refusal of this application would simply make the situation worse.

9.0 CONCLUSION

- 9.1 Given the likelihood that larger mosque premises will be available nearby in the medium term, but acknowledging that such an improvement in facilities will take time to implement, the continuing use of 2 Tenison Road as a stop-gap facility is considered to be acceptable, subject to conditions.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The use hereby permitted shall be terminated and the building returned to residential use on or before 01 January 2017, or before 3 months have elapsed following the opening of a new Cambridge mosque at 309-313 Mill Road, whichever is the sooner.

Reason: Since the site is not adequate for the numbers wishing to participate, long-term use for prayers, in a context in which numbers may increase, is considered inappropriate. (Cambridge Local Plan 2006, policy 3/4)

2. Windows, rooflights and external doors on the ground floor of the building shall be kept closed during prayers.

Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)

3. In the event that amplification equipment is used a noise insulation scheme for the building shall be submitted to and approved in writing by the Local Planning Authority. Approval must be received in writing from the Local Planning Authority prior to the use of any amplification equipment.

Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)

4. The use hereby permitted shall take place only within the ground floor of the building and not within the exterior space within the curtilage to the south-west of the building.

Reason: To protect neighbour amenity and limit noise pollution (Cambridge Local Plan 2006, policies 3/4 and 4/13)

5. The use of the ground floor of this site as an assembly area for prayers hereby permitted shall take place only on Fridays between 1200 and 1500 except during the following periods, when the use is permitted on any day between 1130 and 1430 and between 1630 and half an hour after sunset.

01 September 2013 to 30 September 2013

20 August 2014 to 25 September 2014

01 August 2015 to 31 August 2015

The precise dates for the period of Ramadam 2016 shall be submitted to and approved in writing by the Local Planning Authority no later than 02 January 2016.

Reason: To protect neighbour amenity and limit noise pollution . (Cambridge Local Plan 2006, policies 3/4 and 4/13)

6. Within 3 months of the date of this decision, a framework document explaining the educational activities to be undertaken on the ground floor of 2 Tenison Road (which includes details of shall be submitted to and approved in writing by the Local Planning authority.

Reason: To protect the residential amenity of neighbouring occupiers. (Cambridge Local Plan 2006, policy 3/4)

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to conform to the Development Plan as a whole, particularly the following policies:

Cambridge Local Plan (2006): policies 3/4, 3/7, 4/13, 5/12, 8/2, 8/6 and 8/10

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

3. In reaching this decision the local planning authority has acted on guidance provided by the National Planning Policy Framework, specifically paragraphs 186 and 187. The local planning authority has worked proactively with the applicant to bring forward a high quality development that will improve the economic, social and environmental conditions of the area.

These reasons for approval can be a summary of the reasons for grant of planning permission only. For further details on the decision please see the officer report online at www.cambridge.gov.uk/planningpublicaccess or visit our Customer Service Centre, Mandela House, 4 Regent Street, Cambridge, CB2 1BY between 8am to 6pm Monday to Friday.