

Application Number	14/0221/S73	Agenda Item	
Date Received	17th February 2014	Officer	Miss Catherine Linford
Target Date	14th April 2014		
Ward	Petersfield		
Site	2 Tenison Road Cambridge CB1 2DW		
Proposal	Section 73 application to vary condition 6 to allow educational activities to take place every Saturday and Sunday from 10am to 1-30pm.		
Applicant	1 Mawson Road Cambridge CB1 2DZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ol style="list-style-type: none"> 1. The proposed variation of condition would not exacerbate the existing parking problems to a degree that would warrant refusal of the application 2. The proposed variation of condition would not have impact on residential amenity to such a degree that would warrant refusal of the application
RECOMMENDATION	APPROVAL

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 This application seeks permission to vary condition 6 of planning permission 12/1139/FUL to allow educational activities to take place every Saturday and Sunday from 10am to 1:30pm.

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 additional assembly area for worship.	Approved with conditions
12/1139/FUL	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).	Approved with conditions

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

4.1 Advertisement:	Yes
Adjoining Owners:	Yes
Site Notice Displayed:	Yes

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2006	3/1 3/4 3/7 4/11 4/13 4/14 4/15 4/16 5/11 5/12 8/2 8/6 8/10

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012 Circular 11/95
Material Considerations	<u>Central Government:</u> Letter from Secretary of State for Communities and Local Government (27 May 2010) Written Ministerial Statement: Planning for Growth (23 March 2011) National Planning Practice Consultation

5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF

will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that are of relevance.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

6.1 No comment.

6.2 The above response is a summary of the comments that have been received. Full details of the consultation response can be inspected on the application file.

7.0 REPRESENTATIONS

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

- 17 Guest Road
- 24 Mawson Road
- 8 Trinity Close
- The Salvation Army, 14 Notintone Place, Nottingham (3 Tenison Road)

7.2 The representations can be summarised as follows:

- Noise and disturbance
- Impact on on-street parking
- The Mosque is attempting to convert a planning breach, which is the status quo, into an approved activity
- The Madrasa will encourage extremism

7.3 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. Residential amenity
2. Car and cycle parking
3. Third party representations

Residential Amenity

- 8.2 When planning permission was granted temporarily to use the ground floor of 2 Tenison Road as an assembly area for prayers (12/1139/FUL) it was felt that it would be unreasonable and unenforceable to prohibit any educational use on the site, as this is an essential part of the Mosque. To ensure that the scale of educational activities offered on the site does not cause unacceptable harm to residential amenity, a condition was recommended requiring a framework detailing the educational activities sought so that this could be agreed with the Local Planning Authority and controlled. The condition read as follows:

Within three months of this decision, a framework document explaining the educational activities to be undertaken on the ground floor of the application site, which includes details of the activities, the number of people taking part, and the times involved shall be submitted to the local planning authority for approval.

Educational activities during the times for prayer hereby permitted shall take place only in accordance with the approved framework document. Educational activities shall not take place on the application site outside the times for prayer hereby permitted.

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

- 8.3 A framework document has been submitted as part of this application in order to fulfill the first paragraph of this condition. The applicant cannot comply with the second paragraph of the condition as the Madrasa is held on Saturdays and Sundays and not during prayer times. This is because of the limited space within the building and because the students of the Madrasa attend regular schools as well as the Madrasa.

- 8.4 It is likely that those arriving at, and leaving, the Madrasa will 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, to refuse the variation of hours for the Madrasa on this basis would not, in my view, be reasonable. Control of noise and disturbance must be the responsibility of the Mosque authorities and, if this proves insufficient, the Police.
- 8.5 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

Car and Cycle Parking

- 8.6 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 Madrasa 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.
- 8.7 A Travel Plan has been submitted as part of the application, which promotes a number of strategies to reduce car use and minimise the impact on neighbouring residents. These strategies include car sharing, promoting the use of public transport, encouraging walking and cycling, promoting car parking at public car parks, and the use of Wardens to encourage worshippers to disperse quickly. The use of these strategies will in my view go some way in improving the congestion problems. It is also my view that should this application be refused, in order to comply with the planning permission educational activities would have to take place at the same time as prayer which would increase traffic and exacerbate the existing parking problems.
- 8.8 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 use of the Madrasa at the times sought is likely to worsen existing parking pressure. The city council's car parking standards are maximums, and I do not consider that the proposal is in conflict with policy 8/10 of the Cambridge Local Plan (2006).

- 8.9 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.

Third Party Representations

The Mosque is attempting to convert a planning breach, which is the status quo, into an approved activity

- 8.10 This application has been made in order to rectify the breach of condition 6 of permission 12/1139/FUL. The application must be assessed on its own merits.

The Madrasa will encourage extremism

- 8.11 There is no evidence to support this.

9.0 CONCLUSION

- 9.1 The proposed variation of condition is considered to be acceptable and approval is thus recommended.

10.0 RECOMMENDATION

APPROVE subject to the following condition:

1. Educational activities shall only take place on the ground floor of the site and only between the hours of 1000 and 1300 on Saturdays and Sundays. The educational activities hereby approved shall take place only in accordance with the approved framework document entitled Educational Framework for Cambridge Muslim Welfare Society 2014.

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