

<b>Application Number</b>	15/0380/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	2nd March 2015	<b>Officer</b>	Miss Alison Twyford
<b>Target Date</b>	27th April 2015		
<b>Ward</b>	Petersfield		
<b>Site</b>	2 Tenison Road Cambridge CB1 2DW		
<b>Proposal</b>	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).		
<b>Applicant</b>	Mr Islamic Centre 1 Mawson Road Cambridge CB1 2DZ		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> <li>-The proposal, subject to conditions, would not significantly harm the amenity of neighbouring properties.</li> <li>-The proposal would not harm the character of the area.</li> </ul>
RECOMMENDATION	APPROVAL

**1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The application site is situated between Tenison Road and Mawson Road, close to the junction at 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 property forms the northernmost point of a terrace of houses on the west side of Tenison Road.
- 1.2 There is a narrow alleyway which 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. A number of large waste bins are kept along the alleyway.

- 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 has also been used for prayers and educational activities.
- 1.4 The site falls within an area detailed as Mill Road West (District Centre) in the Cambridge Local Plan 2006.  
The site falls within the Central Conservation Area.  
The site falls within the controlled parking zone.
- 1.5 The application has been referred to the planning committee by officers in light of the wider concerns that have previously been raised regarding this site and for transparency.

## **2.0 THE PROPOSAL**

- 2.1 The proposal as submitted relates to a previous temporary planning permission, and involves retention of use of the ground floor of the existing building for use for additional assembly area for worship on Fridays and during the period of Ramadan, on a permanent basis
- 2.2 The application is accompanied by the following supporting information:
  1. Design and Access Statement
  2. Plans

## **3.0 SITE HISTORY**

As the property is physically linked to 1 Mawson Road and is used in connection with this property I have detailed the planning history for this property and 1 Mawson Road.

### 3.1

#### **1 Mawson Rd**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
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 **2 Tenison Road**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
98/0472	Conservatory	Approved with conditions
02/1261	Change of use of ground floor to assembly room for prayer meetings	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).	Perm
14/0221/S73	Section 73 application to vary condition 6 to allow educational activities to take place every Saturday and Sunday from 10am to 1-30pm.	Perm

#### 4.0 PUBLICITY

4.1 Advertisement:	No
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 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
	<u>City Wide Guidance</u> Balanced and Mixed Communities – A Good Practice Guide (2006)

#### 6.0 CONSULTATIONS

##### 6.1 Cambridgeshire County Council (Highways)

The temporary uses have now been in place for some time and so sufficient data should be available regarding travel and

parking demand for the Planning Authority to assess the prolongation of use of the site as proposed.

**6.2 Head of Refuse and Environment (Environmental Health)**

No objection in principle provided that conditions 2, 3 and 5 from the permission granted under planning permission reference 12/1139/FUL are also applied to this application if approved.

**6.3 Urban Design and Conservation team**

It is considered that there are no material Conservation Issues with this proposal.

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 owner/occupiers of the following address has made a representation:

5 Mill Street

7.2 The representation can be summarised as follows:

-Attendees of the mosque do not adhere to parking regulations which puts pedestrians in dangerous situations, causes congestion, reduced provision of parking for residents of the surrounding streets, and increases risk of collisions. Extra noise created by extra traffic, slamming of doors, revving engines, and loud conversations.

7.3 Comments have also been received from:

The Islamic Forum

7.4 These comments can be summarised as follows:

-Concerns have been considered by the forum, attention has been paid to condition 3, the majority of users are locally based and travel by foot and bike, and the forum intend to continue to

encourage awareness of the worshippers regarding appropriate methods of travel.

- 7.5 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**

### **Principle of Development**

- 8.1 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 was initially approved in 2003 and then again in 2012. The development of community facilities for which there is a local need is supported by policy 5/12 of the Cambridge Local Plan (2006).
- 8.2 In my opinion, the principle of the development is acceptable and in accordance with policies 5/12 of the Cambridge Local Plan 2006.

### **Context of site**

- 8.3 The Conservation Team have not raised an objection in relation to the application or suggested any conditions. The application does not seek to add to the property and will continue a use that was previously approved for a temporary period. It retains the façade of the original dwelling house and retains a residential use at first floor.
- 8.4 In my opinion the proposal is in accordance with policies 3/1, 3/4, 3/7, and 4/11 of the Cambridge Local Plan 2006.

### **Residential Amenity**

- 8.5 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

- 8.6 The use of any building used for worship is likely to have an impact on neighbour amenity from noise as a result of this use. The environmental health officer has noted in his consultation response that this has been an issue in recent years where the occupiers have failed to comply with planning conditions. I consider that a condition that would prohibit the use of amplification along with a condition that would require the fixing shut of the windows at the property during specific hours, and a further condition restricting hours of use, (all of which are detailed as acceptable conditions from the applicant in the design and access statement) would be adequate to address these concerns. Whilst I understand that there have been some issues with compliance of previous conditions I consider that to define these to particular hours, rather than “during prayer” will allow for a more robust condition that can be adequately enforced if required in the future. In addition, I consider that it is more enforceable and reasonable to impose a condition to agree Ramadan hours each year to ensure control of these times. To agree a term of “sunset” would not be suitable as the term cannot be clearly defined and in accordance with Circular 11/95 I therefore consider that written agreement of Ramadan hours would be more suitable, enforceable and reasonable.
- 8.7 Notwithstanding the closeness of residential uses, and the objections raised in representations, it is my view that for the limited hours sought, and subject to the conditions I recommend, the limited use for prayers sought in this application will have a noise impact which is acceptable. In accordance with the advice of the environmental health team, I have recommended conditions to control amplification, the closing of windows, and hours of use, which correspond to conditions 2, 3 and 5 of the previous temporary permission. Subject to these conditions, the application is considered in accordance with policy 4/13 of the Cambridge Local Plan 2006.

### Noise and disturbance from those assembling and dispersing

- 8.8 The use of the Mosque at Mawson Road is an existing situation whose noise impacts could be exacerbated by the approval of this application. During my site visit it was noted that marshals are used during busy periods, such as those proposed, to ensure that any disturbance is kept to a minimum. I do not

consider that the likely noise and disturbance created by the approval of this application, above and beyond that associated with the use at 1 Mawson Road (which already has permanent permission) would be so detrimental as to warrant a refusal of the application.

- 8.9 The application proposes no additions to the existing building so, no issues of overlooking or overshadowing require consideration.

### **Car and Cycle Parking**

- 8.10 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 and the application is therefore considered in accordance with policy 8/2 of the Cambridge Local Plan 2006.
- 8.11 Issues with parking have been raised in the representation, but this is a matter which must be tackled by other regulatory systems, and is not solely 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).
- 8.12 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**

- 8.13 I have addressed the issues of noise, traffic, car and cycle parking, and the impact of people assembling at and dispersing from, the mosque. I therefore consider that the concerns raised in the representation have been adequately considered.

## **9.0 CONCLUSION**

The proposal is acceptable subject to conditions.

## **10.0 RECOMMENDATION**

**APPROVE** subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

2. No amplification shall be used on the ground floor of the building.

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

3. Windows, rooflights and external doors on the ground floor of the building shall be kept closed on Fridays between 12.00 hours and 15.00 hours and during additional hours approved for Ramadan periods.

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

4. Except with the prior written approval of the local planning authority the use of the ground floor of the building shall not be used or occupied other than between the hours of 12.00 hours to 15.00 hours on Friday. Additional hours of use outside these times required for Ramadan shall be submitted to and approved in writing two calendar months prior to the start of Ramadan.

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