

Application Number	17/0798/S73	Agenda Item	
Date Received	8th June 2017	Officer	Michael Hammond
Target Date	3rd August 2017		
Ward	Coleridge		
Site	Brethren Meeting Room Rade Gund Road Cambridge CB1 3RH		
Proposal	Section 73 application to vary condition 6 attached to 15/1499/FUL dated 16/02/2016 to allow the use of the annexe building only on Saturdays between 9am and 9pm, on Sundays between 10am and 5pm, and between 9am and 5pm Mondays to Fridays (except for storage).		
Applicant	Meeting Hall Brethren Meeting Room Rade Gund Road CAMBRIDGE CB1 3RH		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <ul style="list-style-type: none"> -The proposal adequately respects the character and appearance of the surrounding area. -No harm to residential amenity would arise. -If any additional traffic is generated by the proposed annex building, conditions would be in place to manage drop-off and pick-up arrangements.
RECOMMENDATION	APPROVAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site is located north of Rade Gund Road and backs onto the rear gardens of the properties in Hobart Road. The west (side) boundary of the site abuts the side boundary of

no.1a Radegund Road and then the rear boundaries of the properties on Coleridge Road.

- 1.2 The site consists of a two storey (room in the roof) pitched roof building, which is set back from the highway. The rest of the site is covered with hardstanding and used mainly as a car park to serve the building which is in community use (D1). The building is currently being used mainly by the Muslim community as a place of worship including associated classes some of which serve the wider community.
- 1.3 The site is located within a predominantly residential area characterised by two storey post war housing.
- 1.4 There are no site constraints.

2.0 THE PROPOSAL

- 2.1 The proposal seeks planning permission to vary condition 6 of permission 15/1499/FUL to allow the use of the annexe building only on Saturdays between 9am and 9pm, on Sundays between 10am and 5pm, and between 9am and 5pm Mondays to Fridays (except for storage).
- 2.2 Planning permission (15/1499/FUL) was granted on 16 February 2016 for a front extension to create an access porch, and a detached annexe to rear of site for additional floor space/storage. Condition 6 of this permission read as follows:

“The annex building shall only be used on Saturdays and Sundays only (except for storage) and not for any use before 7am or after 11pm on either of these two days.

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).”

- 2.3 The applicant seeks for the conditioned hours to be amended as follows:

“The annex building shall only be used on Saturdays between 9am and 9pm, on Sundays between 10am and 5pm, and between 9am and 5pm Mondays to Fridays (except for storage).

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12)."

- 2.4 The planning statement explains that the annexe was established to enable nursery age and children to have a separate area for educational and group activities without conflict with the adult usage of the main building. It goes on to state that the hours of use condition applied under the original permission is in practice now too restrictive and is leading to impossible situations and conflict between adults and children. The nursery use is for children under five, not in full time education.

3.0 SITE HISTORY

Reference	Description	Outcome
15/1499/FUL	Front extension to create access porch. Detached annexe to rear of site for additional floor space/storage	Permitted.
14/0585/FUL	Extension to front with reroofing of existing to accommodate first floor additional assembly area. Rear extension for managers accommodation on ground floor. New vehicle access to Radegund Road	WITHDRAWN
C/94/0588	INSTALLATION OF AIR CONDITIONING PLANT AND ACOUSTIC SCREEN AT EXISTING PLACE OF WORSHIP (D1) RESUBMISSION OF C/0348/94.	APPROVED
C/84/0551	USE OF LAND AS CAR-PARK (IN CONJUNCTION WITH EXISTING MEETING HALL)	APPROVED

4.0 PUBLICITY

4.1	Advertisement:	No
	Adjoining Owners:	Yes
	Site Notice Displayed:	No

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 Plan 2006	Local	3/4, 3/7, 3/12 4/13 5/12 8/2

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

Central Government Guidance	National Planning Policy Framework March 2012 National Planning Policy Framework – Planning Practice Guidance March 2014 Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)

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 should be taken into account.

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1 No significant adverse effect upon Public Highway would result from the proposal.

Environmental Health

- 6.2 The Environmental Health Team would not object to the use of the annex as requested between 09:00hrs – 17:00hrs Monday to Friday, subject to the hours being reduced on Saturday and Sunday to minimise the impact of intensification of use on site. I recommend the following hours of use for the annex:

- 09:00hrs – 17:00hrs = Monday to Friday
- 09:00hrs – 21:00hrs = Saturday
- 10:00hrs – 17:00hrs = Sunday and Holidays

- 6.3 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 in objection to the application:

- 16 Radegund Road
- 89 Coleridge Road
- 111 Coleridge Road
- 119 Coleridge Road
- 151 Hobart Road

7.2 The representations can be summarised as follows:

- The terms were agreed under permission 15/1499/FUL and should not be changed.
- What is stored in the annexe and what is it used for?
- What are the reassurances on parking, congestion and noise levels?
- Increase in on-street car parking.
- Noise and disturbance from existing loudspeaker in centre.
- Would want reassurance that the day-time use of the annexe would not involve use of the audio system.
- Noise and disturbance.
- The cut off time should be 9pm at the latest.
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7.3 The owner/ occupier of the following address has made a representation in support of the application:

- 157 Hobart Road

7.4 The representation can be summarised as follows:

- The extended hours are supported.
- This is a facility we all use as Muslims and would gratefully benefit the wider community.

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

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 (noise and disturbance)
2. Residential amenity (car parking)
3. Third party representations

Residential Amenity (noise and disturbance)

8.2 The Environmental Health Team has confirmed that they have no objection to the provision of the hours of 09:00hrs – 17:00hrs Monday to Friday, subject to the Saturday and Sunday hours

being restricted to more appropriate times of the day (see paragraph 6.2). The applicant has agreed to amend the hours of use in line with the advice of the Environmental Health Team.

- 8.3 In my opinion, the proposal represents the opportunity to improve the quality of amenity for surrounding properties by controlling the hours of use during more sensitive periods at weekends which are currently problematic. The proposed use of the nursery annex during the hours of 09:00 – 17:00hrs on Monday to Friday are unlikely to cause any significant harm to neighbour amenity in my view given that this will be during the daytime and well before/ after the more sensitive early and late hours of the day.

Residential Amenity (Car parking)

- 8.4 It is acknowledged that the majority of the representations have raised concerns with the pressure on on-street car parking that the proposal would cause on the surrounding streets.
- 8.5 There would likely be an increase in vehicle drop off and pick up during the weekdays when children of the nursery arrive/ leave the annexe. Nevertheless, given the limited size of the annexe, I do not anticipate the increased comings and goings would be so great as to have an adverse impact on the amenity of the area. The Mosque has been active in managing comings and goings through the use of a traffic management system (similar to a banksman) for vehicles entering and leaving the site.
- 8.6 In my opinion, subject to condition, 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, 3/7, 3/12 4/13 and 5/12.

Third Party Representations

- 8.8 I set out my response to the issues raised in the third party representations:

Representations	Response
The terms were agreed under permission 15/1499/FUL and should not be changed.	The applicant has applied for revised conditions which they are entitled to do under Section 73 of the Town and Country Planning Act (1990).
What is stored in the annexe and what is it used for?	It is understood that it is used for ancillary storage to the main place of worship building. The annexe is also used as a nursery in association with the place of worship.
<ul style="list-style-type: none"> - What are the reassurances on parking, congestion and noise levels? - Increase in on-street car parking. - Noise and disturbance. 	These have been addressed in the main body of this report.
Noise and disturbance from existing loudspeaker in centre.	The noise from the main building is outside the control of this planning application. It is recommended that the Environmental Health Team is contacted through the statutory nuisance procedure on this matter.
Would want reassurance that the day-time use of the annexe would not involve use of the audio system.	In order to ensure that neighbour privacy is protected, I have recommended a condition to prohibit the use of amplification audio equipment in the annex.
The cut off time should be 9pm at the latest.	The cut off time has been amended to 9pm.

9.0 CONCLUSION

9.1 The proposal to extend the hours of use of the annexe would not harmfully impact on the surrounding area in terms of noise and disturbance or on-street car parking pressures. The hours of use would be reduced significantly on the weekends to improve residential amenity and the Environmental Health Team has raised no objection to the revised hours.

10.0 RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the permission ref. 15/1499/FUL.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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.

3. The annex hereby approved shall only be used in connection with the use of the main hall and for no other purpose.

Reason: To ensure the use of the annex is appropriate to the use of the site as a whole and to ensure traffic and wider amenity impacts are appropriate (Cambridge Local Plan policies 3/4, 4/13, 8/2, 8/3, 8/4 and 5/12).

4. The annex building shall only be used (except for storage) during the following hours:

- Mondays to Fridays; 09:00hrs - 17:00hrs
- Saturdays; 09:00hrs - 21:00hrs
- Sundays and Bank Holidays; 10:00hrs - 17:00hrs

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).

5. The area identified on the plan for storage shall only be used for this purpose and the areas identified for teaching in connection with the use of the hall shall only be used for this purpose.

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).

6. No amplified audio equipment shall be played within the annex.

Reason: To ensure the impact on residential amenity is appropriate (Cambridge Local Plan policies 3/4, 4/13 and 5/12).