

Application Number	19/1453/FUL	Agenda Item	
Date Received	21st October 2019	Officer	Jane Rodens
Target Date	16th December 2019		
Ward	Arbury		
Site	Shah Jalal Mosque, 107 Darwin Drive		
Proposal	Two storey rear extension with single storey projecting bay for a Mimbar pulpit. Increase the number of attendees for the community use to 29 daily and 37 (Friday afternoon only), and extension to the opening hours until 11pm, including a 30 minute opening for morning prayer between 02:50 and 6:30		
Applicant	Shah-Jalal Islamic Centre 107 Darwin Drive		

SUMMARY	<p>The development does not accord with the Development Plan for the following reason:</p> <p>Due to the intensification of the use of the site through the increase in attendees and the hours of use, this will likely harm the amenity of the neighbouring properties as the application site is in a residential area and the use of the building is not considered appropriate for a further intensification of the mosque use. The application is therefore not considered to be in conformity with Policy 35 of the Cambridge Local Plan 2018 and Paragraph 130 f) of the NPPF.</p>
RECOMMENDATION	REFUSAL

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The application site comprises of a semi-detached two storey building, the Shah-Jalal Islamic Centre, at no.107 Darwin Drive.

The Centre accommodates a community and prayer hall at the ground floor and residential accommodation at first floor, for the resident Imam. The site is accessed by car from Darwin Drive, with a hardstanding, car and cycle parking and turning area to the side, there is an outbuilding and garden to the rear.

1.2 The host building is attached to no.105 Darwin Drive that is to the north-east of the site, this is a residential unit. To the south of the site is no.109 Darwin Drive, to the east of the site is no.85 Stretten Avenue. To the west of the site is the main highway of Darwin Drive. The site is not in a Conservation Area or in the controlled parking zone.

2.0 THE PROPOSAL

2.1 This full planning application is for *“Two storey rear extension with single storey projecting bay for a Mimbar pulpit. Increase the number of attendees for the community use to 29 daily and 37 (Friday afternoon only), and extension to the opening hours until 11pm, including a 30 minute opening for morning prayer between 02:50 and 6:30”*

2.2 The two storey extension is to be 6.8m in height and 4.7m deep from the rear elevation of the host building and 5.4m wide. The single storey element (*Mimbar pulpit*) is to be 1.4m deep and 2.9m in height and 2.1m wide.

2.3 The extension is to provide, on the ground floor, a ladies prayer area, gents prayer area, library and community meeting area, including disabled toilet, lobby and Mimbar pulpit. On the First floor it is to provide two bedrooms, bathroom, study and living/kitchen area for the resident Imam.

2.4 This application proposes to increase the number of attendees for the community use, to 29.no daily and 37.no on Friday afternoons, to extend the opening hours until 11pm, including a 30-minute opening for morning prayer between 02:50 and 6:30 during Ramadan.

2.5 The application is accompanied by the following:

- Design and Access Statement
- Transport Statement
- Supporting Statement
- Noise Report

- Management Plan

3.0 SITE HISTORY

Reference	Description	Outcome
06/0743/FUL	Change of use from single family residential space to community house for the Bangladeshi community, including residential space for key worker.	Approved
07/1458/FUL	Part single, part two storey side and rear extension to incorporate first floor 2 bed flat.	Refused
09/0731/FUL	Two storey rear extension and single storey side extension to community house and first floor flat (key worker).	Refused
10/0730/S73	Removal of condition 5 of planning permission 06/0473/FUL to allow occupancy of more than 30 people at any one time, and 50 people at Friday prayer time.	Withdrawn
18/0272/FUL	Two storey rear extension with single storey projecting bay for a Mimbar pulpit, increase in the maximum number of attendees for the community use to 37 (Friday afternoon only), and extension to the opening hours	Withdrawn

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 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

PLAN	POLICY NUMBER
Cambridge Local Plan 2018	35 58 73 80 81 82

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

Central Government Guidance	National Planning Policy Framework July 2021 National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards Circular 11/95 (Annex A)
Supplementary Planning Documents	Sustainable Design and Construction (2020)
Material Considerations	<u>City Wide Guidance</u> Air Quality in Cambridge – Developers Guide (2008) Arboricultural Strategy (2004) Cambridge City Council Draft Air Quality Action Plan 2018-2023 Cycle Parking Guide for New Residential Developments (2010)

6.0 CONSULTATIONS

Cambridgeshire County Council (Highways Development Management)

- 6.1** No significant adverse effect upon the Public Highway should result from this proposal, should it gain benefit of Planning Permission.

Environmental Health

- 6.2** “There are existing planning conditions in place (under planning permission 06/0743/FUL) controlling the number of visitors allowed to the premises and also controlling the allowable hours that the premises can be open to members of the public (see detailed commentary below). When considering this application, we must bear in mind that the area is a quiet residential area and that the original conditions were recommended for this reason - to ensure protection of local amenity. These circumstances have not changed.”

“We have no objection in principle to the proposed rear extension however, this new application also seeks to increase the number of visitors to the premises and also extend the opening hours into the evenings and to include allowance for dawn prayer. Given the potential for adverse impacts on amenity in the area, it is our view that the original conditions included on planning permission 06/0473/FUL were recommended for good reason and remain relevant. To this end, we cannot support this application.”

Shared Waste

- 6.3** No comments received

7.0 REPRESENTATIONS

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

87, 91, 105, 106 Darwin Drive
9, 12, 18 Erasmus Close
87 Stretten Avenue

- Increase in attendees to a use unsuited to residential area
- Increased noise and activity in evening and at night causing disturbance
- Increased number of cars from visitors causing disturbance and emissions
- More on-street car parking
- Compliance with restriction on numbers may not be practical e.g. will people be sent away?

- Visitors will not just be local, could be from anywhere in north Cambridge
- Loss of privacy
- Temporary openings for Ramadan prayers 00.30 to 03.30 have not been permitted except on one occasion
- Extension will block sunlight
- Other facilities are available elsewhere for increased numbers of visitors
- Existing planning conditions have been breached
- There is a boundary dispute in regards of the extension

7.2 The owners/occupiers of the following addresses have made representations in support of the application:

8, 14, 52, 53, 55, 64, 65, 73 Darwin Drive
 114 Cockerell Road
 92 Akeman Street

The representations can be summarised as follows:

- Centre provides a valuable community service and facility for younger members of the Muslim community
- Community benefits of extensions providing space for worship
- Current building does not provide proper washing, WC, library or space for older users
- Majority of visitors will arrive by foot
- Opening for early prayer is important to limit need to travel further to other congregations
- The Masjid is only available to local residents who financially contribute
- Demand has grown over last 15 years
- The Council has granted temporary approval for Ramadan prayers between 00:30 - 03:30 every year

7.3 The owners/occupiers of 68 Darwin drive have made a neutral representation stating that:

- Application is almost the same as 18/0272/FUL
- Applicants didn't consult with neighbours before re-submitting
- Are Environmental Health comments on 18/0272/FUL still applicable?
- Suggests leaving operating hours as they are but increasing current allowed to 29 during early evening to allow the

children to be taught at the same time as prayers and would allow the community centre to remain as an Islamic teaching centre without scheduling extra classes.

7.4 A representation from the applicant has also been received. This responds to objections raised by local residents and states that:

- The applicant is unaware of any breaches of planning conditions within last 5 years. There has been no reported breaches since the last correspondence received from the planning enforcement team in Jan 2015 & March 2016.
- The users of the premises are local residents who walk to the facility. Housing officer has been contacted and confirmation received.
- Police has been contacted and confirmation received that there has been no reported crime in relation to the premises for the last ten years. The applicant believes that there has never been any crime reported

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 the main issues are as follows:

1. Principle of development
2. Context of site, design and external spaces (and impact on heritage assets)
3. Residential amenity
4. Highway safety
5. Car and cycle parking

Principle of Development

8.2 Policy 73 of the Cambridge Local Plan states that enhanced community, sports or leisure facilities will be permitted if:

- a. the range, quality and accessibility of facilities are improved;*
- b. there is a local need for the facilities; and*

c. the facility is in close proximity to the people it serves

8.3 The application site meets the definition of a community facility as set out in the supporting text for Policy 73 as listed in table 8.2 of the Policy, as the use of this building is a place of worship and has a provision for education.

8.4 In their Supporting Statement to the proposal, the applicants set out that:

'The Shah-Jalal Islamic Centre ("Centre") opened in 2003, but the idea and Community that opened the facility had been offering the services of congregational prayers and importantly Islamic education to the local Bangladeshi Community since the early 1990s. The key focus of the services offered by the Centre is the elders of the Community to be able to complete prayers in congregation and for young children to obtain Islamic teaching. Both these demographics experience difficulties in accessing these services offered by other institutions due to location and travel requirements.

Prior to the opening of the Centre, classes and prayers were arranged in the homes of local residents and as the community grew, local institutions such as St Luke's Primary School, St Luke's Barn and Chesterton Community College were used to offer teaching to the youth.

As access to facilities reduced, the Community decided that a permanent solution was needed and with the commitment of all residents to donate and contribute financially, the property on 107 Darwin Drive was purchased. The local residents continue to financially contribute, through regular donation, to the ongoing running of the Centre.'...

and

'As the Community grew, the demand for the Centre and the services it offered increased and in 2006, a change of use application was submitted to allow the Centre to be used for Community purposes. The approval of the application contained a number of conditions, including on the hours of use and the number of permitted attendees at any given time. When consideration the application, the Community considered the

number of residents at the time and what was being offered and when.

The Community has continued to grow and as a result the Management Committee is seeking planning approval to change some of the conditions that have been in place for 13 years...'

- 8.5 The proposed ground floor extension is to provide a ladies prayer area, gents prayer area, library and community meeting area including disabled toilet, lobby and Mimbar pulpit. Currently there is one community/prayer hall and washroom. This extension will provide a flexible space for a greater community use, as detailed in the supporting information to the application.
- 8.6 The proposed extended hours are to allow for the education use and the prayer use not to clash, allow space between the uses and to accommodate the lunar calendar, which the prayer times are based upon as they will vary throughout the year and at different times of the day. The applicants have set out that the extension will more generally help better meet the needs of the local community in their use of the mosque.
- 8.7 During the summer months the evening prayer, Ish'a, at the latest does not commence until 22:30. In the winter, Ish'a prayers will conclude by 20:00, after which the Centre would not be in use. Having the closing time set for 23:00 allows individuals of the Community who are unable to attend the congregational prayers, due to work and other commitments to have a place to complete their individual prayers.
- 8.8 Allowing for the opening hours to extend between 02:50 and 06:30 for 30 minutes is to cover the prayer time during Ramadan. This is to ensure that a yearly request is not reliant on being submitted to the Local Planning Authority for its approval.
- 8.9 Due to the proposed increase in floor space, it is being requested as part of this application to increase the number of attendees at any one time to be able to attend the mosque. This maximum total is proposed to increase from 20 people (including Friday) to 29 and 37 (Friday afternoon only) at any one time. This is to give greater flexibility to the building and the

current use to ensure that a larger section of the community can use the building.

- 8.10 This application is for an enhanced facility on the site through the extension, increase in hours and number of attendees. Therefore parts a) – c) of Policy 73 of the Local Plan are to be applied to the application.
- 8.11 This extension is to provide a greater range, quality and accessibility of the current facilities. Therefore, it is considered to meet part a) of the policy. Part b) of the policy ensures that there is a need for the extension and the increased facilities. It is stated in the application that this is required to meet the current need of the local community and the local people that it serves. It is therefore considered to meet part b) and c) of this Policy, based on the information that has been submitted.
- 8.12 Therefore, it is considered that the principle of this development is acceptable and the increase in the floor space, and the need of the increase in hours and level of attendees are in principle acceptable. The other material planning considerations and policy considerations are detailed below.

Context of site, design and external spaces

Response to context

- 8.13 The proposed two storey extension would be located to the rear of the existing property and would mimic the scale and design of an existing 2 storey rear extension on the neighboring attached dwelling, no.105 Darwin Drive. The proposed extension would be subservient to the existing building and due to its location at the rear would not be overly prominent in the street scene.
- 8.14 It would be constructed from brick and tile to match the existing materials.
- 8.15 It is considered that the proposed extension would not result in a significant adverse impact on the character and appearance of the area or the existing building and would comply with Policy 58 of the Cambridge Local Plan 2018.

Residential Amenity

8.16 The impact on the amenity of neighboring occupiers is to be considered below. The extension and the increased opening hours and number of attendees are to be considered separately below.

8.17 Policy 35 of the Cambridge Local Plan 2018 states that developments will be permitted where it is demonstrated that:

a. it will not lead to significant adverse effects and impacts, including cumulative effects and construction phase impacts wherever applicable, on health and quality of life/amenity from noise and vibration; and

b. adverse noise effects/impacts can be minimised by appropriate reduction and/or mitigation measures secured through the use of conditions or planning obligations, as appropriate (prevention through high quality acoustic design is preferable to mitigation).

8.18 Policy 58 of the Cambridge Local Plan 2018 states that developments will be permitted where it is demonstrated that:

Alterations and extensions to existing buildings will be permitted where they:

a. do not adversely impact on the setting, character or appearance of listed buildings or the appearance of conservation areas, local heritage assets, open spaces, trees or important wildlife features;

b. reflect, or successfully contrast with, the existing building form, use of materials and architectural detailing while ensuring that proposals are sympathetic to the existing building and surrounding area;

c. ensure that proposals for doors and windows, including dormer windows, are of a size and design that respects the character and proportions of the original building and surrounding context;

d. create altered or new roof profiles that are sympathetic to the existing building and surrounding area and are in keeping with the requirements of Appendix E (Roof extensions design guide);

e. do not unacceptably overlook, overshadow or visually dominate neighbouring properties;

f. respect the space between buildings where this contributes to the character of an area; and g. retain sufficient amenity space, bin storage, vehicle access and cycle and car parking.

8.19 Paragraph 130 f) of the NPPF states that there should be a high standard of amenity for future and existing users.

Extension

8.20 The extension is proposed alongside an existing extension of similar scale and proportions of that on no.105 Darwin Drive and so would not unduly overshadow or dominate the adjacent dwellings. Two first floor rear facing living room windows are proposed that would face towards the middle rear of the garden of no. 109 Darwin Drive. There are currently first floor bedroom and bathroom windows facing in this direction. The proposed first floor windows would be closer to the boundary with no. 109 and serve a living room space. The first floor would remain residential. Given the orientation, proximity and continued residential use of the windows to the boundary, officers consider the impact of the extension on the residential amenity of the adjacent neighbours to be acceptable. Some inter-looking between properties is to be expected in this area, and views from the new windows would not be significantly harmful in this context.

8.21 A first-floor side window is proposed to serve a study, which would introduce additional views towards the rear patio of no.109. As this window serves a study rather than a habitable room, it is considered that a condition could be attached to any consent granted, to ensure this window is obscure glazed to mitigate any overlooking.

8.22 The proposed extension (on the ground floor) is to increase the floor spaces of the proposed gents prayer area and provide a designated area for the Mimbar/Pulpit. In turn this allows for a marginally greater library / community meeting area / ladies

prayer area. On the rear elevation there are proposed to be two vertical glazed windows and a three paned bay window for the pulpit. All of the ground floor windows are shown on the plans to be triple glazed and fixed shut. The extension will increase the depth of the rear of the building to a level that is similar to no. 105. Darwin Drive, which is attached to the building. It is stated in the noise report that the materials of this element would be optimized to reduce the impact to the neighboring properties. It has been confirmed by the Environmental Health Officer that there is no concern over the impact on the neighboring property.

- 8.23 In regards of the physical and overlooking impacts to no.109 Darwin Drive, it is considered that this would be minimal. This application will bring the built form and the use closer to these neighbouring windows. There would be no direct overlooking, it is recommended that the proposed study window is obscurely glazed, if to be recommended for approval. It is considered that there would be minimal overshadowing as there is to be a separation distance of approximately 4m between the closest point of the proposed extension and the common boundary with no.109 Darwin Drive.

Increase in Community Use and Prayer Hours

- 8.24 This application is proposing to increase the maximum number of attendees at any given time that can use the mosque to 29, increasing to 37 on Friday afternoons, to extend the daily opening hours until 23:00 from 21:00, and to include a 30-minute opening for morning prayer between 02:50 and 6:30 during Ramadan (30 days).
- 8.25 Currently the maximum number of attendees for the mosque use at any given time is 20 people (including Friday) and the opening hours are 09.00 and 21.00 Monday to Sunday and 09.00 and 22.30 Monday to Sunday throughout the months of June and July.
- 8.26 In the supporting information that has been submitted it has been stated that the reason for the increase in the number of attendees to the site and the change and increase in the hours that the site is open for is to allow for greater flexibility through the school holidays and working patterns of the local residents that attend the congregation. The increase in the opening hours

are to allow for a longer period of prayer and use of the centre. There would be management of the attendees to the site through a request to be able to attend.

8.27 There has been a request over the previous years for the increase in opening hours between 00:30 – 03:30 for Ramadan each year. This has been submitted to the Cambridge City Planning Department and allowed. Including for these additional hours formally through this permission, would ensure that this is not needed to be applied for each year.

8.28 The management plan that has been submitted refers to the methods that will help to protect the amenity of the neighbouring properties. This includes requesting attendees to travel to the site either on foot or by bike and if there is no parking on the site to park elsewhere in the residential street.

8.29 In regards of the noise impact through the intensification of the use it has been recommended in the submitted noise report that the optimal building materials would be used to increase the sound insulation and ensure that windows are closed during potentially noisy activities. Limit the use of motorised vehicles for access and egress during the early morning prayer late at night when changes in noise levels are most sensitive. The noise report concludes that in the mitigation measures, the adverse impact of the change of hours and extension of the mosque is considered significant. However, the implementation of mitigation measures and a period of monitoring following completion of the extension and change in hours could help to enhance control measures.

8.30 The current restrictions to the site in regards of the numbers and the hours of use were restricted through Planning application 06/0473/FUL, granted on the 6th July 2006. This gave consent for the *“Change of use from single family residential space to community house for the Bangladeshi community, including residential space for key worker”*.

8.31 The consent included the following two conditions to protect the residential amenity in the locality. These are:

Condition 5:

The community house shall not be occupied by more than 20 people at any one time, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that there is no intensification in the use of the building in order to safeguard the amenity of adjacent residential properties (Cambridge Local Plan 1996 Policies EO1 and BE2).

Condition 7:

The ground floor of the premises shall only be in operation between the hours of 09.00 and 21.00 Monday to Sunday and 09.00 and 22.30 Monday to Sunday throughout the months of June and July unless otherwise agreed by the local planning authority.

Reason To protect the amenity of adjoining residential properties (Cambridge Local Plan 1996 policies EO1 and BE2).

8.32 The following previous applications were submitted:

09/0731/FUL (Refused), Two storey rear extension and single storey side extension to community house and first floor flat (key worker).

18/0272/FUL (withdrawn) Two storey rear extension with single storey projecting bay for a Mimbar pulpit, increase in the maximum number of attendees for the community use to 37 (Friday afternoon only), and extension to the opening hours

8.33 In both of those cases the Environmental Health Officer (EHO) recommended that the limitations on numbers of visitors and opening hours on 06/0473/FUL should remain in place at the site due to the overall residential nature of the area and the likelihood of adverse impacts of an intensified use on neighbouring residents in noise-sensitive hours. Concerns were also raised that noise complaints had been received in respect of the permitted use.

8.34 The EHO has stated that conditions imposed on 06/0743/FUL remain relevant, as the fundamental constraint to the site, which is its location within a predominantly residential area, has not changed from applications 09/0731/FUL and 18/0272/FUL.

- 8.35 In this application there are concerns that it is in a quiet residential area and there are no other commercial noise sources in the immediate vicinity. The original conditions were applied to the application to ensure there is protection of the local amenity. It is considered that these circumstances have not changed, the property is originally a semi-detached house and not a purpose-built place of worship, it is of standard residential construction with no consideration of noise outbreak from any other uses.
- 8.36 There is concern from the EHO that the proposal will result in complaints through the intensification of the use, particularly at unsociable hours.
- 8.37 An acoustic assessment has been submitted in support of the application. The assessment indicates that noise transmission from inside to outside (or into the adjoining house) is likely to be acceptable even with increased capacity and in the early hours of the morning.
- 8.38 However, there are concerns about the congregation of people outside of the building as they are leaving in the early hours of the morning.
- 8.39 Currently the number of allowed attendees at any one time is 20 people (including Friday) and this is proposed to be increased to a maximum of 29 and 37 on Friday afternoons only (the Friday congregation is called Jumma'h which takes place between 12:00 – 14:00). The combination of the increase in numbers and prolonged period that the centre is open for, to 23.00 hours every day of the week with a likely increase in visitors and members, would intensify the use and extending the hours is likely to result in adverse impact on existing residents, in particular through increased activities and movements occurring during noise sensitive hours.
- 8.40 Part of the mitigation to be able to protect the amenity of the neighbouring properties through the sensitive hours is to keep the windows and doors closed. The ground floor windows are proposed to be fixed shut and this could be conditioned as part of any permission, but the doors could be opened on humid / hot nights for thermal comfort particularly if there are a large number of attendees to a prayer session.

- 8.41 The main mitigation that is being proposed in the supporting information is to control behaviour during arrival, departure etc and the management plan indicates that mode of transport will be largely by foot / on bike. It is the EHO's concern that in these circumstances, the permission is entirely reliant on people's behaviour and behaviour is not easy to control. Conditions that could be imposed may not meet the six tests of a planning condition, as they might not be enforceable, precise or reasonable.
- 8.42 The potential for noise and disturbance to arise in the early hours of the morning as a result of people gathering, arriving and departing is significant when considering that the extension to hours as proposed are times when the background noise levels will drop to their lowest levels and therefore, any noise associated with the premises (inside or outside) will have much more potential to cause disturbance than during the daytime. Officers noted from their site visit that no. 109 Darwin drive had a significant no. of habitable windows facing the side of the Mosque which is where its main point of entrance is located.
- 8.43 With regard to additional opening hours during Ramadan, since the granting of 06/0743/FUL additional hours during this period have been agreed with the Council in writing each year, prior to the beginning of Ramadan.
- 8.44 These agreed timings vary but generally include a temporary increase in opening hours until 21:30, in addition to temporary relaxation of the opening hours to allow for prayers in the early morning, usually for a 2 to 3 hour period beginning in the late night around 23:00-12:00 and end early morning around 02:30.
- 8.45 It is proposed within this application for the Centre to be open until 23:00 every day and to allow a 30-minute opening slot between 02:50 and 6:30 during Ramadan (30 days). The applicants state that:

'The first prayer of the day (Faj'r) takes place before sunrise and the proposal is to allow the Centre to be open for half an hour to allow for congregational prayers to be held. During the spring/summer months (June, July and August) this is between 03:00 – 04:00 and in the autumn/winter months (September –

May) between 05:00 – 06:00. Exact times will be confirmed, if approval is received.

As the Faj'r prayers are on occasions in the early hours of the day, the Management Committee is proposing that individuals wishing to attend will be required to submit a request. This will allow attendance to be controlled to prevent any impacts to our neighbours. Currently, a very small number of residents have expressed an interest to attend Faj'r prayers if it was to be offered.'

- 8.46 While it is acknowledged that the Council has in the past approved similar times to those proposed, this is on a case-by-case basis and extensions to the opening hours that were deemed to adversely impact amenity or to be excessive have in the past been denied.
- 8.47 Within the proposed opening times, there would be no opportunity for the Council to review these requests and further assess whether or not they are appropriate in the residential area.
- 8.48 Therefore, it is considered that the application will not conform to Policy 35 of the Local Plan and Paragraph 130 f) of the NPPF as there is identified harm to the amenity of the neighboring residents of the site that would likely arise. Whilst a proposed management plan has been put forward, it is not sufficient to overcome the objections from the EHO.

Highway Safety

- 8.49 No objections have been received from the Local Highway Authority (LHA) on the grounds of highway safety.
- 8.50 The proposal is compliant with Cambridge Local Plan (2018) policy 81.

Car and Cycle Parking

- 8.51 It has been concluded in the supporting information that the majority of the users of the site will travel to the facility by either foot or bicycle. This is not disputed. However, it is not considered to overcome the noise issues that have been raised by the EHO. It would be unreasonable to condition all users of

the site to arrive either by foot or cycle. Vehicular arrivals, whilst less likely, could not be ruled out, particularly in times of poor weather or for particular users with mobility needs.

- 8.52 The management plan that has been submitted as part of this application refers to the cycle parking that is to be installed. The existing cycle parking on site could be conditioned to be improved as part of any permission to ensure there is adequate cycle parking for the additional users of the site.

9.0 CONCLUSION

- 9.1 It is considered that the principle of this application is acceptable as it meets a community need as demonstrated in the supporting information of the application. This meets the requirements of policy 73 of the Local Plan.

- 9.2 However, concerns have been raised by the neighbouring properties through the consultation and the Environmental Health Officer that there would be impact on the amenity of the neighbouring properties through the noise impact brought about by the intensification of use (through the increase in the number of attendees at any given time and the extended hours of use).

- 9.3 The mitigation that has been submitted in the Planning Application is not considered to overcome the concerns that have been raised.

- 9.4 Therefore, on balance, it is recommended that this application is refused, due to the noise and disturbance impacts of comings and goings to the mosque that would be likely to be created to the neighbouring properties and in particular such impacts at unsociable hours. In coming to this conclusion, officers recognise the benefits of the mosque in its present use that have been brought about since it began operating from the site. However, its sensitive location adjacent to residential properties and in particular the orientation of habitable windows in no. 109 directly towards the mosque's main entrance weigh against the proposal.

- 9.5 This relationship tips the balance of the application and is considered to outweigh the benefits the application would bring about to the community. The application is therefore not considered to be in conformity with Policy 35 of the Cambridge

Local Plan 2018 and Paragraph 130 f) of the NPPF and is to be recommended for refusal.

10.1 RECOMMENDATION

REFUSE for the following reason

1. The application is not in conformity with Policy 35 of the adopted Cambridge Local Plan 2018 and Paragraph 130 f) of the NPPF. Due to the intensification of the use of the site through the increase of attendees and the hours of use this will harm the amenity of the neighboring properties as the application site is in a residential area and the use of the building is not considered appropriate for a further intensification of the use. The mitigation measures that are being proposed are not considered appropriate or robust enough to overcome the harm that would be identified to the amenity of the neighboring properties.