

Application Number	Date of Appln	Committee Date	Ward
112122/FO/2016/S1	19 May 2016	20 Oct 2016	Whalley Range Ward

Proposal Retention of temporary marquee for a further temporary period

Location British Muslim Heritage Centre, College Road, Whalley Range, Manchester, M16 8BP

Applicant Trustees of the British Muslim Heritage Centre, British Muslim Heritage Centre, College Road, Manchester, M16 8BP,

Agent Mr Saghir Hussain, Create It Studios, Houldsworth Mill Business Centre, Houldsworth Street, Reddish, Stockport, SK5 6DA,

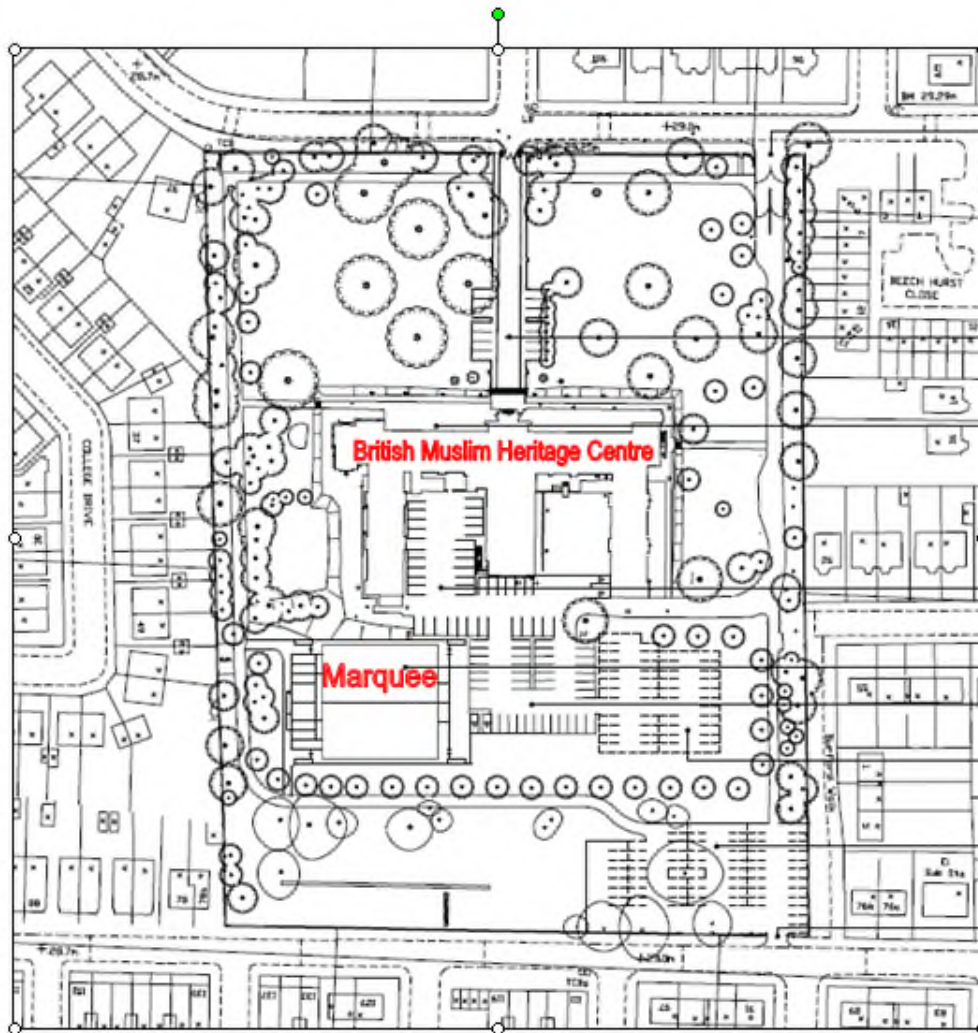
Description

The British Muslim Heritage Centre is a grade II* listed building, set in extensive landscaped grounds between College Road and Clarendon Road in the Whalley Range Conservation Area. Boundary treatment includes a stone wall and railings to College Road, and the gate posts and entrance here are grade II listed. This entrance is, however, rarely used and the main vehicle access is currently taken from the north east corner of the site on College Road. To the Clarendon Road boundary the wall is red brick with stone coping and patterns of slightly recessed panels. The building sits fairly centrally within the site with more formal gardens to the north and hard standing and grassed areas to the south. There is significant, mature tree cover around the site. The area surrounding the site is predominantly residential, mainly a mix of terraced and semi-detached housing but with some larger detached properties in spacious grounds.

Planning Permission and Listed Building Consent (100277 and 100278) were granted in September 2013 for the siting of a marquee located on the hard standing and grassed area to the south of the west wing. The marquee was erected shortly after approval was granted and the structure is a standard, white, pvc and glazing construction with an internal area of 900 sq m. The height to eaves level is 4m and to the ridge is 8.9m. The structure also has ancillary accommodation for kitchens, toilets and bin storage, and it includes ramps and an entrance canopy.

The purpose of the marquee is to provide large floorspace for functions, such as weddings, attended by up to 600 people. Consent was originally sought for a temporary period of 3 years with hours of use from 9.00 am to 11.00 pm seven days a week, although it was stated at the time that it would be unlikely to be in use every day. The aspiration was to bring in funding from these activities to contribute towards longer term proposals for the site and the listed building.

Consent is now sought for the retention of the marquee for a further five years.



Application ref 112123 for the renewal of the listed building consent is also on this agenda.

Consultations

Ward Members - Councillors Angeliki Stogia and Councillor Aftab Razaq have written in to support the application. They comment that the British Muslim Heritage Centre has built an excellent reputation in the community and has become an integral establishment which hosts events that, among others, support social inclusion and community cohesion. They believe that since it first opened BMHC has made strides to integrate with and support local groups and the community, has also developed traffic plans and a process of continuous improvement and learning from events and activities held at the centre. The Councillors are in favour of granting an extension to the marquee which is an integral part of the invaluable work of BMHC.

Local Residents – Responses have been received from eight local residents

- The marquee and the activities held there are having a negative impact on the surrounding community, particularly due to noise pollution and lack of safety measures.

- Incidents of noise and anti-social behaviour - some resulting in Police involvement and complaints to the Council.
- The fabric of the marquee does not contain the noise.
- Traffic flow is badly managed.
- Management are happy to apologise for problems caused but repeatedly reoffend.
- Functions held have been highly disruptive and do not suit a residential area
- There is a lot of traffic to and from this building, sometimes late at night, and the road width does not allow for the amount of traffic and parking.
- Slow changes are being made to the visible exterior and these changes may continue and by accumulation affect the exterior presentation - demolition of boundary wall for car park entrance installation of electronic gates and parking control, gold painting to entrance gates, white chain link to drive-way and banners attached to external railings.
- When does a 'temporary' marquee become a 'permanent' one? A five year extension seems a long time for something which is temporary
- If permission is granted then assurance should be sought that the other works approved previously around the site should be carried out in accordance with the approved drawings.
- The residents of Clarendon Road have had to endure the temporary eyesore erected in haste and this would not have been allowed to continue for so long if it had been on the 'more attractive' College Road side of the site.
- The gates on Clarendon Road should not be used as a vehicle exit as this road is already congested.

Environmental Health – Concerns were raised initially due to a number of complaints having been received, particularly in relation to noise issues at the site. However, the applicant has submitted additional information in support of the application and this has addressed some of the issues raised and it is considered that the proposal for retention of the marquee for a further three years could be supported, subject to a number of conditions. Detailed specifications for the kitchen extraction need to be provided. And a post-completion report will be required to confirm that the measures have been installed and that the proposed noise limits have been achieved by the equipment. Additional management has also been recommended to control noise from people using the venue.

The following conditions are recommended:

- Deliveries and servicing to be restricted to 7.30 am to 8.00 pm
- Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme to be submitted to and approved in writing by the City Council
- Premises opening hours to be limited to Monday to Sunday (inc Bank Holidays) 9:00 am to 10:30 pm In addition all music and the PA system must be turned off by 22:00

- The premises shall be acoustically insulated and treated to limit the break out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council
- Externally mounted ancillary plant, equipment and servicing shall be selected and/or acoustically treated in accordance with a scheme designed so as to achieve a rating level of 5dB (L_{Aeq}) below the typical background (L_{A90}) level at the nearest noise sensitive location.
- The permission hereby granted is for a limited period of three years.

Highways Services - The application is for retention of temporary marquee for a further period of 5 years. The main site access is from College Road. It has recently been permitted for an alternative access to Clarendon Road to be used for larger events.

The marquee supports larger events held at the centre, it is suggested that the following events will be held at the centre:

- large events, 25-40 per annum, with 400-600 attendees
- smaller events, 40-60 per annum, with 200 -400 attendees

The Centre currently provides 190 car parking spaces for use by staff and visitors. The car park layouts appears acceptable in principle subject to bays being 2.4m wide by 4.8m length (3.6m x 6.0m for accessible bays). Bays should be separated by a 6.0m aisle width.

Based on the assumptions made in the Transport Statement regarding travel modes and vehicle occupancy etc. it appears that the car park would be of sufficient size to cater for attendees at the largest events. It is suggested that arrivals and departures at functions will be outside of traffic peak times.

Based on the trips estimated (160 trips) and that these are likely to be spread over an hour, it is accepted that there is unlikely to be a material impact on local highway safety or network operation.

Traffic Management Strategy - A number of initiatives are proposed to manage traffic at the site when large events are being undertaken:

- The Centre will be closed to visitors.
- Car parking area will be signposted.
- Parking marshalled during large events.
- Segregated areas provided within the site for use by taxis and minibuses.

A car parking management plan is also mentioned in the Transport Statement however it appears that no measures are proposed beyond those initiatives detailed above.

A full travel plan was prepared in 2015. This details modal splits for staff but does not include detail of surveys undertaken it is recommended that any surveys of visitors that have been undertaken be included in an updated Travel Plan to better understand if measures are effective and if the proposed plan targets are being met.

Whalley Range Conservation Area Group - Any comments received will be reported to Committee.

Whalley Range Community Forum - Although the Forum did not respond directly to the notification of the application from the Planning Service, a copy of a letter of support in relation to the licensing application has been forwarded by the applicant. The Forum states that the installation of the marquee has made it possible to

accommodate large numbers of people to attend public events such as Alan Henning's memorial service, Remembering Srebrenica, charity events and an annual gala dinner. Whalley Range residents are very appreciative of the positive image that the BMHC is giving to the area, and the Directors and BMHC management always respond positively to any complaints.

Historic England - Do not wish to offer any comments on this occasion and state that the application should be determined in accordance with national and local policy guidance.

Policies

National Planning Policy Framework

The Framework is a material consideration in planning decisions and underlines that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The core message in the document is that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life.

Section 7 - Requiring good design - This guidance emphasises the importance of design to the built environment and its contribution to sustainable development and making places better for people and creating attractive, safe and accessible environments.

Paragraph 60 - states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 - states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

Section 12 gives specific guidance on conserving and enhancing the historic environment; requiring assessment of the significance of the heritage assets and settings and the desirability of sustaining and enhancing those assets.

This sets out the criteria that should be taken into account when assessing the impact of development on heritage assets when determining planning applications. Any harm caused to a heritage asset has to be justified in terms of the social and economic benefits of the proposal.

Paragraph 131 emphasises that in determining planning applications local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal use.

The Development Plan

Manchester's Core Strategy Development Plan Document forms part of the development plan for Manchester and its policies provide the basis for planning decisions in the City. The Core Strategy replaces a large number of policies in the Unitary Development Plan although a number of the UDP policies remain extant.

Policy SP1 sets out the key spatial principles which will guide the strategic development of Manchester to 2027 and states that outside the City Centre and the Airport the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs. It also sets out the core development principles, including: creating well designed places, making a positive contribution to health, safety and well-being, considering the needs of all members of the community, and protecting and enhancing the built and natural environment.

Core Strategy Policy EN3 and Saved UDP Policies DC18.1 and DC19.1

These policies address historic and heritage features, particularly conservation areas and listed buildings. The aim is to preserve or enhance the historic environment, including the character, setting and accessibility of areas and buildings of acknowledged importance.

Policy DM1 (Development Management)

This policy covers issues which need consideration in determining applications for planning permission, and seeks to ensure that new development contributes to the overall aims of the Core Strategy. The issues which should be considered are those which will ensure that detailed aspects of new development complement the Council's broad regeneration priorities and particularly by contributing to neighbourhoods of choice.

Legislative Requirements - Section 72 of the Planning (Listed Building and Conservation Areas) Act imposes a general duty as respects conservation areas in exercise of planning functions and requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Sections 16(2) and 66(1) of the Act state that decision makers must have "special regard to the desirability of preserving the building or setting or any features of special architectural or historic interest which it possesses."

Issues

Principle

Consent was initially granted for the marquee for a temporary period only - as the structure itself is of a temporary nature and not considered appropriate for long-term or permanent use. In addition it was considered that the type of activities proposed may not be suitable in such a structure in this residential location on a permanent basis, and a temporary permission allowed this to be assessed. BMHC confirmed that the structure was needed for a temporary period only in order to raise funds for the maintenance and up-keep of the listed building and in order to allow time to draw up a permanent proposal for the site which could incorporate a function space.

Residential Amenity

The previous approval was granted on a temporary basis back in 2013 and conditions were attached at that time which it was felt would limit any adverse impact on residential amenity, particularly in relation to fumes and odours, storage and disposal of refuse and noise associated with the use. However, the conditions were not addressed at an early stage and a number of complaints were received about the operation of the site, particularly in relation to noise. For this reason, and to support the retention of the facility, further work has been undertaken by consultants for the applicant and commitments made in relation to the management of the site. The additional information has been carefully considered by Environmental Health and additional restrictions proposed, as well as recommending that the period covered by the renewal is only three years, not five as applied for.

Noise levels were reviewed by the consultants and an additional report submitted setting out the criteria for mitigating noise levels from the two main sources, the plant and PA system, involving additional acoustic insulation and installation of a noise limiter. The noise created by people leaving the marquee late in the evening cannot be controlled by such means and therefore a management strategy has been put forward to mitigate this impact. In brief, measures to reduce the impact on nearby residents involve:

- A noise limiter will be installed on the PA system as specified in the acoustic assessment report.
- Odour and acoustic insulation will be installed on mechanical plant, including silencer(s) and odour filters as necessary.
- There are speed restriction signs already on the site, but security guards will also be present at events to help manage traffic flow and parking.
- Security guards will also help to monitor noise levels at the site boundaries.
- The PA system will be turned off at 10 pm allowing guest 30 minutes to leave the premises and this will be enforced by the on-site security staff.
- Following the installation of the limiter and acoustic insulations, a post-completion report will be issued to the Council for review.

There are 190 parking spaces on site and the parking at large events will be marshalled. When large events are held at the marquee, the Centre will be closed to visitors to minimise traffic. Highways Services consider that the car park would be of sufficient size to cater for attendees at the largest events, without significant overspill into the surrounding residential area.

The primary access/egress point to the site is from College Road but there is a secondary exit on Clarendon Road for use at busy times to disperse the traffic at the end of events more evenly and to alleviate congestion on College Road to help to safeguard the amenity of the wider area. It is considered that a condition requiring a management plan to be put in place whilst the marquee is in use will help to mitigate against noise from comings and goings, and such measures as the use of marshals will be required through that management plan.

Impact on the listed building and the conservation area

Assessing significance is a key principle for managing change to heritage assets. A key objective of the NPPF is the 'desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' (paragraph 126). The NPPF sets out a proportional approach; the more significant the heritage asset the greater the presumption in favour of its conservation.

The character of the Whalley Range Conservation Area is one of large houses on tree-lined streets and the main aim of designation is to ensure that the character and quality of both buildings and spaces between them is retained. The British Muslim Heritage Centre, formerly the Lancashire Independent College constructed in the 1840s, is the most prominent building in the Whalley Range Conservation Area and is considered to be of exceptional significance for its historic, communal and aesthetic value as a fine and fairly rare example of an early 19th century Gothic revival building. Due to the hierarchy expressed in the architecture, the rear elevation and east and west wings of the building have less aesthetic significance than the main frontage.

The BMHC and its spacious grounds make a positive contribution to the character of the conservation area, particularly from the north. The tower has an axial relationship with Wood Road to the north and there are good views of the north frontage of the building from College Road. Spacious grounds and mature trees are essential to the setting of the listed building - particularly in views from College Road, and it is considered that the open setting of the College was part of the original design concept.

It is acknowledged that the marquee has some visual impact on the setting of the listed building, but its impact has been reduced by locating the marquee to the south-west of the listed building to avoid visual impact in key views. The marquee is visible in views from the end of Burford Road, but given the high boundary treatments and tree cover and the location at the rear of the main building, views of the marquee from elsewhere outside the site itself are limited, as are views of the marquee together with the listed building. The scale and massing of the marquee structure does not have an overdominant or overbearing impact on the listed building, and its impact on the character of the conservation area and the setting of the listed building is considered to cause only slight harm, minimal and temporary. Furthermore, it is envisaged that the marquee can be removed with no long-term impact on the heritage assets. In relation to the tests set within the NPPF it is considered that the minor harm caused is justified in this case by the public benefits of the scheme proposed.

Vehicular access and car parking

The car parking is mainly to the south of the main building and the primary access and egress point will remain on College Road. There is a secondary egress point on Clarendon Road used to alleviate congestion on College Road. The applicant has confirmed that the security staff will also be used to guide traffic to the entrances at busy times. It is considered appropriate to add a condition requiring full details of an up-dated traffic management strategy to be submitted.

Public benefits

For proposals that are likely to cause less than substantial harm to the significance of a designated heritage asset, the NPPF states that the harm should be weighed against the public benefits. It is acknowledged that there are some public benefits to be derived from the retention of the marquee as put forward by the applicant. This proposal is for the retention of a temporary structure to meet a demand for function space. It would attract income for the BHMC which would contribute towards the on-going maintenance, repair and up-keep costs of the listed building and towards future development proposals as well as adding to the range of facilities available in the area.

Issues raised by objectors

The issues raised in relation to parking, noise and the impact of the marquee on the listed building have been considered above. The previous and continuing breaches of planning control are being discussed with the applicant separate to this application and cannot be used as reasons to refuse planning permission.

Conclusion

Given the size of the marquee, high boundary treatments and tree cover around the site, and the location at the rear of the main building, it is considered that views of the marquee from outside the site itself are limited and its impact on the character of the conservation area and the setting of the listed building would be minimal. The retention of the marquee for a further temporary period would contribute towards maintaining the long-term future use of the listed building and would provide an additional community asset. The additional of appropriate conditions are expected to limit the impact of the proposal on residential amenity. On balance the level of harm is considered less than substantial and justified by the public and community benefits of the proposals.

Human Rights Act 1998 considerations – This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Head of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis

of the planning merits of the development proposal. She believes that any restriction on these rights posed by the approval of the application is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation TEMPORARY APPROVAL

Article 35 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the application, particularly in relation to the impact on residential amenity, and the application has been determined in accordance with the policies within the Development Plan.

Conditions to be attached to the decision

1) The permission hereby granted is for a limited period of three years only, expiring on 31 October 2019, and the structures, works and use comprising the development for which permission is hereby granted are required to be respectively removed and discontinued. The land shall be reinstated within six months in accordance with a scheme to be submitted and approved by the local planning authority before this permission expires.

Reason - The proposal is of a temporary nature and in accordance with Policies SP1, DM1 and EN3 of the Core Strategy and Saved Policies DC18.1 and 19.1 of the UDP

2) Before the marquee is next used for an event, scheme for the extraction of any fumes, vapours and odours from the premises hereby approved shall be submitted to, and approved in writing by, the City Council as local planning authority. The approved scheme shall be implemented prior to the next use and shall remain operational thereafter for the duration of the use.

Reason - In the interests of the amenities of the occupiers of nearby properties pursuant to policies SP1 and DM1 of the Core Strategy.

3) The marquee shall not be used outside the following hours:- 9.00 am to 10.30 pm seven days a week. In addition all music and the PA system must be turned off at 10.00 pm.

Reason - In interests of residential amenity in order to reduce noise and general disturbance in accordance with saved policy DC26 of the Unitary Development Plan for the City of Manchester and policies SP1 and DM1 of the Core Strategy.

4) Before the marquee is next used for an event, any externally mounted ancillary equipment, shall be acoustically insulated in accordance with a scheme designed so as to achieve a noise level of 5dB below the existing background (LA90) in each octave band at the nearest noise sensitive location. A post-completion report will be required to confirm that the measures have been installed and the noise limits have been achieved by the equipment. The report shall be submitted to and approved in writing by the City Council as local planning authority in order to secure a reduction in the level of noise emanating from the equipment.

Reason - To safeguard the amenities of the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

5) The structure shall be acoustically insulated and treated to limit the break-out of noise in accordance with a noise study of the premises and a scheme of acoustic treatment that has been submitted to and approved in writing by the City Council as local planning authority. The scheme shall be implemented in full before the use recommences. A post-completion report will be required to confirm that the measures have been installed and the noise limits have been achieved by the equipment.

Reason

To safeguard the amenities of the occupiers of the building and nearby residential properties pursuant to Policies SP1 and DM1 of the Core Strategy.

6) No part of the site outside of the building shall be used other than in accordance with a schedule of days and hours of operation submitted to and approved in writing by the City Council as local planning authority. No amplified sound or any music shall be produced or played in any part of the site outside of the building.

Reason - To safeguard the amenities of the occupiers of nearby properties, pursuant to policies SP1 and DM1 of the Core Strategy.

7) Before the development hereby approved is next used a Travel Plan shall be submitted to and agreed in writing by the City Council as Local Planning Authority. In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed in the development
- ii) a commitment to surveying the travel patterns of staff during the first three months of use of the development and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the re-use of the development, a revised Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel to the school, pursuant to policies SP1 and DM1 of the Core Strategy.

8) Before the use of the marquee re-commences a management strategy must be submitted to and approved in writing by the City Council as local planning authority. The strategy must include details of car park marshalling and other measures to reduce the impact of traffic and comings and goings on nearby residents. The details

of the approved scheme shall be implemented when the development recommences and shall remain whilst the use or development is in operation.

Reason - To ensure a satisfactory development and in the interests of amenity and traffic safety pursuant to Policies SP1, EN3 and DM1 of the Core Strategy and saved Policy DC18.1 of the Unitary Development Plan for the City of Manchester.

Local Government (Access to Information) Act 1985

The documents referred to in the course of this report are either contained in the file(s) relating to application ref: 112122/FO/2016/S1 held by planning or are City Council planning policies, the Unitary Development Plan for the City of Manchester, national planning guidance documents, or relevant decisions on other applications or appeals, copies of which are held by the Planning Division.

The following residents, businesses and other third parties in the area were consulted/notified on the application:

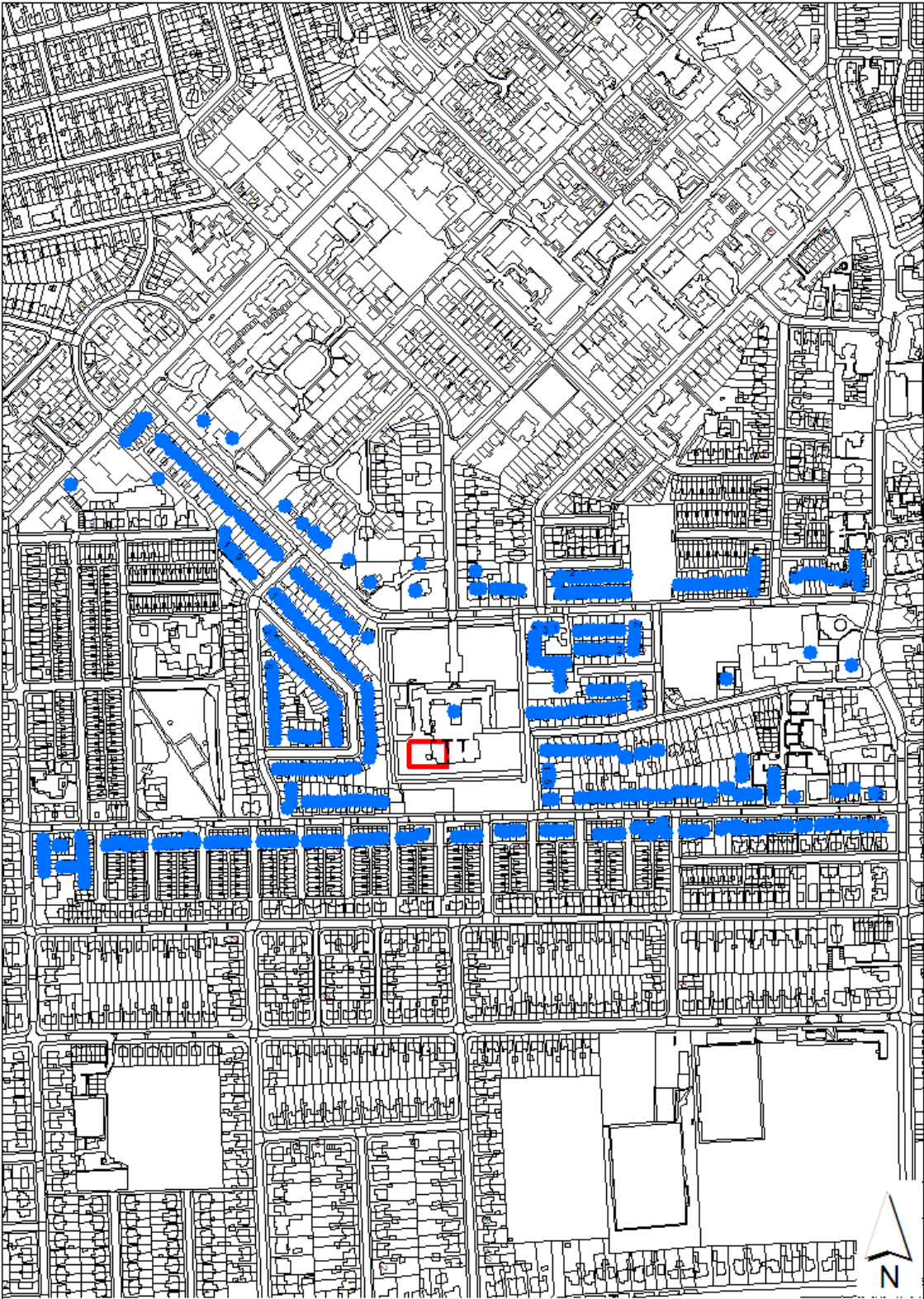
Highway Services
Environmental Health
Greater Manchester Police
Historic England (North West)
Whalley Range Conservation Area Group
Whalley Range Forum
South Neighbourhood Team

A map showing the neighbours notified of the application is attached at the end of the report.

Representations were received from the following third parties:

93 Clarendon Rd, Whalley Range, Manchester, M16 8JE
15B Clarendon Road, Manchester, M16 8LB
24 Burford Road, Whalley Range, Manchester, M16 8EL
4 Burford Road, Manchester, M16 8EL
26 Burford Road, M16 8EL
46 College Road, M16 8FH
14 Hazel Avenue, M16 8DY
98 College Road, M16 8BN

Relevant Contact Officer : Paula McGovern
Telephone number : 0161 234 4547
Email : p.mcgovern@manchester.gov.uk



□ Application site boundary ● Neighbour notification
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