

<b>Application Number</b>	<b>Date of Appln</b>	<b>Committee Date</b>	<b>Ward</b>
116225/JO/2017	10th May 2017	27 <sup>th</sup> July 2017	Whalley Range Ward

**Proposal** Variation of Condition 3 attached to application 112122/FO/2016/S1 to allow the temporary marquee to be used until 1.30am for night prayer during Ramadan 2018/2019

**Location** British Muslim Heritage Centre, College Road, 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, 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 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, there is also an access to Clarendon Road. 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 provides a large floor space for functions, such as weddings, attended by up to 600 people. 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 consent was granted for a temporary period of 3 years with hours of use from 9.00 am to 10.30 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.

Since the original consent, permission has been granted for a further three years under application reference 112122/FO/2016/S1 (accompanied by application 112123 for the renewal of the listed building consent to October 2019.)

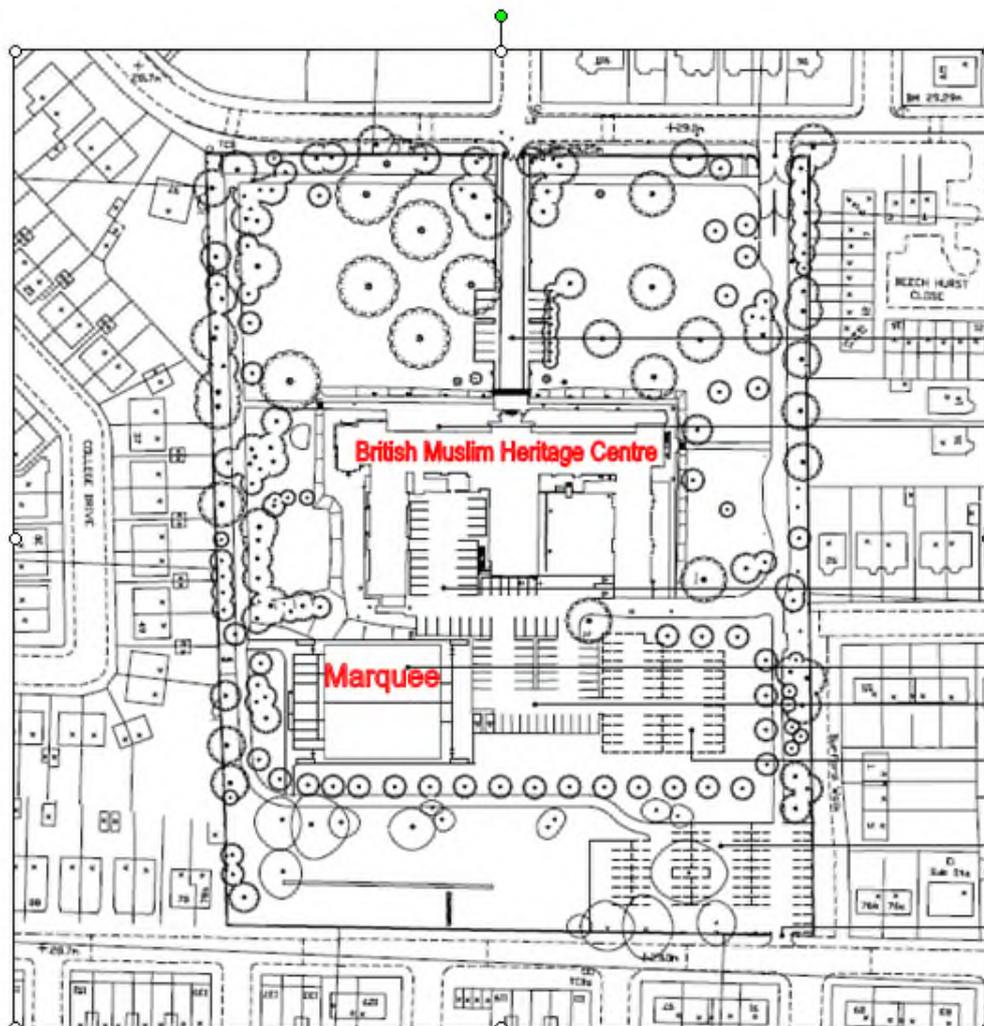
This application seeks to vary the hours of use condition attached to the abovementioned application.

The hours of use condition read:

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.

This current application would see the hours of use extended until 01.30am during the month of Ramadan in 2018 and 2019.



## Consultations

Local Residents – Responses have been received from twelve local residents from eleven separate addresses, citing the following reasons for objection.

- College Road and surrounding areas are regularly gridlocked by traffic and parked cars, without any evidence of traffic or parking management. Planning and warning signposts are required. One resident states that gates on Clarendon Road are used infrequently putting pressure on College Road. One resident states that more use should be made of the College Road entrance/exit at busy times to make traffic lighter on Clarendon Road. Clarendon Road already has another mosque that is open through the night and there is a facility in Bedford Avenue.
- The main building should be large enough to accommodate visitors, given that the building has accommodated previous Ramadan events, plus the bricks and stone contain noise. The marquee does not contain noise, a number of noise complaints have been made since the marquee was erected.
- The marquee and the activities held there are having a negative impact on the surrounding community, particularly due to noise and air pollution and lack of safety measures.
- Incidents of noise and anti-social behaviour - some resulting in Police involvement and complaints to the Council. The operation of the marquee has exceeded the 10.30pm curfew.
- The fabric of the marquee does not contain the noise.
- If an event ends at 01.30, it will be 02.30 before vehicles have dispersed. Noise should be restricted to 10.30pm.
- When the premises were originally taken over residents were told the building would be a museum, library and meeting place not a place for parties, receptions and other events going into the early hours. This would mean a whole month of disruption and noise.
- 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.
- There would be an impact on night time wildlife.
- Impact of increased traffic on air quality.

Highway Services – The proposed extended hours are beyond peak traffic times and so are unlikely to impact local highway operation and/ or safety. There are also conditions proposed to ensure that travel activity is suitably managed. The proposed conditions include a condition for a Travel Plan to encourage sustainable travel and a management strategy condition that includes marshalling and monitoring of car parking, access and egress.

Environmental Health - Have looked at the updated acoustic report and confirm that it is correct and that the limiter has been installed correctly. The limiter should be used at all times on the sound system in the marquee (not just for the extended hours).

South Neighbourhood Team - Any comments received will be reported to Committee.

Greater Manchester Police – Have no objection.

Historic England (North West) - 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.

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

Whalley Range Forum - Any comments received will be reported to Committee.

## **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 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.

**Saved UDP Policy DC26** - The application is supported by an acoustic assessment and it is considered that proposal would not have an adverse impact on nearby residential accommodation, subject to the recommendations being implemented.

**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. These principles have not changed as a result of this planning application, consent for the temporary marquee will expire in October 2019.

### **Residential Amenity**

The previous approvals were granted on a temporary basis and conditions were attached 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. Further work was undertaken on behalf of the applicant and commitments made in relation to the management of the site. The additional information was carefully considered and additional restrictions imposed, as well as recommending that the period covered by the renewal consent in 2016 was only for three years, not five as applied for.

Noise levels were reviewed 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 involved:

- A noise limiter which has been installed on the PA system as specified in the acoustic assessment report. This is to the satisfaction of Environmental Health, subject to a condition requiring that the limiter is in use at all times.
- Odour and acoustic insulation has been 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 help to monitor noise levels at the site boundaries.
- The PA system is turned off at 10 pm allowing guest 30 minutes to leave the premises and this will be enforced by the on-site security staff.

In relation to the proposed additional 3 hours, this application has been supported by an acoustic report which details the type of limiter that has been installed. It is considered appropriate that the limiter is in use at all times, a condition has been appended to this effect. This in effect means that the noise generated by the sound system within the marquee would be at an acceptable level at all times throughout the day. This represents an improvement over and above the current practice on site and there would no longer be a need to include the restriction of PA noise within the hours of use condition.

There are 190 parking spaces on site and the parking at large events are 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 site currently accommodates Ramadan prayers within the existing building. The existing building is not subject to any control over the hours of use, by virtue of having a historic D1 consent.

The use of the marquee for a further 3 hours would mean that there would be a single space for congregation with hours of use controls. There would not be any additional comings and goings over and above the existing use of the site.

Subject to adherence to the abovementioned conditions to be reimposed it is not considered that the use of the marquee for an additional 3 hours for the period of Ramadan 2018/2019 would cause such harm to residential amenity that would warrant withholding planning consent.

### **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 extended use of the marquee for the period of Ramadan 2018/2019 as put forward by the applicant. The use a single space for congregation will allow the use of one entrance and exit which will aid crowd control and enable a greater reduction to any disturbance to the local community.

### **Conclusion**

Subject to appropriate conditions it is not considered that the use of the marquee for an additional 3 hours for the period of Ramadan 2018/2019 would cause such harm to residential amenity that would warrant withholding planning consent.

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      APPROVE**

**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.

**Reason for recommendation**

**Conditions to be attached to the decision**

1) The variation to condition 3 attached to application 112122/FO/2016/S1 is hereby granted for a limited period of time only, covering the period of Ramadan 2018 and Ramadan 2019 (the City Council must be notified of the period of Ramadan within each calendar year). This consent expires 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) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Location Plan referenced A1038-A-G100-P-00

Statement dated 03/05/2017

Reason - To ensure that the development is carried out in accordance with the approved plans. 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 the noise limiter detailed in the acoustic report ref:12416-170531—L1 shall be in use at all times.

During the period of Ramadan in the years 2018 and 2019 (the City Council must be notified of the period of Ramadan within each calendar year) the marquee shall not be used outside of the following hours: - 09.00am to 01.30am seven days a week. In addition the noise limiter detailed in the acoustic report ref:12416-170531—L1 shall be in use at all times.

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 variation of the use of the marquee commences 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 variation of the use of the marquee commencing, 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 temporary marquee, pursuant to policies SP1 and DM1 of the Core Strategy.

5) Before the variation of the use of the marquee 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 as varied commences 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: 116225/JO/2017 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:**

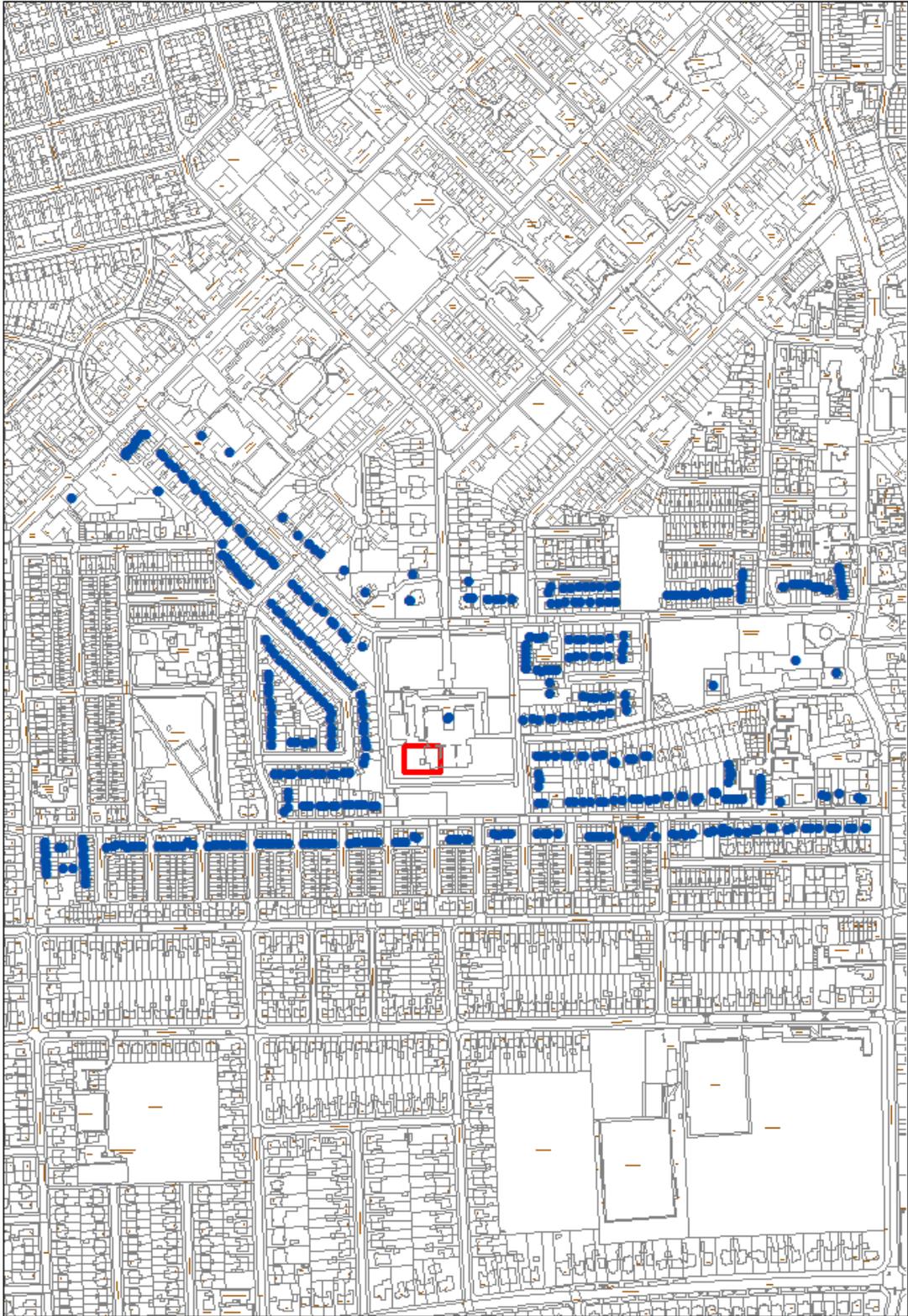
Highway Services  
Environmental Health  
South Neighbourhood Team  
Greater Manchester Police  
Historic England (North West)  
Whalley Range Conservation Area Group  
Whalley Range Forum

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:**

46, 98, 100 College Road, Whalley Range, Manchester, M16 8BN  
14, 22, 26 Burford Road, Manchester, M16 8EL, 8FJ  
11 Burford Drive, Whalley Range  
51 College Drive, Whalley Range, Manchester, M16 0AD  
15b, 93 Clarendon Road, Manchester, M16 8JE, 8LB  
19 Beech Hurst Close, Manchester, M16 8EP

**Relevant Contact Officer** : Jennifer Connor  
**Telephone number** : 0161 234 4545  
**Email** : j.connor3@manchester.gov.uk



 Application site boundary  Neighbour notification  
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