

Application Number	Date of Appln	Committee Date	Ward
133465/FO/2022 and 133466/LO/2022	7 Apr 2022	30 Jun 2022	Whalley Range Ward

Proposal Retention of temporary marquee for 3 years and Listed Building Consent for the retention of temporary marquee for 3 years

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 Studio Architects, Universal Square, Devonshire Street North, Manchester, M12 6JH

Executive Summary

In 2013 the British Muslim Heritage Centre obtained planning and listed building consent for the erection of a temporary marquee for use in association with the centre. This was renewed in 2016 and 2019 subject to conditions, which have been discharged. This report relates to the planning application to retain the existing temporary marquee for a further 3 years and for associated listed building consent. There have been 17 objections from 15 separate addresses received from members of the public.



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).

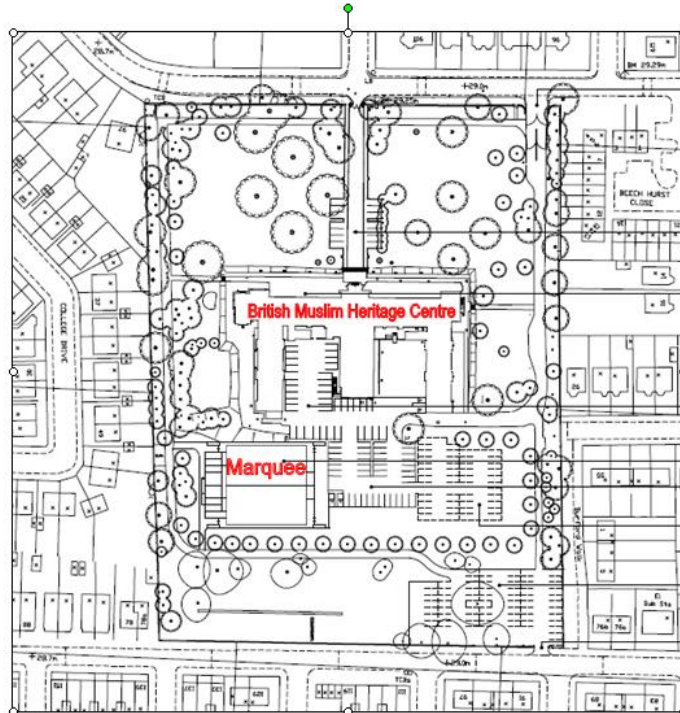
A further application to vary the hours of use condition to allow the use of the marquee until 1.30am for night prayer during Ramadan 2018/2019 was approved under reference 116225/JO/2017.

Permission was then sought for a further three years under application reference 122963/FO/2019 (accompanied by application 122963 for the renewal of listed building consent to October 2022).

There were conditions attached to the 2019 consent to be discharged which related to the on going operation and management of the marquee.

Application CDN/21/0630 for the discharge of condition no.'s. 4 (Management Strategy) and 5 (Travel Plan) were approved in October 2021.

The applicant has stated in supporting documentation accompanying the planning and listed building application that it has always been the intention of the BMHC to replace the temporary marquee with a more permanent building of an aspirational design, that has a positive relationship with the existing Grade II* listed building and minimises the potential for any adverse impact on the amenity of neighbouring residents. However, they state that Covid-19 resulted in significant delays to the redevelopment proposals and that they are keen to undertake the necessary pre-application consultation with Manchester City Council, statutory consultees (including Historic England) and the local community, in order to address any concerns prior to submission of an application.



Consultations

Publicity – The development was advertised in the Manchester Evening News as affecting a Conservation Area, affecting a Listed Building and Listed Building Consent. A site notice was placed next to the site boundary. A map showing the extent of residents and businesses notified of the application is set out at the end of this report.

17 objections have been received from 15 separate addresses in relation to both applications.

The following reasons for objection have been made in relation to both applications:

- The current and proposed events management plan is not being adhered to and is not fit for purpose
- The current and proposed traffic management plan is not being adhered to and is not fit for purpose
- The proposals within the application do not go far enough to mitigate the impact of events at the BMHC on surrounding residents.
- Neighbours do not have meaningful contact with the British Muslim Heritage Centre and they have not responded despite constant complaints the Centre are not adhering to the restrictions placed on their consent.
- Events (such as weddings) at the BMHC rarely finish at the times stated in the documentation, with loud music, fireworks (which are not permitted in the strategy), flares and activity going on well after 10:30 when the gates are supposed to close. The PA goes beyond specified hours. If the noise limiter is being used it is still disturbing residents. The generator is often on from early morning to late at night. The catering services use the outside areas. Waste services enter the site between 05.00 and 07.00 and provides a substandard service that increases the risk of vermin. The dispersal of attendees goes beyond the gates, with attendees parked

outside houses with engines ticking over till after midnight, which prevents residents from getting to sleep. There are no marked parking bays, so parking attendants shout instructions to attendees. The management and traffic control (by trained officials) needs to extend out beyond the centre hours before and after events to ensure minimal noise disruption to residents from event goers. Operations and clean-up regularly go past midnight and disrupt the sleep of residents. Doors are left open causing noise disturbance. Security team are using loud radios.

- The marquee is used as a wedding venue and yet the plan states that the marquee serves the local population. A wedding venue attracts friends and relatives from across the country, if not further. These attendees are unlikely to use public transport.

- Neighbouring roads are frequently used as an overflow parking area and enforcement is required. Neighbours are blocked in their drive ways, there is dangerous parking, parking on curbs, damage to walls, parking on corners, making things very unsafe for local children to cross the road, wheelchair users, people with prams etc. The one way system is not being adhered to.

- Attendees speed on residential road when arriving / leaving

- Light pollution during evening events and this must be disturbing to wildlife (bats have been frightened away) residents also state that it is too bright and impacts on their homes.

- The amount of traffic the marquee generates - Whalley Range already has high levels of air pollution, latest figures show levels of PM2.5, PM10 and NO2 are above World Health Organisation safe levels - this includes College Road which has a Primary School at each end with the British Muslim Heritage Centre in the middle meaning long queues of cars, standing still with engines on for periods of time - this is unacceptable considering Manchester City Council has declared a climate emergency and a goal to reach zero carbon emissions by 2038.

- How long is a temporary structure?

- The Marquee structure is not in keeping and is an eye sore that impacts upon heritage, the original building should be utilised.

- One resident states that the British Muslim Heritage Centre did not control events as the marquee was leased to a commercial company.

Two neutral comments have been submitted from the same address stating that whilst they are sympathetic to the need for BMHC to use the site as well as they can to generate funds 1. the problems of access, generation of traffic, and highway safety identified previously remain unchanged from previous applications and seemingly unaddressed.

2. what has changed since the last application is increasing local awareness of the detrimental effects on health from traffic fumes and associated pollution. There is significant local support for more stringent traffic control measures in Whalley Range which may run contrary to BMHC ambitions.

There was a traffic plan associated with the previous application It would be interesting to know the outcome of any recent polls of BMHC users (both for prayers and weddings) to see if there has been any shift in transport use.

One objection has been received from **Whalley Range Climate Action Group** as follows:

The Whalley Range Climate Action Group views the British Muslim Heritage Centre as a great asset to our community and appreciate their need to raise an income to sustain their activities and premises.

The major concern with this proposal is the amount of traffic generated by the conference events and weddings in the temporary marquee. This creates three serious problems; detrimental impacts on air pollution, global heating, and local people's health and traffic nuisance.

Traffic emissions contribute to global heating and the destruction of ecosystems. Manchester City Council has declared a climate emergency and should ensure that any developments do not impact negatively on the Council's goal of reaching zero carbon emissions by 2038. This must include tackling road traffic emissions such as those created by traffic associated with events in the marquee.

Whalley Range already has a dangerously high level of air pollution from car emissions. The latest figures show that levels of PM2.5, PM10 and NO2 in Whalley range, including the area round the British Muslim Heritage Centre, are above World Health Organisation safe levels. This raises local people's risk of asthma, bronchitis, impaired lung function, cancer, cardiovascular and respiratory mortality, and can inhibit children's lung development. The Whalley Range Climate Action Group is working on a clean air plan for the area and three local schools are working towards safer, traffic free streets. The traffic from this venue could undermine any positive impacts of this work.

Residents living near BMHC have reported traffic nuisance including speeding and parking on pavements and green spaces. The travel plan must contain strong and effective measures to stop these practices.

The travel plan submitted by BMHC to support this application gives no reassurance of serious attempts to either reduce car traffic or mitigate the effects of the traffic travelling to the venue.

Previous planning permission required the BMHC to review and update their travel plan but there is no evidence of compliance with this as the plan submitted with this application is dated 2019. It contains no details of measures taken since the previous planning approval or of their impact. We recognise that the use of the marquee was significantly curtailed by the various lockdowns, so the last 2 years haven't been typical, but as the marquee is now in use again there has been opportunity to implement action and collect data on its effectiveness.

A further concern is that the 2019 plan submitted with this document states an assumption that BMHC users are primarily local. The travel survey data included was gathered from people attending Friday prayers and Ramadan visitors who are more likely to be local residents. However, wedding guests and conference attendees typically travel from further afield so the travel plan should contain data on the full range of marquee users.

It should contain robust measures to reduce car use, prevent users parking on pavements and green space and prevent speeding on pavement and traffic to collect evidence of the effectiveness of this. It should also detail measures to review the effectiveness of the measures, the frequency of these reviews, and how action will be taken as a result and how it will be reported.

We urge the council to work with BMHC to address these serious traffic issues.

Highway Services

The Centre provides 190 car parking spaces for use by staff and visitors and 40 cycle spaces.

Traffic Management Strategy/Car Park Management Plan

To manage traffic, a number of initiatives were previously 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.

These initiatives are confirmed in the submitted event management strategy.

Highways recommends continual monitoring and management of parking demands, this is in order to ensure there is no adverse impact generated on the highway network.

Travel Plan

A full travel plan was prepared in 2015, issue 3, approval dated September 2019, has been submitted with this application. It is recommended that this is updated regularly with travel survey information.

Environmental Health

Although there have been some complaints, nothing has been defined as a Statutory Nuisance by the Licensing out of Hours Officer. They therefore conclude that as long as the Events Management Strategy is adhered to the noise limiting device (detailed in the acoustic report ref: 12416-170531—L1 submitted as part of application 122963/FO/2019) is in use at all times and the hours of use are restricted to 09:00 - 22:30hrs 7 days a week there are no objections.

Greater Manchester Police

Have no objection to the retention of the marquee for a further 3 years.

Historic England (North West)

Suggest that the views of our Heritage and Urban Design Manager were sought.

National Amenity Societies

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 National Planning Policy Framework (July 2021) sets out Government planning policies for England and how these are expected to apply. The NPPF seeks to achieve sustainable development and states that sustainable development has an

economic, social and environmental role. The NPPF outlines a “presumption in favour of sustainable development”. This means approving development, without delay, where it accords with the development plan and where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The following specific policies are considered to be particularly relevant to the proposed development:

Section 16 (Conserving and enhancing the historic environment) – It is considered that the scheme has regard to the context of the site and causes less than significant harm to the designated heritage asset that is the Listed Building and the Whalley Range Conservation Area that is outweighed by the public benefit of the proposal.

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.

Other Material Considerations

Guide to Development in Manchester Supplementary Planning Document (SPD) and Planning Guidance (April 2007)

Part 1 of the SPD sets out the design principles and standards that the City Council expects new development to achieve, i.e. high quality developments that are safe, secure and accessible to all. The SPD states that proposals should seek to ensure that the use of the building reflects their purpose and the place in which they are located. Development should enliven and define neighbourhoods and promote a sense of place. Development should have regard for the location of sustainable public transport and its proximity. In relation to crime issues, the SPD requires that prevention measures should be demonstrated, and include the promotion of informal surveillance, CCTV, good lighting and stewardship.

The Manchester Green and Blue Infrastructure Strategy (G&BIS)

The G&BIS sets out objectives for environmental improvements within the City in relation to key objectives for growth and development.

Building on the investment to date in the city's green infrastructure and the understanding of its importance in helping to create a successful city, the vision for green and blue infrastructure in Manchester over the next 10 years is: By 2025 high quality, well maintained green and blue spaces will be an integral part of all neighbourhoods. The city's communities will be living healthy, fulfilled lives, enjoying access to parks and greenspaces and safe green routes for walking, cycling and exercise throughout the city. Businesses will be investing in areas with a high environmental quality and attractive surroundings, enjoying access to a healthy, talented workforce. New funding models will be in place, ensuring progress achieved by 2025 can be sustained and provide the platform for ongoing investment in the years to follow.

Four objectives have been established to enable the vision to be achieved:

1. Improve the quality and function of existing green and blue infrastructure, to maximise the benefits it delivers
2. Use appropriate green and blue infrastructure as a key component of new developments to help create successful neighbourhoods and support the city's growth
3. Improve connectivity and accessibility to green and blue infrastructure within the city and beyond
4. Improve and promote a wider understanding and awareness of the benefits that green and blue infrastructure provides to residents, the economy and the local environment.

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 and the marquee is still in a good state of repair, consent for the temporary marquee would expire in October 2025.

Conservation Area and Listed Building

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 Whalley Range Conservation Area and the setting of the Grade II* Listed Building are minimal. The structure is temporary and would cause less than substantial harm. On balance the level of harm is considered less than substantial and justified by the public and community benefits of the proposals.

Residential Amenity

The original approval was granted on a temporary basis and conditions were attached which it was felt would limit any adverse unacceptable impacts 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. In relation to the second application to renew the temporary consent, 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.

In the 2016 application noise levels were reviewed and an additional report was 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 could not be controlled by such means and therefore a management strategy was submitted 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.

When the application to extend hours during Ramadan was considered the submitted acoustic report confirmed that the limiter had been installed and was conditioned to be in use at all times. This in effect meant that the noise generated by the sound system within the marquee would be at an acceptable level at all times throughout the day, which represented an improvement over and above the previous practice on site.

An application to discharge conditions followed the application to extend the hours, this included a Management Strategy and up to date travel plan information from June 2018. This information was specifically relevant to the operation of the marquee during the period of Ramadan as the application related to an increase in the hours of operation during Ramadan.

In light of comments received from Environmental Health in relation to the 2019 marquee renewal application it was considered that a condition requiring a Management Strategy for the operation for the whole of the further three years (not just for Ramadan) should be in place.

This strategy was to reinforce that the site should be carefully managed to ensure that any disturbance outside of the marquee was mitigated, including the closure of the centre at times that the marquee is in use. The strategy was to state that the event management team should be present for the whole of the evening and that there would be a managed access and egress of vehicles and pedestrian, ensuring access via College Road and egress via Clarendon Road at all times, rather than just for large events.

The recommendation to have a Management Strategy for the temporary marquee throughout the whole year was considered to provide sufficient mitigation to be able to effectively control the intensity of the use of the site and the management of the arrival and dispersal of those utilising the site. Subject to adherence to the abovementioned Management Strategy condition it was not considered that the use of the marquee would cause such harm to residential amenity that would warrant withholding planning consent.

Following receipt of consent an application came in to discharge conditions relating to the management strategy and the travel plan, which was not considered to include the level of details required. A subsequent application to discharge those conditions

was considered to be acceptable to colleagues in Environmental Health (in consultation with the Out of Hours team) and Highways.

The information submitted in relation to the management strategy condition set out:

That the BMHC take the impact of the centre on neighbouring residents extremely seriously and make every effort to ensure the least amount of disturbance is caused, particularly during evening events.

Controls are in place to manage the arrival and leaving of visitors during events at the marquee, special arrangements are in place for larger events during the month of Ramadan where higher numbers of visitors are expected. Prior to the beginning of the month of Ramadan the strategy sets out that a letter is sent to neighbouring residents containing details of events with the direct contact details for the Centre Manager for reporting issues and an invitation to a community fast breaking dinner.

Reference is made to:

- The audio and PA system within the marquee being fitted with a sound limiter, which prevents the user from increasing the volume of the speaker system.
- Acoustic barriers being installed between on-site queuing traffic and residential property to the eastern boundary.
- Fireworks inside or outside of the premises being prohibited and any music/Dhol, band play or unreasonable noise causing nuisance to neighbours (inside or outside of the premises) being forbidden. Failure to adhere to these terms could result in loss of deposit.
- During congregation prayer visitors are given leaflets that advise users how to enter and leave the centre without causing disturbance. The imam leading prayer also gives weekly reminders.
- Trained SIA Security guards with security badges are present on site at all times to manage traffic (total of 7 security guards and up to 3 staff present on site throughout each event). Security guards will use earphones for communication instead of walkie talkies and are trained to deal with anti-social behaviour.
- The duty of the guards is to:
 - Manage access and egress of vehicles and pedestrians
 - Manage parking
 - Manage site activities
 - Monitor noise levels and ask for adjustments to the PA system if it is audible to the security guards positioned at the site boundary
- Vehicle access during events times is on a one-way system, entering by College Road only. At the end of the event, to ensure vehicles disperse quickly and equally, vehicles can egress by the main side gates on College Road (right turn), Middle gates on College Road (turn left on to College Road or straight onto Wood Road) and gates to the rear on Clarendon Road (left and right turn).
- During events temporary signage posts will be positioned at key points to help with traffic movement. Site security marshal car parking and speed signs for 5 mph are displayed within the site.
- All users of the marquee are instructed on the management strategy and each contract includes a security bond of £1000 should attendees not meet the requirements of the strategy.

- All attendees will be instructed to leave the premises at 9pm, a further reminder given at 10pm that the gates will be closed at 10.30, by 10.30 all attendees will have left the premises and staff and cleaners present on site will leave at 11am.
- All events will take place when the main centre is closed.

The information submitted in relation to the travel plan condition set out that:

They will encourage more sustainable travel with a reduction in single occupancy car journeys. They have appointed a travel plan co-ordinator, will engage with attendees through questionnaires/workshops/surveys, analyse the information collected and actively promote sustainable travel options.

It is acknowledged that the operation of the marquee is causing issues to neighbouring residents and that there is a perception that the management plan is not effectively mitigating the harm caused. However, there is an on going dialogue with the applicant in relation to issues of concern and the management plan together with the hours condition allows a way to control many of the activities causing disamenity such as fireworks being let off late at night. If there are continued and on going breaches of the conditions then it would be necessary for enforcement action to be taken to ensure that the conditions are complied with.

With regards to the query raised about who is responsible for the implementation of the management strategy, it is clear that no matter who operates from the marquee, the consent and the management strategy that is a condition of consent is binding upon the applicant. If it is the case that it is found that there are breaches of conditions applied, as stated above, enforcement action will be taken.

Highways

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.

Highways assessed information submitted with regards to the Management Strategy and the Travel Plan (previously agreed as part of the 2021 Discharge of Condition application) and are satisfied that subject to adherence to the abovementioned conditions it is not considered that the use of the marquee would cause such harm to highway safety that would warrant withholding planning consent.

Trees

The continued use of the temporary marquee would not have any impact upon the trees on site.

Ecology

A number of objections received are concerned about the impact of the proposals on wildlife. However, the structure is not close proximity to trees and the light / noise levels on site that could occur without the benefit of consent would have the same impact in this residential setting upon wildlife.

Air Quality

The land to the south of the British Muslim Heritage Centre has been a large surface level car park for some time. The use of this car park has increased since the Heritage Centre took over stewardship of the heritage asset. The building always had the potential to be utilised more intensively under its lawful operation. The impact of traffic to and from the marquee used in association with the existing building would not have a measurably more harmful impact upon air quality in this location than the lawful operation of the building.

Planning Policy Guidance sets out that mitigation measures for air quality would be locationally specific. The marquee is separated from surrounding uses, there is mature screening to boundaries, conditions are in place in relation to the hours of operation and there are controls over the noise levels.

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 extension of the use of the marquee for functions that would fund the long term economic future of the listed building. The use a single space for congregation will continue to allow the use of a one entrance and one exit system which will aid crowd control and enable a greater reduction to any disturbance to the local community. The local planning authority are aware of the alleged breaches of planning control and have an ongoing dialogue with the applicant who have committed to address the issues raised. A condition is reimposed requiring adherence to the previously discharged management strategy and a further condition is recommended requiring details of community notification for events.

Conclusion

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 continue to provide a community asset. The reimposition of the management strategy condition and the addition of a condition requiring details of community notification for events 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 policies of the Unitary Development Plan, the Director 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.

Conditions to be attached to the decision for application 133465/FO/2022

1. The further retention of the temporary marquee is hereby granted for a limited period of time only. This consent expires on 31 October 2025, 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:
G200-P-00 FLOOR PLAN
G200-P-01 PLAN & ELEVATION
G100-P-00 LOCATION PLAN
G100-P-01 BLOCK PLAN OF THE SITE
Design & Access Statement
HERITAGE STATEMENT
EVENTS MANAGEMENT STRATEGY
PLANNING STATEMENT
TRAVEL PLAN received 7 April 2022

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 temporary 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 (submitted as part of application 122963/FO/2019) 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. The details of the approved events management strategy listed at condition 2 shall be implemented 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.

5. Within six months of the date of this consent an updated 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

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.

6. Notwithstanding the details set out within the events management strategy further information shall be shared with the local planning authority with regards to the notification strategy for local residents of events to be held at the marquee hereby approved.

Reason - To ensure a satisfactory development and in the interests of amenity and traffic safety pursuant to Policies SP1 and DM1 of the Core Strategy.

Conditions to be attached to the decision for application 133466/LO/2022

1. The further retention of the temporary marquee is hereby granted for a limited period of time only. This consent expires on 31 October 2025, 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.

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: 133465/FO/2022 and application ref: 133466/LO/2022 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)
National Amenity Societies
Whalley Range Forum**

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

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