

## Appeals and Planning Review Committee- 8<sup>th</sup> March 2021

**Application Ref:** 20/01260/WCPP

**Proposal:** Variation of condition C8 (to allow the amplified call to prayer 3 times per day every day (early afternoon, late afternoon and sunset) pursuant to planning permission 03/01516/FUL (New mosque, extension to existing mosque and new brickwork facade - revised)

**Site:** Masjid Ghousia Mosque, 406 Gladstone Street, Millfield, Peterborough  
**Applicant:** Mr N Khan

**Agent:** Mr Mohammed Iqbal  
**Referred by:** Head of Development and Construction  
**Reason:** The application is of wider public interest

**Site visit:** 06.11.2020

**Case officer:** Mrs J MacLennan  
**Telephone No.** 01733 4501733 454438  
**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** **REFUSE**

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### 1 Description of the site and surroundings and Summary of the proposal

#### Site and Surroundings

The site comprises the Masjid Ghousia Mosque and is located on the western side of Gladstone Street opposite the junction with Springfield Road and the junction with English Street.

The immediate surrounding area is predominantly residential in character with on street parking. The western side of the site is bounded by the rear gardens of properties within Clarence Road. To the north of the site there is a car parking area and access is served from English Street.

The building is locally listed due to its distinctive architecture which forms an important part of the street scene and serves as a local landmark building.

Planning permission was granted for the new Mosque in 2003 (ref. 03/01516/FUL). There had been two former approvals in 2000 (ref. 98/00494/FUL) and in 2002 (ref. 02/00469/FUL). The planning consent was subject to a number of planning conditions. Condition 8 restricted the amplification of music or voices projecting from the building.

#### Proposal

The application seeks to vary condition 8 to allow the amplified call to prayer (The Azan) 3 times per day, every day (early afternoon, late afternoon and sunset).

It is proposed that the duration of each call to prayer would be between 3 and 5 minutes.

4 no. loud speakers would be located on the top of the minaret (tower), at the balcony level at the Springfield Rd / Gladstone St junction end of the building. The speakers would be hidden from view.

#### Referral to Appeals and Planning Review Committee

The application was determined by members of the Planning and Environmental Protection Committee on 26 January 2021 and it was resolved to refuse planning permission as per officer

recommendation. Before the refusal was issued, Officers noticed that an incorrect planning application form was posted on the Council's website which may have resulted in people wrongly thinking the application was for a new building rather than the proposal to have an amplified call to prayer and may have wrongly decided not to comment on the application.

Members of the Committee were notified of the situation and subsequently a successful request was made to have the application determined by the Appeals and Planning Review Committee.

A further consultation has been undertaken (to correct the mistakenly published document) with neighbouring occupiers and anyone who has previously made comments on the application. Site notices have been erected and the application has been advertised in the Peterborough Telegraph.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
98/00494/FUL	New Mosque building (incorporating existing Mosque)	Permitted	18/01/2000
02/00469/FUL	Erection of mosque with associated parking	Permitted	30/10/2002
03/01516/FUL	New mosque , extension to existing mosque and new brickwork facade - revised	Permitted	15/12/2003
08/00260/FUL	Alterations to existing window to form new door	Permitted	08/04/2008
08/00453/FUL	Two storey extension, increased height and alterations to openings	Permitted	26/06/2008
09/00569/FUL	Two storey extension, increased height and alterations to openings	Permitted	07/07/2009
12/01185/FUL	Construction of two storey side extension (Part retrospective)	Permitted	06/09/2012
14/01319/FUL	Proposed first floor side extension	Permitted	11/09/2014
17/01464/NONMAT	Non-material amendment to: Include approved plans list 94/101. 94/105. 94/106. 94/205 and 94/206 pursuant to planning permission 14/01319/FUL Proposed first floor side extension	Determined	18/09/2017
17/01857/NONMAT	Non-material amendment (approved drawings) pursuant to planning permission 14/01319/FUL amended under previous non-material amendment application 17/01464/NONMAT	Determined	02/11/2017

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### **National Planning Policy Framework (February 2019)**

#### **Paragraph 180 - Pollution**

New development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life, identify and protect tranquil areas which have remained relatively undisturbed by

noise and limit the impact of light pollution from artificial lighting on local amenity, intrinsically dark landscapes and nature conservation.

### **Peterborough Local Plan 2016 to 2036 (2019)**

#### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

#### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **LP19 - The Historic Environment**

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

#### **EQHR - Equality Duty and Human Rights**

In line with the Public Sector Equality Duty the council must have due regard to the need to eliminate discrimination and advance equality of opportunity, as set out in section 149 of the Equality Act 2010. In making this recommendation, regard has been given to the Public Sector Equality Duty and the relevant protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

The Human Rights Act 1998, makes it unlawful for a public authority to act in a way which is incompatible with the European Convention on Human Rights. The human rights issues have been considered, with particular reference to Article 1 of the First Protocol (Protection of property), Article 8 (Right to respect for private and family life), Article 9 (Freedom of thought, belief and religion) and Article 14 (Prohibition of discrimination) of the Convention.

The Human Rights Act 1998 does not impair the right of the state (including local authorities) to make decisions and enforce laws as deemed necessary in the public interest. The

recommendation is considered appropriate in upholding the council's adopted and emerging policies and is not outweighed by any engaged rights.

#### **4 Consultations/Representations**

**PCC Pollution Team** – The information submitted is limited; no details of specification/exact location of speakers, details of or methods for compliance with an appropriate noise limit, etc. Therefore, at present there is insufficient detail to make a judgement on the acceptability of this proposal. The operation of a loudspeaker for the proposed purpose is primarily a political judgement rather than a technical consideration. A strategic consideration and policy would be necessary to prevent what may amount to unacceptable cumulative impacts from a number of similar facilities that may be located in the same area. It may be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.

In relation to this development engaging a noise consultant at the application stage does not provide any additional confidence for the Local Planning Authority to be able to base their decisions upon. This is because there are no recognised standards or Codes of Practice to be able to relate assessments to. A noise limit could be imposed. Requiring the employment of a consultant, and the installation of a noise limiter, may be considered as unnecessary expenses for a trial period, except where complaints or unacceptable disturbance arises.

If a permanent permission is to be given from the outset, a noise consultant would not add great value to the consideration of the proposal. However one would be necessary for the setting and installation of a noise limiter that should be required to be installed before the use commences. The setting of noise limiters for this purpose is not something that the regulator should be involved in.

There is specific legislation governing the use of loud speakers in the street. Section 62 of the Control of Pollution Act 1974 regulates the use of speakers. Any operation of a loudspeaker in the street would have to comply with that legislation. Average sunset in June is 21.00hrs and later, and during school term times therefore times of calls may need to be limited to prevent nuisance complaints, and to ensure compliance with Section 62 of the Control of Pollution Act 1974.

To assist with this decision this response also includes advice on how to control the potential impacts which are based upon guidance used by Leicester City Council.

If the LPA is minded to give temporary approval the officer recommends conditions on the time, duration and frequency of the call, noise limit to not exceed 70dB(A) (Fast) 2m from any elevation of any dwelling or at a distance of 50m from the loudspeaker, whichever is the closer, and noise monitoring/Noise limiter.

**PCC Peterborough Highways Services** - No objection - It is the view of the LHA that the proposals shall not result in an adverse effect upon the nearby public highway.

**PCC Conservation Officer** – No objections. The proposals would not have any impact on the design or character of the mosque. In addition the proposal is in keeping with the use and tradition of the building. From a heritage consideration the proposed works can be supported.

**Millfield & New England Residents Planning Sub Group** - No comments received

#### **Local Residents/Interested Parties**

Initial consultations: 232  
Total number of responses: 404  
Total number of objections: 109  
Total number in support: 291

Consultation was initially undertaken with 232 neighbouring occupiers within a 100m radius of the site. In addition, 2 no. site notices were erected and the application was advertised in the Peterborough Telegraph.

A c 5,000 name petition was received after the 26<sup>th</sup> January 2021 Planning Committee, objecting to the reconsideration of the application.

Summary of representations were received following the initial consultation:

Comments in Support:

- I have no issues with the proposal.
- Both religions (Christian and Moslem) admit recognition of the same God – it seems understandable that an equality is desirable.
- It supports the rights of the religion and allows a healthy relationship to be maintained between everyone due to the respect shown towards our rights.
- Everyone should have religion freedom.
- I support this as this is in line with freedom of speech and freedom to exercise religion.
- Would love to hear this. I went to another country and heard this every day. It was peaceful.
- Having spent two brief periods in Asiatic countries I cannot claim the call to prayer is either unattractive or disruptive.
- I doubt I would find the call to prayer onerous to hear and listen to.
- The call for prayer will not be during anti-social hours.
- Due care will be taken not to cause nuisance to the neighbourhood.
- I don't think this will cause any nuisance noise.
- There is enough traffic noise to drown anything the mosque speaker will transmit, only people who will hear this call for prayers are the people who will attend the congregation.
- It would be after sunrise and before sunset - like other people used loud music in the cars on the streets and no one gets upset.
- As this is only during the day I don't think it will affect the public.
- This would only be for a few minutes only
- The call should be made by a live muezzin (prayer caller)
- I would like to hear the call to prayer 5 times a day
- Great idea to say the call to prayer on loudspeaker.
- This will be a good moral and spiritual boost for the surrounding community.
- The call to prayer should be embraced due to the peace it brings. It will help heal the area spiritually and physically.
- This will be amazing and will give peace and tranquillity.
- It will be beneficial in uplifting mental health especially during the isolation period.
- It is calming to hear and would bring much needed life into the area as well as uplift people in these hard times.
- During these unprecedented times of covid19, the call of prayer is spiritually soothing and comforting to hear.
- In view of the number of people affected by Covid 19 from the Muslim communities and that they are unable to attend prayers in the mosque this would serve as a welcome initiative to ease their anxieties in such challenging times.
- The community has been in a loss since the lockdown began. They have lost many beautiful people through this tough journey. I feel the call to prayer would enlighten them and cause peace within the hearts. They will feel content and happy.

- Although you have closed the mosque the least you can do is let us hear the call to prayer out loud.
- The community will benefit from this and it also will encourage more readers.
- A lot of the youngsters will realise the importance of it and come to pray and abstain from Sin.
- Good reminder for praying.
- The mosque is in a majority Muslim populated area.
- The Gladstone area of Peterborough has always been a rich cultural environment, communities of all religions and beliefs coming together, this will further enhance this.
- This would be a true reflection of how different communities work together in Peterborough and live peacefully and respectfully with each other.
- This would be so good for our community.  
The Muslims have prayed in the local community for over 40 years peacefully.
- Peterborough have been blessed with amazing mosques which are fully funded by donations and purpose built.
- Many cities in the UK with the same size of Muslim population already granted this permission to their local mosques.
- This would be amazing for all the religious people and followers of Islam.
- This will make me more closer to my beautiful religion Islam.
- This would be so beautiful.
- This is long overdue and I feel it's something that would benefit Muslims and non Muslims alike.
- For Muslims this is a wonderful part of our religion, something that is imbedded in our hearts and for non Muslims this is a chance for them to hear such a beautiful sound that we have adored for over 1400 years.
- The Azaan is beautiful and will be unify our community.
- Very good initiative good for community interaction
- Alhamdulillah, SubhanAllah, Allah hu Akbar
- Call for prayer Azaan" on loud speaker is a great feeling and pleasure for Muslims.
- Most of the households don't have radios.
- Excellent Initiative to further build upon the community cohesion within Peterborough.
- It will help to understand each other's religions needs and understanding which is very important in a society.
- Overall it's a positive step forward.
- It's a great idea considering other religious buildings are granted similar permissions, such as, bell ringing for the church.
- The Christian religion has its bell ringing, with many church clocks tolling out of hours.
- I have received a leaflet; the wording I feel is contentious and prejudicial.
- Peterborough is full of different faiths and respecting one another brings peace.
- The call to prayer is a unique spectacle which will fascinate members of this diverse city.
- I am aware that several alt-right pages on social media are using this to promote hatred and division. However these people do not reflect the views of the majority; who are open minded and committed to promoting equality both in life and worship.
- This would certainly further build upon the unity and community cohesion of the residents of the Peterborough community.
- It will definitely help to strengthen our Islamic beliefs and is especially vital for our younger generation.
- In turn the call to prayer is not just a calling to prayer but also a soothing aspect to individuals, regardless of denomination of religion.
- This would open many doors and dialogue between people of many backgrounds and faith
- It will help local communities to understand more about Islam and call payer
- 4.8% Muslims live in this country and they have right to hear the voice of Adaan.
- The mosque is a hub for our community which has helped many people over the years. The azan is a reminder to pray and get closer to God
- This will be beneficial and enhance further education.

- As long as this is a temporary permission, say for 4 months with a review, and that volume is kept to a necessary minimum level, I think it would be very good for a community spirit.

**Cllr Shabina Qayyum** – Support. In view of the number of people affected by Covid 19 from the Muslim communities and that they are unable to attend prayers in the mosque this would serve as a welcome initiative to ease their anxieties in such challenging times.

**Cllr Shabina Qayyum** – further statement in support: I have worked not only as a councillor serving a very diverse community, but also as a frontline worker in the NHS and the sheer amount of loss of life in Peterborough, within the Muslim community has been unprecedented and unfathomable and by all accounts, terribly tragic.

As you know, the contribution of the Muslim community to this city speaks for itself, locally, in charity and many other facets of public and non-public service. At such times when a situation of a Pandemic has caused restricted access to the Mosque, every Muslim resident seeks solace and spiritual wellbeing from the mosque in times of uncertainty.

Many patients are presenting with mental health problems as a result of lack of access to the mosque and due to social distancing guidance. It is essential that we release the stress off localised NHS services and seek to meet the need of spiritual and psychological wellbeing by allowing the amplified call to prayer, to aid in the recuperation of the residents who are confined to their homes. My prediction as a health professional is that we will be indeed facing challenges for many years to come after this pandemic is over and the rehabilitation process shall begin. Part of that rehabilitation process I feel should be facilitation of the amplified call to prayer, thus contributing to the enhanced wellbeing of the Muslim community and reduced presentation to local primary care services.

It would also facilitate and decrease the risk of the frail and housebound from subjecting themselves to unnecessary risk by praying within the safety of their homes.

I would request that this is granted on the above basis.

**Cllr Ansar Ali** - Requested the following comments from residents to be circulated to Members of the Planning committee:

‘As a resident of the Gladstone/ Lincoln Road area for the last forty two years I am heartily in favour of the amplified call to prayer from Masjid Ghousia mosque.

The call to prayer is a beautiful, melodic, meditative sound. Rather than disturbing the peace it lifts the spirits of believers and non believers alike. It is not as long nor as loud as church bells but may be heard in the same way, as a reminder of communal worship.

If there are doubts, may I suggest allowing the call for a limited period of time, and then reviewing the permission? I suspect that the call will quickly be a much loved part of the city soundscape.’

‘My home is a five-minute walk from this mosque, and I am writing to say that I would welcome daily calls to prayer and support the application.

According to Google maps, our house is slightly more than a quarter of a mile from the mosque so I would expect to hear any amplified calls, particularly in summer. I have heard such calls when I have been visiting Leicester and London, and they did not disturb me in the slightest. I think them no more intrusive than church bells which I also enjoy.

I have lived in this Lincoln Road house for over 15 years but before that I owned a house in Woodston. Here in Millfield I have many more Muslim neighbours but I know from years of experience that they are no more likely to disturb the peace than were my neighbours south of the river.’

## Comments Objecting:

### *Principle*

- This is completely wrong and needs to be stopped.
- A call to prayer is an outdated ritual.
- The Christian church restricts the bell ringing to weddings and some church service; it has been scaled down over the years in the interests of community cohesion.
- There is an argument given the ringing of church bells, but this is mainly seen as part of UK culture, not religious, and has been a tradition for hundreds of years. They ring out once a week and not three times a day, every day.
- My objection would be the same if the Cathedral for instance were to apply for amplified bells three times a day.
- I remember complaints were made about St Jude's church bells disturbing people on a Sunday and subsequently they stopped.
- There isn't much bell ringing
- The Salvation Army are not around with their band anymore.
- A compromise might be for the call to be broadcast once a day, as requested in Harrow.
- I also think it would be more sensitive if the call was not broadcast on a Sunday.
- The only day it should be allowed is Fridays, similar to church bells on Sundays.
- Once is enough but not early morning.
- It is inconsiderate to expect others in the community hear this 3 times a day.
- I do not want to be subjected to noise 3 to even 5 times a day EVERY day for something I do not practice or believe in.
- Will the 3 times a day then go to 5? Will the call be longer on a Friday?
- The majority will be at work at the times stated.
- This would be a retrograde step because this is a multi-faith and multi-cultural city, the call to prayer raises the profile of the Islamic community where other faiths are unable to reciprocate in this same manner - not in the interests of religious equality and harmony.
- I believe the call to prayer would be intrusive and divisive. I appreciate this could be considered soothing to many who hear the mantra "Allahu Akhbar", but to many this is aggressive sounding.
- My understanding is that Muslim teaching accepts this practice can be varied or suspended in non-Muslim countries where the custom of the non-Muslim majority should be respected.
- It's not fair on Christians, Buddhists, Jewish, Sikhs, Hindus who live in the surrounding area.
- If the council allows this then it will truly be a biased decision against its other residents.
- The Qur'an teaches us to be gracious to our hosts.
- I am livid that this minority would impose their religious beliefs on the vast majority of the Peterborough population who are either Christian or Catholic.
- The call to prayer singles out one faith above all the others.
- No one has any objection to anyone following what religion they choose but to encroach their beliefs via loud speaker onto people's personal space is completely selfish and unfair and has no place being allowed in this country.
- We are not a Muslim country and this practice has no place anywhere in multinational countries out of respect for others and should strongly remain a practice of Islamic countries only!
- No more than I would endorse a synagogue, Seikh Temple or Church for that matter to vocalise their religious agenda through loud speakers over a city population.
- Upon research into this, its purpose is widely understood around the world to be regarded as a symbol of 'dominance' by Islam over a surrounding area to do this. Which casts an even more sinister possibility to the whole thing.
- Although Peterborough supports multiple religions they are all followed with discretion and not forced onto others.



- The application is insensitive to other faiths and non-believers and does not feel inclusive and community spirited.
- This could cause friction with other religious groups
- These frequent calls resonating around the neighbourhood could actual cause racial unrest and have a negative impact on community relations in a multi cultural city.
- We must respect the quite privacy of each other's faith not enforce an intrusive and vocal call to prayer across the city.
- We are Christians and do not impose our way of life on to others and they should not be imposing their way of life on us.
- As an atheist I object to all forms of organised brainwashing but respect the right of every individual to believe in whatever fairytale they wish to.
- This would be alien and I do not need this to tell me the time.
- What next - Sharia Law for Peterborough?
- I am worried about this issues dividing people into two camps – this can lead to violence
- I believe hate crime and racism will increase towards one another.
- No one religion should dominate society.
- Other faiths in the city and vicinity stick to the rule about noise and interact with their followers without acting as if they have superiority over others.
- Worship is a private decision and all other faiths would be affected by this intrusion.
- Any emotional or spiritual benefit will only be felt by those of the same religion, to everyone else still an intrusion into the British way of life.
- The use of Adhan for the majority would feel oppressive one in the language used Arabic which is not in the vernacular of the wider community.
- There are many others living the neighbourhood who follow other faiths to whom this will be very disturbing and denying a freedom living peacefully
- Azaan is a way of proclaiming that the area is an Islamic area the call to prayer proclaims in Arabic that Allah is greater than any other Gods.
- One should try to make the society religion agnostic. Instead of this reach out to the vulnerable, poor and needy.
- When planning permission was granted it was on condition that there would be no amplified music or voices.
- Enforce the rules as set out in 2003.
- The rights of the residents have not changed and no explanation has been given as to why the mosque needs to have a call to prayer.
- Almost 20 years have passed since the mosque was expanded and there has been no call required for prayers.
- The current restrictions should be sufficient.
- The local mosque leaders are going back on their words and hoping that residents have forgotten their original promise.
- The Mosque had been extended with the knowledge that amplified sound would not be permitted.
- The current cantillation of prayer, routine and ritual has worked for all these years, so why are even louder reminders necessary?
- Ghousia mosque seems to have generated a large and faithful congregation without the need for any amplified calls to prayer.
- The mosque is already dominating in the area and this would disturb the character even more.
- Use of modern electric instrument is forbidden in Islam and banned by them.
- Having a Islamic call could impact on Peterborough achievements and investments for the future.
- Increased expenditure in policing it which will no doubt increase taxes and nobody likes paying more taxes.
- Covid is not an excuse to bypass such conditions.

## Noise

- Object on grounds of noise disturbance in the local area for residents, particularly those who do not share the Muslim faith.
- This unnecessary noise, especially in a built up residential area would only cause discomfort and anger amongst the residents that are not of that religion.
- The minority would spoil the tranquillity of the majority.
- This would create noise pollution for the whole area and could distract people driving.
- The noise would be heard in the city centre –not good for community relations as people feel overpowered by a religious call like this.
- The noise will go beyond the intended area.
- The area it would cover is unknown?
- There is absolutely no need whatsoever for loud speakers to be billowing out this noise across the city and effecting other people as they go about their daily business.
- Out of respect for others, city shoppers, businesses and all that is non-Muslim in the city of Peterborough, I urge you to reject this application.
- For people to hear it in their homes the volume would be such that the sound travels to areas where there is not a Muslim majority. This would be insensitive.
- I live a short distance away and have had many noise issues in the past few years i.e. announcements at the Railway station and noise from the embankment when there are concerts.
- As the mosque is so tall the sound would be heard far and wide and would cause disturbance to people.
- It is totally unnecessary to have extra volume from the mosque. Any mosque.
- No consideration for people who work nights i.e. NHS staff, Care homes, manufacturing and security.
- I work shifts and this would ruin my sleep pattern
- Small children go to bed early
- Parents with babies will be disturb by the increased volume morning, noon and night.
- As a pensioner I do not want to hear this.
- I do not wish to be awakened by the call or have my sleep disturbed at any time of night.
- An amplified call to prayer from a high minaret three times a day is not controllable and would cause noise nuisance to the majority rather than benefit the few.
- Amplification from a tower is likely to be louder
- This would affect myself and my family.
- It is unfair to expect other residents of Peterborough to have to hear the call 3 times a day, every day. Particularly as there cannot be specified broadcast times, volume, or length of call.
- It would be unbearable for those living in the Gladstone Street area.
- This would really shatter my peace and quiet; I also have rights!
- Noise pollution is an ongoing problem in our busy cities, and this would be yet another unnecessary and unwelcome addition.
- Having lived and worked in a Muslim country for 2 years I know how far the noise of the loudspeakers travel and I do not want to go through that again!!!
- Each "call" can be heard up to 3 miles and can be so "pollutant" that even countries, such as Saudi Arabia, are curbing the use of public calls.
- The volume of sound is unknown – who would be in charge of this?
- What restrictions are there on amplification/volume?
- The times would be varied?
- As we are in our 80's we do not wish to be disturbed by both music or voices emanating from the high point of the mosque at various times of the day.
- It could be loud enough to resonate across the whole City affecting quality of life.
- I would not object so much should there be some reassurance that volume would be limited to simply serve its immediate vicinity.
- I should not be forced to hear this especially as in the summer months the first call would be very early and the last very late.

- Religion is not grounds to increase noise annoyance.
- It will create a statutory nuisance - Local authorities have a duty to deal with statutory nuisances under the Environmental Protection Act 1990.
- If someone played a loud rock song three times a day every day, loud enough that it could be heard by houses in the surrounding area because the listener finds it therapeutic, the public would be within their right to complain and the council would intervene.
- On what moral grounds can you deal with those who make excessive noise that disturbs their neighbours when it has been sanctioned by the council themselves?
- What happened to the noise pollution law?
- World is having enough of noise pollution and the use of loud speakers by mosques will further adds to it?
- I am a former neighbour of a mosque that had this, the noise is neither melodious nor soothing.

### *Other Means*

- During the lockdown Muslims are not able to meet and gather for prayer and can only do their private prayer at home.
- There are quieter ways of contacting people via phone app
- If people need reminding when prayers are, then they can use an app.
- I think most know when to pray.
- Calls are unnecessary as everyone know the times services are held.
- There are alternatives already in place, Adhan does not need to be over an amplified speaker system and therefore the proposal should be non starter.
- The use of a loudspeaker is very unusual in Britain. My understanding is that Muslim teaching accepts this practise can be varied or suspended in non-Muslim countries where the custom of the non-Muslim majority should be respected.
- It is already broadcast on local radio so those who wish to hear it can do so, and those who do not, do not have it imposed on them.
- Smart devices, like speakers, can also be used to broadcast the call to prayer within people's homes. So broadcasting via loudspeakers would serve little practical purpose other than cause a nuisance.
- The Muslim community can be informed by a text message, or via a 'whatsapp' message, or other personal means, for their call to pray.
- I'm sure that most Muslim's have a phone which can be programmed to alert at the times of prayer and a watches are fairly cheap in this day and age.
- To have the call to prayer over loudspeaker is not necessary in this day and age as technology has advanced to the point where you can find out yourself when to go to prayer.
- Why can they not use Zoom in their own homes?
- For a number of years there has been an Azaan Broadcast Call to Prayer system using dedicated Azaan two way radios on 20 official channels issued by Ofcom and other simple light licence frequencies. Follow the u-tube link: - <https://www.youtube.com/watch?v=D0BVtQ6y5Rc>
- This appears to be a planning application to solve a problem that doesn't exist.

### *Precedent*

- It will set a precedent and a green light for other mosques to do the same.

- There are 3 other mosques in the area – others will seek the same, resulting in continuous calls throughout the day. Quiet enjoyment of our neighbourhood would be lost.
- We give allowances and then where does it stop, it then becomes steadily pervasive and intrusive into everyone's daily lives.
- It is not right that we concede now, for it to mean this idea becomes more ubiquitous across the entire country.
- Allowing Adhan now in smaller regions could result in wider adoption elsewhere.
- It will set a precedent for other religious groups to remind worshippers to follow their religious commitments.

### *Amenity*

- Residents already deal with cars illegally parked - this is a step too far for those who live in the area.
- We are already faced with fireworks going off on a regular basis during the day and late into the night without any consideration to the feelings of the elderly, children and pets.
- It will have a negative impact on those others wishing to quietly carry on with their own lives and beliefs.
- I trust common sense will prevail in the interests of residential amenity and limitation of noise disturbance to the wider community.
- It will prevent me from enjoying my garden and opening the window on warm days.
- My space of enjoyment will be infringed by this.
- This is not what all residents bought houses and reside in this area or want to be amplified every day.
- We are OAPS and we need quiet.
- Living close by we all need the peace and quiet to enjoy recreational activities and relaxation time, inside and out, without disruption every day; three times a day.
- The elderly and those suffering from ill health need to rest. And workers need their evenings to recuperate after a hard day's work.
- Where I live the traffic is noisy – this will add to the current noise pollution and infringe my own personal air space.
- On warm days/evenings I can't have the window open to provide me with fresh air due to the current noise levels, having this approved will add to the problem.
- I work from home and I cannot have the noise disturbing my working day, what do I say to my colleagues and stakeholders which includes the council! and MP's? ' sorry but can we stop discussing an important project or to the MP sorry but I need to put your resident complaint on hold for 5mins whilst the local mosque calls people to prayer'?
- The call to prayer will not enlighten my day. I will be invaded by something which is not relevant to me and I haven't asked for.
- Condition C8 was put in for a purpose...to protect the interests of residential amenity.
- I have holidayed in various countries that allow the use of mega phones and I found it very disturbing.
- I need to take a nap more frequently as I don't sleep well as it is I would find this would make life even more difficult than it is already!
- I am concerned that my health may be affected by the noise due to being woken earlier in the mornings and then being unable to go to sleep at my chosen time because the call to prayer was being done, therefore my sleeping hours would be reduced and my peace and quiet being interrupted.
- Unwanted sound (where someone else chooses the frequency of the noise, the duration, volume and type of noise itself) can illicit stress responses in people, even without them being aware of it. To someone who has a strong physiological response to unwanted sound it will be unbearable. The importance of peace and quiet is undervalued in our busy world, we do not need to add to it. The claim in a press statement that it is of a spiritual nature and therefore soothing is disingenuous as musical tastes are a cultural phenomenon and musical arrangements that are pleasing to the ear of some is uncomfortable to another, which I fear would be the case in this instance.

- As a regular visitor to Peterborough town centre and parks I would find this call to prayer very intrusive, one thing about going to Central Park is the peace and quiet that we find here along with other parks.
- Not just the noise pollution, it will also create traffic chaos as people will gather to listen to whatever noise this is.
- It bad enough the area is a cesspit, dumping ground of litter/people.
- It would have a significant detrimental effect on my mental and physical health.

#### *Misc*

- This will go through as it is being push by Muslim councillors, and as its a Muslim application it will go through.
- The general assumption is that it's not worth objecting to this application as the council will not object to it they will just let it be approved.
- The council has a duty of care to the whole area, and not to a favoured sector always asking for concessions.
- This will cause noise pollution as well as lower property prices in the area.
- There are duplicate copies of representations on the file.
- Reference has been made to an article (12th November by Joel Lamy) in the PT headed "Mosque wants to make daily calls to prayer with loudspeaker" and the Nigel Thornton column in the same edition discussing the proposal. Following this there has been nothing in the PT letters column concerning the application. Is it the usual Peterborough apathy or is it the fear of being classed as belonging to one or both of the categories in Mr Thornton's column?
- Leaflets have been posted through our letter box telling us about the application and tells us we can make our views known by email or the postcards provided.
- In 2016 the Express reported thousands signed a petition to allow the call for prayer in the UK. It was saying with over three million Muslims living in the UK and some areas with more than 50% Muslim population the Government should allow the call to prayer in those areas. Adhan is allowed in some Mosques in the UK, in 1986, East London Mosque was one the first in the UK to be allowed to use loudspeakers to broadcast the prayer.
- This year birminghammail.co.uk reported "Call to prayer played by Mosques for the first time in Birmingham". It said at 1.30pm 22nd May prayer was played through external speakers by Mosques to mark the last Friday of Ramadan. At that time all faith institutions were closed to worshippers under lockdown so the prayers were broadcast to worshippers at home via social media. It was said it would happen again on the day of Eid. The Daily Mail reported in its 24th May edition some 25 Mosques in London and dozens more across the country calling the Adhan during Ramadan with concert-style speakers on their front doors. One of the biggest Mosques in the borough of Waltham Forest, the Waltham Forest Islamic Association sounded the Adhan loud enough for it to be heard within a one mile radius.
- Amplified speakers on top of a high minaret will be heard much further across the city. In order for the PCC Planning to make a decision an accredited sound survey using NAMAS certificated instruments giving the area coverage of sound, at what dB sound level and speaker sound wattage has to be supplied with the application. Once coverage area is identified then all electoral roll residents living within it are balloted for its approval.

**Cllr Terri Haynes – Objects.** This application should not be approved on the grounds that it will create a statutory nuisance. As the PCC website says "A Statutory Nuisance is where the actions of another are unreasonable and cause a substantial interference to the use and enjoyment of a resident's property or are prejudicial to health", with the definition of health including mental health as well as physical health.

In other circumstances, if someone played a loud rock song three times a day every day, loud enough that it could be heard by houses in the surrounding area because the listener finds it therapeutic, the public would be within their right to complain and the council would intervene. Although the approval of this application it will not affect the day-to-day function of dealing with noise complaints, on what

moral grounds can you deal with those who make excessive noise that disturbs their neighbours when other noise pollution it has been sanctioned by the council themselves?

As Muslims have attended prayers at this mosque for years, it is not necessary for the practicing of the religion and is therefore unnecessary noise.

Unwanted sound (where someone else chooses the frequency of the noise, the duration, volume and type of noise itself) can illicit stress responses in people, even without them being aware of it. To someone who has a strong physiological response to unwanted sound it will be unbearable. The importance of peace and quiet is undervalued in our busy world, we do not need to add to it. The claim in a press statement that it is of a spiritual nature and therefore soothing is disingenuous as musical tastes are a cultural phenomenon and musical arrangements that are pleasing to the ear of some is uncomfortable to another, which I fear would be the case in this instance.

The relations between the mosque and the non-Muslim community will be negatively affected as many residents will not want to be disturbed 3 times a day by the call to prayer. Any emotional or spiritual benefit will only be felt by those of the same religion, to everyone else it will simply be noise pollution and add to unnecessary stress and discomfort at this time and at any time in the future.

#### Summary of representations received following re-consultation:

##### Comments in Support:

- This would not be an issue providing the db/volume level is agreed.
- This is done already in many other cities without any problems.
- It is a sacred element of a predominantly Islamic neighbourhood.
- We need to build positive race relations when we are expecting cooperation in tackling terrorist threats.
- It adds cultural colour to the area, as do church bells.
- It's reasonable for the council to set a decibel limit.
- Black lives matter.

##### Comments objecting:

###### *Principle*

- This application has already been rejected and should be again.
- The supposed revision to the application is vexatious.
- The application is provocative and divisive.
- It would reduce community cohesion if approved.
- It will divide the community which many have worked to unite us all regardless of faith.
- The area is one of harmony and the proposal may create animosity and affect the social atmosphere in the surrounding streets.
- We are not an Islamic country. We allow everyone to practice their religions but others must not have it forced down their ears.
- Non-Muslim residents will also be affected by the three times a day call which would be unacceptable.
- Religion in moderation and without disruptive noise is what makes our country great.
- Keep prayers private.
- Non followers would have no choice about hearing the call; it is an infringement of their rights to peace.
- We are in Great Britain and the call to pray takes the biscuit.
- We are a diverse nation and cannot allow one religion to overpower another.
- It will affect the general residential peace and atmosphere of the multi-cultural area and give bias to one part of the community.
- All faith groups should worship in a way that does not significantly impact on other residents.

- We are tolerant of others' cultures and religions a broadcast call to prayer is inappropriate for an historic English city.
- It is an audible intrusion into our traditional way of life.
- The amplified broadcasting from church buildings or amplified music from a pub three times each day would certainly not be allowed.
- As members of a local church we make every effort to live in harmony with all members of the community, only ringing our bells on Sunday mornings/special occasions.
- The call to prayer and ringing of church bells are a false equivalent. Bells have been rung for 1500 years and are established practice.
- The local church to me was 'banned' from ringing the bells.
- I do not recall our church bells ringing anymore.
- Comments in support are completely biased, mostly from the same religion.
- I do not have negative views on any religion; I am only a patriot defending what is right for our city and its inhabitants.
- The call to prayer over loud speaker is unnecessary in this day and age.
- On a Friday the mosque is quite disruptive with traffic and people - a 'call to prayer' and more disruption is unnecessary.
- Efforts should be made to increase diversity in this area given its location to the centre and transport links, not make it worst.

#### *Noise*

- As a Muslim, I fully support your policy for not allowing such an invasive noise to be heard.
- I am opposed to any such noise nuisance which effectively upsets the multi-cultural balance of the neighbourhood.
- This is noise pollution however many times a day.
- Sound travels a long distance and would certainly be audible in Park Ward.
- There is no means to control or monitor the volume of this noise.
- An amplified audio signal projected from height is highly likely to reach far beyond the local area and will impact widely on the central area of Peterborough.
- Neighbouring areas are likely to be adversely affected by an unwanted and uninvited noise disturbance on regular daily basis.
- The noise generated by this proposal would impinge on the environment of what is primarily a quiet residential area
- I do not want to hear it.
- Sound is no observer of boundaries; from my home I can clearly hear the railway which is only metres closer than the mosque.
- It will be a noise that will invade my own air space, a noise I do not wish to hear.

#### *Other means*

- Cell phones offer time of prayer programmes.
- There must be less invasive ways of reminding without creating noise pollution.
- Why cannot calls to prayer be done via laptops/tablets/phones etc?
- A range of technology exists to alert congregations to prayer slots (which are indeed scheduled months ahead in any event) - there is no need for the loudspeaker.
- It is perfectly possible to set reminders for prayer time.
- Those who it seeks to serve are likely to be well aware of the times of prayer and organised to attend without it.

#### *Precedent*

- There are three mosques in close proximity - it will only be a matter of time before the other two seek their own amplified calls for prayer.
- It will open the floodgates for other mosques in the area and future builds to do the same.

### *Amenity*

- There are a number of retirement and supported living complexes within calling distance.
- Amplified electric recordings would be an outrageous public nuisance.
- I work from home and the call to prayer will interrupt discussions/conference calls.
- Loudspeaker music/call to prayer three times per day would degrade the peace and tranquillity of the area.
- Locals and visitors have the right to enjoy the area without loudspeaker music blasted at them without choice.
- This would cause disturbance to our neighbourhood.
- I would find it very distressing and disturbing to hear that call to prayer broadcast each day.
- I go to bed early and do not want my sleep disturbed particularly in summer months when windows are open.
- In summer I like to have the windows open to allow not only fresh air and enjoy my home/garden without such interruption.
- This is an intrusion into the sanctity of peaceful living.
- I am unhappy about the evening call to prayer at sunset which varies when it is much later in the day.
- I currently have to put up with speeding cars/motorbikes and modified cars with noisy exhausts and loud music and noise from a local pub.
- It will affect my mental health and wellbeing.
- The unwritten right to peace and quiet should not be given away lightly as it is hard to reclaim.

### *Misc*

- It is clear from neighbours' public opposition that no such misunderstanding occurred.
- Although I live close by I was not included in the consultation.
- The area is already congested at prayer times particularly on Friday prayers.
- That mosque is already huge which has taken up valuable housing space. It has grown in size over the years and now it's time to stop.
- There are more mosques in Great Britain than churches or other religious groups. Its big enough.
- If the extension is to accommodate an increase in worshiper, addition parking is needed as some will travel from another area and others habitually use their car.
- I also have concerns that this will cause depreciation to the value of my property.

## **5 Assessment of the planning issues**

The main planning considerations are:

- Impact on the Amenity of the Area
- Impact on the Locally Listed Building
- Highway Implications

### **a) Impact on the Amenity of the Area**

The main planning consideration for the proposal is the impact on the amenity of the area due to noise disturbance resulting from the amplification of the call to prayer.

The timing of calls to prayer are linked to sunrise and sunset and so the timings change throughout the year. No amplified call to prayer is proposed at sunrise, however, the amplified call to prayer for sunset at certain times of the year, would be late into the evening, for example, the average sunset time in June is 9pm and later. The Pollution Team refer to Section 62 of the Control of Pollution Act 1974 which regulates the use of loud speakers in the street between the hours of nine in the evening



and eight the following morning. Whilst the speakers may not actually be in the street, the existence of this legislation is of some relevance.

The Pollution Team advises that engaging a noise consultant would not provide any additional confidence for the Local Planning Authority to be able to base their decisions upon. This is because there are no recognised standards or Codes of Practice to be able to relate assessments to. The Pollution Team recommends that if the Local Planning Authority is minded to grant permission this should be of a temporary nature in order to give the development a trial run. In addition, a noise limit should be imposed by the use of a noise limiter.

The Pollution Team has previously provided guidance in relation to Call to Prayer which was based on guidance from Leicester City Council. In consideration of this application, contact with Leicester City Council has confirmed that they continue to use this guidance, and associated planning conditions. In Leicester it is generally regarded that if the guidance is adhered to there is unlikely to be problems, although experience has shown widespread complaints if this activity is not controlled.

In summary, the guidance states Azan can only be made on 4 occasions at the most, with the morning call always being omitted; The Azan is not to be made before 07:30 or after 20:00 hours on any day; The Azan is not to be made more than 4 times per day; each call should not last more than 2 minutes; the sound level should not exceed 70dB(A) (Fast) 2m from any elevation of any dwelling or at a distance of 50m from the loudspeaker, whichever is the closer; a compressor shall be fitted to the amplifier circuit such that the level of 70dB(A) cannot be exceeded, even with increased microphone input.

The above requirements would generally apply in connection with Mosques that are situated in residential areas where a significant proportion of the residents are of the Islamic faith. For Mosques situated in areas where this is not the case, the symbolic nature of the Azan must be recognised, and no amplified Call to Prayer will be permitted.

The Pollution Team advise that in relation to noise compressors (noise limiter) the difficulty is in determining the appropriate setting on the limiter. There is a unique relationship between the proximity of residential premises, the sensor location of the limiter and the location/amplitude of the sound source. The calibration setting is lost if there are any changes to the predetermined relationship. For example, the distance from the sound source to the sensor can be reduced, and speaker locations can be altered.

The sensor can be interfered with, for example by muffling. The device may also be bypassed by unscrupulous persons. Therefore noise limiters will require confidence in the management of the system. The noise limiter should be regarded as a management tool for the control of noise levels, rather than a device that limits noise per se.

Any setting will need to take into account the time of events, the duration of events, the frequency of events and the locality. Clearly the proximity of residential premises will be a significant factor in the considerations.

Experience with noise limiters has also found that it may be tempting to always amplify to the maximum allowable setting at all times. In some circumstances this may worsen the disturbance.

The setting of noise limiters for this purpose is not something that the regulator should be involved in. As indicated, the device is a management tool and not for enforcement purposes. There would be a considerable cost to the Local Authority to be involved in the setting and management of such devices in the numerous venues where they may be installed. Furthermore, the involvement of the Local Authority in such an activity would potentially compromise any enforcement measures that may be required.

There have been comments both supporting and objecting to the proposal. This is because the issue is subjective and for many the proposal would be welcomed while for others it would be an

unwanted intrusion that would adversely impact on their quality of life, affecting their health and well-being.

It is acknowledged that the Azan is an essential and integral part of the Islamic faith and that the Mosque is located within an area of the City with a large Muslim community to whom the amplified call to prayer would be spiritually and mentally uplifting, particularly during this pandemic. It is also accepted that similar calls to prayer are practiced within Christianity in the form of bell ringing, which although part of tradition is not a welcome feature to all members of the community.

Proposals which have the potential to introduce noise and disturbance to an area which has hitherto been afforded a good level of amenity are assessed against policy LP17 of the Adopted Peterborough Local Plan which advises that development should not result in an unacceptable impact on the amenity of existing occupiers or nearby properties; and para. 180 of the NPPF which advises that decisions ensure that development is appropriate for its location taking into account, amongst other matters, the likely effects of pollution on health and living conditions and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The application is supported with limited information on the specification of the speakers, noise levels, and so on, however, whilst the noise level from the speakers would be capable of being limited in order that it operates within acceptable noise limits from a technical perspective, it is considered that the amplified call to prayer would introduce a source of noise which is sudden, unfamiliar and alien to the general thrum of urban background noise which would cause an unacceptable impact on the amenity of the area.

The amplification of music and voices was a material planning consideration during the assessment of the original application for the Mosque where it was considered appropriate to append condition 8, in the interest of residential amenity. It is not considered that there have been any material changes or compelling reasons why the amplification of noises and voices would be acceptable now.

It is also considered that there are various alternative means available in respect of the call to prayer, including text messaging, radio transmission and so on.

Furthermore, there is a need to be mindful of the number of Mosques and similar facilities within the area and that to approve the amplified the call to prayer would set an undesirable precedent whereby subsequent applications would be difficult to resist. This would also result in unacceptable cumulative impacts of noise and disturbance within the area.

It has been stated that many cities in the UK have been granted permission for calls to prayer at their local Mosques and this is accepted. However, each case is judged on its merits taking account of the local circumstances.

The proposal would result in an adverse impact on the amenity of the area, contrary to policy LP17 of the Adopted Peterborough Local Plan (2019) and para. 180 of the NPPF (2019).

#### **b) Impact on the Locally Listed building**

Although no details have been provided for the speakers through which the call to prayer would be made, it is advised that these would be positioned within the minaret and would not be visible. The Conservation Officer considers that the proposal therefore would not have any impact on the design or character of the mosque. In addition the officer considers that the proposal is in keeping with the use and tradition of the building. From a heritage consideration the proposed works can be supported.

The proposal would therefore accord with policy LP19 of the Adopted Peterborough Local Plan (2019).

### **c) Highway implications**

The site lies within an area with limited on-site parking provision and hence parking is predominantly on street. There are yellow lines on the adjacent roads around the Mosque building preventing on street parking in the immediate vicinity.

It is not considered that the proposal would generate significant levels of traffic, given that the facility predominantly serves the surrounding local community. The Local Highways Authority raise no object to the proposal.

It is not considered that the proposal would result in any adverse impact on the adjacent highway and would therefore accord with policy LP13 of the Adopted Peterborough Local Plan (2019).

### **d) Equality Duty and Human Rights**

Consideration has been given to the Equalities Act in reaching this recommendation and although the Muslim community can be said to be a minority group, the absence of an amplified call to prayer is not considered to be detrimental to the community not least given the alternative means available in respect of the call to prayer. An amplified call to prayer may well benefit the community but that benefit is not considered to be so great, given the alternative means of call to prayer available, so as to outweigh the dis-benefits of the scheme.

Article 9 of the Human Rights Act (freedom of thoughts, belief and religion) protects the rights to freedom of worship. However, this right is not absolute and amenity issues such as noise implications need to be taken into account. Members therefore need to balance the worshipers' rights to practice their religion together with that of the public interest.

### **e) Misc**

It has been brought to the attention of the Local Planning Authority that leaflets regarding the proposal have been distributed to occupiers. *Officer response: This has not been initiated by the Local Planning Authority.*

Comments have been made regarding duplicate copies of representations on the file. *Officer response: It is acknowledged that there was a problem with the City Council Portal system during the consultation period. This resulted in a duplication of representations which have now been deleted.*

Comments have been made regarding the application being supported by Muslim Councillors and that as it is a Muslim application it will just go through. *Officer response: the application is considered on its merits and assessed in accordance with planning policy regardless of who has submitted the application.*

Comments have been made regarding the impact property prices in the area. *Officer response: This is not a material planning consideration.*

Reference has been made to an extension to the Mosque. *Officer response: This application refers to an amplified call to prayer and not to any new building/extension.*

## **6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

## **7 Recommendation**

The case officer recommends that Amendment to an existing Planning Permission is **REFUSED**

The frequency, times and duration of the amplified call to prayer would introduce a source of noise which is sudden, unfamiliar and alien to the general thrum of urban background noise which would cause an unacceptable impact on the amenity of the area. The proposal is therefore contrary to policy LP17 of the Adopted Peterborough Local Plan (2019) and para. 180 of the NPPF (2019).

Copies to: Cllr Ansar Ali. Cllr Shazia Bashir. Cllr Mohammed Nadeem