



### Planning Committee Map

Site address: 128 Windermere Avenue, Wembley, HA9 8RB

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This map is indicative only.

**RECEIVED:** 31 January, 2013

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** 128 Windermere Avenue, Wembley, HA9 8RB

**PROPOSAL:** Change of use of mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (**Please note this is a re-submission following withdrawal of previous application Ref: 12/1667**).

**APPLICANT:** Mr Hanafi

**CONTACT:** MCS Design

**PLAN NO'S:**

LMCRC/PLAN/01

LMCRC/PLAN/02

Windermere Avenue Travel Plan (Dec 2011)

MCS Design & Access Statement

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**RECOMMENDATION**

Approve

**EXISTING**

The application site is an end of terrace property within a shopping parade on the western side of Windermere Avenue. The ground floor was previously in use as a mini-cab office, this use ceased approximately two years ago. There are two separate flats on the upper floors, with access to these gained from Windermere Avenue, or via the rear. A rear service road to this unit is shared by the rest of the parade is accessible via Windermere Grove.

The area is mixed in character, within the parade (defined as a Local Centre in the Council's UDP) there are a range of commercial uses including a post office, pharmacy and a public house (The Windermere) which is just outside of the designated parade. Otherwise the area is predominantly residential, with streets of typical suburban housing. South Kenton rail station is immediately to the rear of this parade.

The property is not within a Conservation Area, nor is the building Listed.

Members should be aware that the previous mini-cab operation Capital Cars moved to No's 108-110 further along the parade, Members granted permission (ref; 11/0894) for this use at Committee on 03/08/11, however officers understand that Capital Cars have now moved to Kenton Road and these units have are now vacant.

The application site has already been used by the applicants, London Muslim Cultural and Recreational Charity (LMCRC) as a place of worship without planning permission. For the last 6 months the premises has not been used for Friday prayers.

**PROPOSAL**

Change of use of mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (**Please note this is a re-submission following withdrawal of previous application Ref: 12/1667**).

**HISTORY**

**12/1667 - Application withdrawn**

Change of use of existing mini cab office (Sui Generis) to Islamic Culture and Education Community Centre (Use Class D1) (re-submission following withdrawal of previous application Ref: 11/1590).

*N.B> please note that the application was withdrawn after it came to light that again the application had been submitted without correctly serving notice on all parties with a known interest in the land, to which the application relates. Legal Officer's advised that this mistake could not be rectified by retrospectively serving notice. As the application was invalid at the time of submission this invalidated the application. The application was subsequently withdrawn.*

#### **11/1590 – Application withdrawn**

Change of use of existing mini-cab office (*Sui Generis*) to Islamic Culture and Education Community Centre (Use Class D1).

*N.B > please note the application was withdrawn after it came to light that the application had been submitted without serving notice on all those with a known interest in the land, to which the application relates. Following Legal advice which confirmed the application as invalid because of the procedural failure the application was withdrawn.*

#### **11/0409 – Refused under delegated powers on 19/05/11**

Change of use of existing mini-cab office (*Sui Generis*) to community centre (Use Class D1)

##### Reasons:

*The applicant has failed to demonstrate that adequate measures will be in place to mitigate the impact of the proposed use of the premises as a community centre, in terms of the likely increased demand for on-street parking and increased traffic congestion on surrounding roads, which cannot be accommodated locally without being to the detriment of pedestrian & highway safety, the amenities of local residents and the quality of the local environment. As a result, the proposal is contrary to policies TRN3, TRN4, TRN22 and TRN24 of the London Borough of Brent Unitary Development Plan 2004.*

*The proposed use would be likely to result in significant harm to neighbouring amenities, by reason of increased noise, disturbance and associated activity that will be generated by the proposed use of the premises as a community centre. As a result, the proposal is contrary to policies H22, EP2 and CF2 of Brent's UDP 2004.*

*The proposed main pedestrian access by reason of it being to the rear of the premises, accessed via the rear service road/yard would not be easily and safely accessible to pedestrians in contravention of policy TRN3 of the London Borough of Brent Unitary Development Plan 2004.*

**02/2616** - Variation of condition 3 (hours of opening) of planning permission (ref. 99/0862) dated 07/06/1999 to allow the existing use of the ground floor as a radio-controlled mini-cab office to operate on a 24-hour basis. **Granted**

**99/0862** - Renewal of full planning permission reference 98/0223 dated 08/04/98 for continued use of ground floor as a radio-controlled minicab office. **Granted**

#### **Planning Enforcement summary;-**

An initial complaint was received reporting the erection of a marquee type structure in the rear yard (E/10/0896). The unauthorised structure was removed and the case closed.

Following on from this a complainant notified the Council that the centre was being used as a place of worship, for Friday prayer. At this time the premises were also still operating as a mini-cab office in part. Your Enforcement Officer's first observed this unauthorised use in July 2011. No further action has been pursued as Enforcement have been awaiting the outcome of a succession of applications, two of the most recent one's were withdrawn are referred to above.

#### **POLICY CONSIDERATIONS**

National Planning Policy Framework (2012)

#### **London Plan 2011**

**3.1** - Ensuring Equal Life Chances for All

#### **Unitary Development Plan [UDP] 2004**

**BE2** – Townscape- Local Context and Character

**BE4** – Access for Disabled People

**EP2** – Noise & Vibration

**H22** – Protection of Residential Amenity  
**TRN3** – Environmental Impact of Traffic  
**TRN4** – Measures to Make Transport Impact Acceptable  
**TRN22** – Parking Standards Non-Residential Developments  
**TRN24** – On-street Parking  
**TRN34** – Servicing in New Development  
**TRN35** – Transport Access for Disabled People  
**SH16** – Local Centres  
**SH19** – Rear Servicing  
**CF2** – Location of Small Scale Community Facilities  
**CF14** – Places of Worship

**Brent Core Strategy – July 2010**

**CP16** – Town Centres & the Sequential Approach to Development  
**CP23** - Protection of Existing & Provision of new Community & Cultural Facilities

**Main Considerations;-**

Principle of D1 use in this location  
 Transportation impacts associated with the proposed change of use  
 Parking provision  
 Impact on amenity of nearby residents

**CONSULTATION**

Consultation letters were sent out on the 7 February 2013, a total of 215 individual properties were consulted. In addition Ward Councillor's, Transportation, Environmental Health, Sudbury Court Residents Association (SCRA) and the South Kenton & Preston Park Residents Association (SKPPRA) were consulted on the proposal.

To date a total of 28 objections have been received, and a petition objecting to the application which is signed by 6 flats in Station Court, Windermere Avenue. A total of 21 expressions of support for the proposed use have also been received (please note where multiple responses have been received from a single address these are counted as one only).

**Summary of nature of objections;-**

<b>Grounds of objection</b>	<b>Number of times issue raised</b>
There is a lack of parking proposed	5
Will worsen parking problems in the local area	15
The use will add to traffic congestion in the local area & make access difficult for the 223 bus route	13
The use is exclusive & not for the benefit of the local community	7
This is an inappropriate location	2
The use will cause noise disturbance	5
The premises are already in use without permission. Why has this been allowed?	6
These premises are too small to support the range of uses proposed	3
This use does not serve the needs of local residents	3
This will place added pressure on the local sewer network	1
Since Friday prayer has ceased vehicle traffic & congestion has improved	1
There are already a significant number of Islamic centres in the local area. There is no need for another in this location.	5
This is an unsuitable location, directly	1

opposite a public house	
If the local school also extends this will add further to parking problems in the area	2
It will be difficult to make sure that nobody attends for Friday lunchtime prayer	2
The applicants should not be allowed to repeatedly apply for this use.	1

Summary of responses in support of the proposal:-

<b>Reasons for support</b>	<b>Number of times raised</b>
The use will serve a local need	10
There will be no noise disturbance	3
Will be a benefit for local children & elderly persons	2
Increased footfall will benefit the local parade	1
Will result in more social cohesion	1
The Travel Plan will help to address concerns about parking & traffic	
Users will be predominantly local & encouraged to walk to the premises	1

South Kenton Preston Park Residents Association (SKPPRA)

No comments have been received directly in response to this application. Representation was made in respect of previous applications. The comments submitted in relation to 12/1667 objected to the proposed use on the following grounds;-

- The proposal will increase demand for on-street parking and increase traffic congestion on surrounding roads. There is no capacity to accommodate this locally.
- The centre's use causes conflict with local residents due to the parking and traffic impacts created.
- The use has continued uninterrupted and unlawfully since January 2010.
- The Travel Plan misrepresents the present traffic and parking conditions in the vicinity of the site and is based on unreliable data/information. The proposal remains contrary to UDP policy TRN3.
- The existing building is unsuitable for use as a place of worship or community centre.
- The external treatment of the premises is contrary to Council policy on shopfronts.
- The proposal is harmful to residential amenity in the local area, caused by the intensification of use.
- The applicants conduct in terms of the existing unlawful use of the building makes it impossible to determine the real nature of the use.
- The application form had been completed with false and misleading information.

Photographic evidence has also been presented by SKPPRA to demonstrate the parking and traffic problems associated with the use of the building for Friday prayer, these can be found on file.

Previous grounds for objection raised on the basis that the application submitted was invalid as the correct notices to all those with an interest in the land were not served, are now considered to have been resolved through this submission.

Sudbury Court Residents Association (SCRA)

Objection has been raised on the grounds that the premises are unsuitable for the intended use, for the following reasons;-

- The premises is not sufficient in size for the number of attendees.
- There is no proper fire escape provision.
- Toilet accommodation is less than satisfactory & the unit will be poorly ventilated.

Met Police - Preston Safer Neighbourhood Team

It is expressed on behalf of other businesses in the parade that the proposed use will worsen the parking conditions in the local area.

Ward Councillor's

No responses received to the current application.

### Brent Transportation

No objection raised subject to a restriction on the maximum number of attendees to the premises at any one time, and to the Travel Plan (which has received a PASS mark using TfL's ATTrBuTE programme) being secured.

### Environmental Health

Officer's recognise that there is potential for noise disturbance with such a use. The sound insulation scheme proposed would need to be implemented in full to ensure residents directly above are adversely affected. A condition is recommended which shall require further details of a proposed scheme of sound insulation measures.

## **REMARKS**

### **Overview of site planning history;-**

This is the fourth application submitted for the proposed use. The earliest application (11/0409), submitted in March 2011 was refused permission for reasons relating to (i) a failure to demonstrate that the use would not be detrimental to highway safety through increased traffic and parking; (ii) harm to residential amenity and (iii) sub-standard pedestrian access proposed. Following this a revised application (11/1590) was submitted in June 2011. The application was withdrawn after it became known that the applicants had failed to serve notice on all those with an interest in the land to which the application relates. Only the freeholder had been notified.

### **Application 12/1667;-**

The third application (12/1667) submitted in June 2012 was also withdrawn after it came to light that the applicants had again failed to serve notice correctly. The applicant, by serving notice on the freeholder and the leaseholders of flats 128A and 128B understood, as did Officer's that they had fulfilled their obligations under Article 11 of the Town & Country Planning (Development Management Procedure Order 2010). The Council subsequently learned that the applicants by serving notice on 'the owner' of 128A and 128B had failed by not obtaining the name(s) of those with a known leasehold interest, nor had they placed a notice in the local press which is a requirement if the name(s) of those with an interest cannot be obtained. The Legal advice your Officer's received initially was for the application to be deferred from Planning Committee on 21 Nov 2012 to allow the applicants an opportunity to serve the notices correctly before reporting back. Post Committee Legal Officer's reviewed this position, their advice subsequently changed, your Officer's were further advised that the failure to serve notices correctly at the start invalidated the application, and that the only remedy was to submit a fresh application. Based on this advice the application was withdrawn.

Although the applicant was advised to resubmit the application with the correct notices after the last meeting, further legal advice has been sought on this issue for clarity in the future. Counsel's opinion had advised that the Pridmore case turned on deliberate failure by an applicant and prejudice to an interest. However, highlighting other case law, the advice is that the risk of a successful challenge would be unlikely if, prior to a decision, a process failure was corrected and full consideration given to any representations made in response to this. This would therefore support the previous approach adopted by the Planning Service. However the application was withdraw on the basis of the legal advice at that time. A new application has now been submitted with the correct notices served and the normal statutory consultation has been carried out.

Members are reminded that this last application was initially recommended for refusal because of traffic and parking problems that were linked to the scale and intensity of the use observed. Your Officer's primary concern was related to the centre's use for Friday lunchtime prayer (Zohar). Over a prolonged period of time Officer's observed the centre's use at Friday lunchtime's, and this has developed a good understanding of the scale of the use, with clear evidence that visitor numbers were increasing, on occasions exceeding 100 people. The results of these Friday surveys are presented in the table below.

<b>Date of site visit</b>	<b>Total number attending</b>
22 July 2011 (1pm – 1.30pm)	0 (Centre was not in use)
10 Feb 2012 (1 – 2pm)	40
17 Feb 2012 (1 – 2pm)	67
10 Aug 2012 (1 – 2pm)	121
26 Oct 2012 (12:50 – 2pm)	84
2 Nov 2012 (12:30 – 2pm)	108
8 Feb 2013 (12:30 - 2pm)	0 (Centre was not in use)

The results of these visits do show quite clearly that the Centre's use significantly increased over the parameters set out in the applicants earlier D&A statement. The applicant's original assumptions of visitor numbers were based on maximum occupancy levels of 80 persons, at the peak time of the week. The busiest time witnessed, when 121 visitors were observed attending Friday prayer on 10-08-12 equates to operating levels at 67% above those stated by LMCRRC.

Due to the proportion of visitors arriving by car, this contributed to a significant increase in parking on surrounding roads during this peak time. There was also evidence that this increased parking demand was resulting in conflict with residential parking locally, including some illegal parking that was detrimental to the free flow and safe movement of traffic in the area.

In direct response the applicants amended the application and the proposed use of the centre for Friday lunchtime prayer (Zohar) was withdrawn. Following this commitment the recommendation to refuse was reconsidered, particularly the traffic and parking impacts. Based on the information presented in their Design & Access statement it was accepted that outside of peak Friday lunchtime prayer the centre would be used to a much lower level of intensity, and it follows that the number of visitors arriving by car would be reduced. With this reduction in visitor numbers and car trips then it is also considered that the problems that have been reported and observed involving inconsiderate parking, blocking of private driveways and parking on double yellow lines would be far less likely to occur.

With conditions recommended to control the use and to limit the parking and traffic impacts, including granting of a temporary 1 year permission initially to allow the position to be monitored your Officer's changed the recommendation to approve. However for the reasons set out above relating to the incorrect servicing of notices and the Legal advise the application was later withdrawn.

#### **Update on serving of notices;-**

The names and address of all those with an interest, either freehold or leasehold have since been obtained, and the requisite notice served on them prior to this application being submitted. Officers are satisfied that the applicants obligations under Article 11 of the DMPO have now been satisfied.

The applicants have also been asked to explain why they made these repeated failures leading to two previous applications being withdrawn. They have responded, admitting that this was simply done in error.

#### **Current proposal (13/0166);-**

The proposed Islamic Culture and Education Community Centre is for occupation by the London Muslim Cultural & Recreational Charity (LMCRRC), who are a registered Islamic cultural and recreational charity previously based in West London and North-West London. They have stated the their reason for re-locating is to meet the demands of the local Muslim community in South Kenton, Preston Road, North Wembley and surrounding areas and to establish a permanent base.

LMCRRC have advised what activities would take place over the course of a typical week were the centre to be fully operational, these are set out in full in the supporting D&A Statement, and summarised below;-

#### *Activities & Opening Times;-*

Fixed daily prayer times, seven days a week

- Prayer Fajar (morning 7am to 7.30am) / 5-10 persons expected to attend
- Prayer Zohar (midday 1pm to 1.30pm) **(EXCEPT FRIDAY)** / 15-20 persons expected to attend
- Prayer Asr (mid afternoon 2.45pm to 3.00pm) / 10 to 20 persons expected to attend
- Prayer Magrib (dusk 3.45pm to 4.15pm) / 15 to 30 persons expected to attend
- Prayer Isha (evening 7.00pm to 7.30pm) / 20 to 30 persons expected to attend

Besides the religious worship aspect it is also proposed that the centre will run social, recreational and educational activities. The range of activities that are expected over the course of a typical week are set out below;

- Monday to Friday – Islamic Studies and Quran classes for children, between 4.15pm and 6.30pm / 30 to 50 children expected to attend.
- Monday & Wednesday – Community, welfare and social advice session, between 10am and 12pm / between 5 and 20 persons expected to attend.
- Wednesday – Ladies only education classes in Arabic and English language, between 10am to 12pm / 10 to 20 persons expected to attend.
- Sunday – Community and welfare advice session between 11am and 12pm / 15 to 40 persons expected to

attend

-Saturday – Childrens support school teaching English, science & mathematics between 9.30am and 12.00pm / 15 to 40 children expected to attend.

-Daily – Library use between 5pm and 8pm / 15 to 20 persons expected to attend.

With the firm commitment to withdraw Friday lunchtime prayer (Zohar) estimated visitor numbers for people attending, based on the figures provided by LMCRC, indicate that the centre will be used far less intensively in comparison to when it was observed at its busiest, when Friday lunchtime prayer was recorded attracting visitor numbers in excess of 100.

Prior to the cessation of Friday services Officer's had over a long period been monitoring the impact of Friday prayer on the local area. Beginning July 2011 officer's have undertaken a series of site visits, to witness the use first hand, and in response to the objections received. This exercise has provided evidence of how the centre operated during this peak time, figures have been recorded of numbers of visitors and a better understanding of the parking and traffic impacts associated at this peak time has been gained. The last of these visits was carried out in Feb 2013, and the centre was not in use on this day. These observations will be discussed further on in this report where the transport impacts of the use are considered in detail.

The applicant has confirmed that LMCRC now carry out Friday lunchtime prayer at Preston & Mall Youth & Community Centre, May Lane, The Mall. This hall is hired out specifically for this use every Friday lunchtime, and has been since 7 December 2012. This alternative would explain why there have been no recent reports of use of 128 Windermere Avenue for Friday lunchtime prayer, and the availability of alternative premises nearby significantly reduces the prospect of 128 Windermere Avenue being used for Friday lunchtime prayer at some point in the future. The Ealing Road Mosque and Harrow Central Mosque are listed as other alternative places where the local community can attend Friday prayer.

***Building layout:-***

The ground floor has an area of approximately 90 sqm. To the largest space with an area of 60 sqm is located at the front of the unit and is used as the main congregation prayer hall. With removable partitions this space will also double up as a multi purpose room outside of prayer times to accommodate the range of social, recreational and educational activities set out above. Behind this a smaller ladies only prayer room is proposed, partitioned off from the main congregation area. Toilets and a washroom are located at the back of the unit.

***Shopfront:-***

The existing shopfront, with solid roller shutters permanently down has a negative impact on the general appearance of the property, as well as the parade of shops.

***Principle of D1 use:-***

Policy CP23 of the Council's LDF Core Strategy , Adopted in 2010 seeks to ensure that the continuing needs of Brent's diverse communities are met through the protection of existing, and the provision of new, community and cultural facilities, across the Borough.

The application site is situated within a designated Local Centre and UDP policy CF2 states that proposals for small scale community facilities should be located in or adjoining town or local centres subject to the use not having a negative impact on local amenity. The application premises has residential flats above and dwellinghouses opposite and immediately outside of the designated parade the surrounding area is almost entirely residential in character.

Brent's population is ethnically diverse and UDP policy CF14 which relates to places of worship, states that the provision of religious meeting places for all denominations will be supported provided there will be no significant loss of residential amenity or unacceptable transport impact. Applicants should address how traffic problems will be managed as part of the application.

Policy SH16 states that within local shopping centres non-retail uses will be permitted where the proposed use is considered appropriate, as identified by Policy SH6 (Uses A2, A3 or Libraries), or provides an essential service to visiting members of the public, and will result in no more than 35% of the shop units being in non-retail use. Where vacancy rates are 10% of units, or more, further appropriate non-retail uses may be allowed up to a maximum of 50% of units. Exceptions may be allowed where the proposed use will extend the range of local services available. There are a number of examples of such uses operating from former retail and business premises in parades and town centres across Brent. Such facilities have proved valuable in meeting the demand for these type of D1 uses.



The most recent survey of uses within the Windermere Avenue Local Centre (May 2013) shows that it has 30.7% of units in A1 use, with 69.3% in non-retail use. Vacancy rates are currently at 23% of all units within the centre. Critically the proposal change of use from a *Sui Generis* use to D1 would not see the loss of an A1 use and there would be no worsening of the retail offer within this centre, which policy SH16 seeks to protect. So while the proposed use is not one of the preferred alternative uses identified in policy SH6 on balance the Council would have difficulty opposing the application on retail grounds and substantiating a refusal on the grounds that it would harm vitality and viability of the centre. Under policy SH16, exceptions can be made where a proposed use will extend the range of local services available, which the proposed D1 use would do.

In light of the above policy context there is no in principle policy objection to a community centre (Use Class D1) on the edge of this local centre. Policy CF2 directs community facilities serving a neighbourhood to a town or local centre site. However policies CF2 and CF14 preclude community uses or places of worship where these would result in an unacceptable impact on residential amenity, and/or where there will be an unacceptable transport impact – so highways safety and parking concerns also need to be considered.

**Impact on residential amenity;-**

The previous use as a 24-hour mini-cab office would have generated activity day and night, albeit at a lower level of intensity than the current proposed use.

The D&A statement states that the centre is intended to be open as early as 7am on weekdays, through to at least 8pm seven days a week. Friday lunchtime prayer has now been omitted, and the other uses throughout the week, which are a mixture of prayer/worship, education or community advice sessions would be expected to operate at a much lower level of intensity.

There are two residential flats immediately above the ground floor, these could potentially be harmed by the noise from the use. Information set out in the D&A is intended to demonstrate that sound proofing measures will be put in place to safeguard the amenity of residents above. It recommends that ceilings and walls be upgraded to provide insulation against sound. It is also stated that no amplified sound or music will be played during the centre at any time.

Environmental Health Officers have assessed the proposed use, as well as the proposed mitigation measures to improve sound insulation. It is felt that the use has the potential to cause noise nuisance, which may impact on the flats above, and it is not clear if the proposed mitigation measures will be sufficient to ensure residents above are protected from noise. While Environmental Health do not object to the application they do recommend a condition requiring the submission of a detailed scheme of sound insulation measures, if planning permission is granted.

**Transportation impacts – parking and traffic**

UDP policy TRN1 states that developments will be assessed as appropriate to their transport impact.

Policy TRN3 states that where a planning application would cause or worsen an unacceptable environmental impact from traffic generated it will be refused, including where the anticipated level of car generation/attraction is greater than the parking to be provided on site, and any on-street parking would cause unacceptable traffic management problems or road safety problems, where the capacity of the highway network is unable to cope with additional traffic or where the proposal would cause a significant increase in the number of journeys made by private car.

As discussed the previous application (12/1667) was initially reported to Committee with a recommendation to refuse on transportation grounds, with the additional parking impact being a major concern. How Officer's formed this view is revisited below.

Prior to the recommendation to refuse regular site visits carried out by your Officers had built up a picture of the number of visitors, how they are travelling, levels of cars visiting the site and on-street parking and traffic conditions, locally, during Friday lunchtime prayer. There was no evidence that the centre was being used outside of this time. The table below illustrates these observations.

Date site visited	Number of visitors	Number of vehicles	of	Modal split of vehicles
17/02/12	67	12		17.9%
10/08/12	121	26		21.4%
26/10/12	84	34		40.4%
02/11/12	108	12		11%

*\* SKPPRA have provided information reporting the use of the Centre for Friday lunchtime prayer on 16/11/12. It is reported that 47 people were observed attending, with some illegal parking evident.*

It was observed that the number of visitors to the centre for Friday lunchtime prayer, arriving by car was at times greater than the 17% modal split presented in the travel plan. The stretch of Windermere Avenue immediately in front of the parade of shops, extending as far as Allonby Gardens to the south and Thirlmere Gardens to the north experiences high levels of daytime parking under existing conditions. Ennerdale Gardens and Allonby Gardens, which are accessed via this stretch of Windermere Avenue also, experience high levels of daytime parking. It is likely that commuters and shoppers to the parade attribute to much of the high levels of parking on street along this stretch of Windermere Avenue. It has been observed that the demand for parking generated by the use of the centre for Friday lunchtime prayer is such that any on-street capacity to park is often taken up for some 120m north and south of the application site. It is also likely that this local saturation gives rise to the observed and reported inconsiderate parking which at times blocks private driveways or parks on double yellow lines near to junctions.

The relatively modest levels of use projected over the rest of the week are less cause for concern as numbers stated in the D&A suggest visitor numbers would typically be between 10 and 50 persons (maximum), with the largest attendance occurring on a Saturday morning when children's school would run. At this peak time, during the weekend one would expect there to be greater capacity to park on street along Windermere Avenue, and surrounding roads as spaces would not be occupied by commuter parking, which is what currently happens Monday to Friday. Historically it has always been the peak Friday lunchtime prayer that has caused most concern to Officer's and local residents.

Due to the lack of parking controls in the area, with the exception of Wembley Stadium Event Days commuters currently drive to South Kenton station and park along Windermere Avenue and surrounding roads, the same happens on the eastern side of the railway lines along Norval Road, Nathans Road and The Link, which is connected to Windermere Avenue by a well used pedestrian underpass. As discussed above Officers are aware of high levels of daytime parking in the locality as a direct consequence of commuters travel patterns. So it is clear that competition exists at the moment for parking spaces on-street, from residents, commuters and shoppers visiting Windermere Avenue local parade. The observed use of the centre for Friday lunchtime prayer, attracting visitors in large numbers at certain times undoubtedly leads to further competition to park on-street in the area, and this may worsen if the centre were allowed to operate for Friday lunchtime prayer.

Parking standards for D1 uses, namely places of worship are set out in UDP standard PS12, and although this is proposed as a community centre it will support a range of religious, social, educational and recreational activities. The religious worship aspect has been the biggest generator of visitors so parking impacts have been assessed accordingly. This standard states that 2 spaces for every 5 visitors (based on maximum capacity) should be provided. Using the maximum attendance figures of 80 persons that were anticipated by LMCRC then this would equate to a total of some 32 spaces. Also using the maximum attendance figures that were observed by Officer's of 121 persons then this would equate to some 48 spaces. This level and intensity of use is clearly problematic at peak times, with a proportion of the centre's visitors travelling by car, reliant on their ability to park on-street, and as is already known Windermere Avenue and surrounding streets, both sides of the railway already suffer from high levels of day time parking due to the competing pressures mentioned above. Attracting, potentially over 100 visitors to the centre at a set time, on a regular, weekly basis does have a significant impact in terms of congestion locally and parking, and this is raised as a significant problem by many local residents.

The trend that was observed clearly pointed towards an increase in users of the centre over the observed period, and there is a concern that there may be further growth in popularity for people attending for Friday lunchtime prayer if allowed to continue. This potential increase in popularity would be difficult to control, with the potential to attract even more cars to the area. Also the lack of a CPZ in the local area, save for stadium event days means there is no means of control to restrict visitor parking on surrounding streets. It should be noted that residents could request the introduction of a resident's only controlled parking zone (CPZ). This would prevent visitors to the centre from parking on-street without a valid parking permit.

Because of the way the centre was being used for Friday lunchtime prayer, and due to the increased popularity that had been observed your Officer's shared local residents concerns. These concerns related to the intensity of the use, number of visitors, the proportion arriving by car, and the impact this has locally in terms of the added pressure to park on-street, the associated congestion and the inconsiderate parking that resulted in blocking of private driveways, and illegal parking on yellow lines close to junctions. This culminated in an initial recommendation to refuse permission for application 12/1677.

The applicant responded by amending the application and withdrawing Friday lunchtime prayer from one of the proposed activities. As it transpired the application wasn't determined because of the applicants failure to correctly serve notice. However Members should note that the omission of Friday lunchtime prayer as one of the proposed uses is a significant change to the proposed use and the traffic and parking impacts have been revisited, and discussed below.

**Current application (13/0166):-**

To recap the site is located on the northern side of the junction of Windermere Avenue with Windermere Grove, at the southern end of the Windermere Avenue shopping parade. It benefits from rear access via a shared service road. South Kenton station is also immediately to the rear of the site.

It has low access to public transport (PTAL 1) even though there is close access to South Kenton station and bus service 223 which runs along Windermere Avenue.

There is unrestricted on-street parking available on both sides of Windermere Avenue. The road at this location is within the Wembley Stadium event day protective parking zone, as such parking is restricted to permit holders only on stadium event days. Generally Windermere Avenue has low levels of night time on-street parking.

More detail on the proposed use has now been provided. Of particular note is the applicants commitment to removing any element of Friday lunchtime prayer, as Officer's know this has previously generated a large number of visitors by car and the associated parking problems. This is a significant change, and a welcomed measure which will go some way to reducing the parking and traffic impacts associated.

A revised Travel Plan has been submitted, and by developing this as early as possible sustainable travel patterns can be established, lowering the impact of the centre. Included within the revised Travel Plan is baseline information of existing travel patterns and information of catchment areas. A travel survey (based on a sample of 75 visitors) has been undertaken which shows that 72% of visitors walked to the centre, 17% travelled by car, 3% cycled, 7% by public transport and 1% by moped. These results do not tally with the activity observed by your Officer's when it has been observed at times that the modal split of visitors by car exceeded the 17% survey result. However this was associated with the peak Friday lunchtime prayer, which has now been omitted from the proposal, and it is also to be expected that peoples methods of travel will change week to week.

The results of the survey also provide further clarity on how far users are travelling to site. There is a heavy concentration of visitors from the local area (within walking distance), with some travelling from further afield and outside of the Borough, but this is a minority of those surveyed. The applicants have substantiated this by providing further information of where visitors are travelling from. Demonstrating a large proportion of visitors from the local area and locations such as Windermere Avenue, Preston Road, Grasmere Avenue and Montpellier Rise, and streets on the western side of the railway linked to Windermere Avenue via the pedestrian underpass. This information points towards a concentration of local users, all within easy walking distance to site which will increase the likelihood of people arriving by means other than car.

Car parking allowances for the proposed D1 use should be assessed against UDP standard PS12. Accordingly the maximum parking allowance for a community centre is 1 space per 5 workers, plus parking for 5% of visitors (based on maximum attendance). As a comparison a place of worship requires two spaces for every five visitors. With the removal of Friday lunchtime prayer from the proposal your Transportation Officer's have assessed the proposed use under the standard for a community centre. This is considered to be reasonable as the centre will host religious, educational, and social activities and is not intended just to be a place of worship. It is stated that two staff are to be employed, and the breakdown of weekly activities suggests a peak of 30-50 visitors. Visitor numbers are expected to peak for Mon-Fri educational classes (4.15pm - 6.30pm) and at the weekends on Saturday and Sunday mornings outside of demand from commuter parking. But outside of these times the use will be more modest, attracting reduced numbers of visitors. Accordingly the proposed provision of two parking spaces at the rear will accord with adopted standards, and there is considered to be on street capacity to cater for 5% of visitor parking.

Critically the reduction in activity at the site that will follow from the removal of Friday lunchtime prayer, means overspill parking on residential streets is now far less of a concern. Your Transportation Officer's advise that with the reduced number of visitors, the lower levels of parking demand generated could comfortably be accommodated on-street along Windermere Avenue.

With this reduced level of activity then strictly speaking the use of the premises will fall below the threshold set by TfL for when a Travel Plan is to be required. Notwithstanding this one is provided and the Travel Plan's

aims and objectives are to promote non-car travel and mitigate the impacts of the centre's use which is welcomed from a sustainability and an amenity perspective. The aims and objectives set out to promote non-car modes of access, are with the aim of reducing the proportion of visitors travelling alone by car from 8% to 5% within 3 years.

Your Transportation Officer's have assessed the Travel Plan using TfL's ATTrBuTE programme and award it a PASS mark. Accordingly the implementation of this plan should be secured through either a s106 agreement or through condition, requiring implementation from commencement of use, the appointment of a dedicated Travel Plan co-ordinator, with a review to be carried out after 12 months.

It is highlighted that the gates into the rear of the site are too narrow at only 2.5m to allow access to two spaces. These should be widened to a minimum 4.2m, and a condition is recommended to secure this.

Five cycle parking spaces are proposed to the rear, these are acceptable and will help to encourage non-car travel to the site.

In summary the application and the traffic and parking impacts have been reconsidered following the removal of Friday lunchtime prayer from the proposal. The concerns that have been raised previously by your Officer's were primarily to do with this weekly event. Outside of this time the described uses throughout the rest of the week are more low key will have less of an impact. Clearly the commitment to addressing Officer, and local residents concerns by omitting Friday lunchtime prayer goes some way to making the proposed use acceptable on transportation grounds. Officer's accept there will still be an element of impact, we know that people will drive to site as long as there is no controlled parking zone in force on Windermere Avenue, this is inevitable, and with this there will be some additional traffic and parking. But your Officer's are now satisfied that the reduced level of use will attract visitors in more manageable numbers, and the capacity on-street in either direction of the parade will be able to accommodate more modest levels of additional on-street parking.

Transportation support the proposal subject to (i) a condition restricting the number of visitors at any one time to 50; (ii) securing the implementation of the Travel Plan and (iii) widening of the rear access gates to a minimum 4.2m. After further consideration a restrictive condition to limit the number of visitors at any one time is not considered to be necessary. Firstly the peak Friday lunchtime prayer has been omitted and transferred to a site on The Mall, Preston Hill, reducing the likelihood of this problematic use from re-occurring. The range of other uses proposed are more low key, and unlikely to attract visitors in unacceptably large numbers. Finally the size of the unit will also act as a passive control in limiting the number of visitors that can be accommodated.

### **Visual impact – shopfront appearance**

It has been observed that the centre was operating with solid roller steel shutters down at all times, presenting a rather drab, uninviting appearance, which is to the detriment of this local centre. This approach fails to provide an active frontage, which is seen to be an important factor in contributing to the vitality and viability of a local centre.

This application provides an opportunity to secure improvements, and the applicants agree to make improvements to the shopfront in terms of introducing a form of window display and removing the existing solid shutters. They agree in principle to the imposing of a condition to secure this. A planning condition is accordingly recommended requiring the submission of these details within 1 month of the date of permission. With the imposition of this condition works to improve the shop fronts overall appearance in order to provide a degree of visual interest will be secured, and this will overcome the second reason for refusal that was originally recommended on 12/1667.

### **Overcrowding & safety of users**

Though not strictly a material planning consideration of the observations that visitors to Friday prayer in the past exceeding 100 persons has lead Officer's to seek advice on the capacity of the building.

The Building Regulations 2000, Fire Safety, approved document B, Volume 2 – building other than dwellinghouses provides information on safe levels of occupancy.

Safe levels of occupancy are calculated by dividing the area of the room by a floor space factor, and for a meeting room (which is considered to reflect a place of worship/community centre) that factor is 1 sqm per person. Based on this the safe level of occupancy for the unit would appear to be 64 persons. The levels observed using the Centre for Friday lunchtime prayer significantly exceed these maximum occupancy levels, and such overcrowding presents a health & safety risk. Now with the removal of Friday lunchtime prayer, and with the projected visitor numbers throughout the week it is expected that visitor numbers will be at safe

levels.

### **Summary**

Officers previous concerns regarding the scale and intensity of the use have been addressed by the changes that the applicants have made to their use of the premises, most notably the omission of Friday lunchtime prayer. Officers consider that the provided that it continues to be operated in this modified way the use of 128 Windermere Avenue as a cultural and community centre with an element of religious worship should not significantly affect residential amenity or local highway conditions. Whilst a use of this nature is rarely going to be impact free, with the omission of Friday lunchtime prayer the proposed level and intensity of use throughout the rest of the week appears acceptable in this local centre.

Officer's are recommending that permission be granted first for a temporary period of 1 year. This will allow the use of the centre once fully operational to be monitored in order to see if any unacceptable negative impacts related to traffic, parking or residential amenity become apparent. At the end of this temporary period the position can be reviewed as to whether or not the premises remains an appropriate location for the use.

This use will help meet the cultural needs of residents of Brent and subject to conditions set out in this report the proposed use of the premises as an Islamic Cultural and Education Community Centre, including an element of religious worship can be supported.

**RECOMMENDATION:** Grant Consent

### **REASON FOR GRANTING**

(1) The proposed development is in general accordance with policies contained in the:-

National Planning Policy Framework 2012  
LDF-Core Strategy 2010  
Brent Unitary Development Plan 2004

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment  
Housing: in terms of protecting residential amenities and guiding new development  
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness  
Transport: in terms of sustainability, safety and servicing needs

### **CONDITIONS/REASONS:**

(1) The development hereby permitted shall be carried out in accordance with the following approved drawing(s) and/or document(s):

LMCRC/PLAN/01  
LMCRC/PLAN/02  
Design & Access Statement  
tps Travel Plan (Dec 2011)

Reason: For the avoidance of doubt and in the interests of proper planning.

(2) This permission shall be for a limited period of 1 year only from the date of permission (unless a further application has been submitted to and approved in writing by the Local Planning Authority) and:-

(a) the use hereby approved shall be discontinued.

Reason;

To enable the Local Planning Authority to review the position in the light of the potential impact

of this use.

- (3) Within 1 month of the date of permission further details of shopfront improvements shall be submitted to and approved in writing, such details shall include for (but not be limited to) the removal of the existing solid security grills and the installation of a shop front window display. The details approved shall be fully installed within 3 months of agreement and maintained at all times thereafter.

Reason: In order to preserve the character of the shopping area.

- (4) No peak Friday lunchtime prayer is permitted (between 12.00pm and 2.00pm), and the only prayer that shall take place at the premises shall be fully in accordance with the specified times as set out in the revised Design & Access Statement.

Reason; To minimise the impacts of the use on the surrounding area.

- (5) Activities within the premises shall only be permitted between 0700 - 2100 hours Mondays to Sundays, with the premises cleared within 30 minutes after these times.

Reason: To ensure that the proposed use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (6) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (7) Within 1 month of the date of permission all existing redundant signage shall be removed from the premises.

Reason; In the interests of the visual amenities of the area.

- (8) Unless otherwise agreed in writing by the Local Planning Authority, no acts of worship or prayer or any other uses associated with the centre shall take place outside the building.

Reason: To protect the amenities of neighbouring occupiers.

- (9) Cycle parking shall be provided fully in accordance with the details set out on drawing LMCRC/PLAN/01 and available for use prior to the commencement of the use hereby approved.

Reason; To ensure satisfactory provision on site for cyclists.

- (10) Notwithstanding the plans hereby approved the rear vehicle access gates shall be installed with a minimum opening width of 4.2m, and maintained as such thereafter.

Reason; To ensure satisfactory vehicle access.

- (11) Upon commencement of the use hereby approved the applicants will comply strictly with measures endorsed in the Travel Plan (dated Dec 2011), unless otherwise agreed in writing by the Local Planning Authority. Such measures shall include but not be limited to;

(i) The appointment of a dedicated Travel Plan co-ordinator

Thereafter the Travel Plan shall be reviewed after a period of 12 months, and if a subsequent permission is granted to renew the permission beyond the initial 12 month temporary period thereafter be monitored and reviewed on a biennial basis one, three and five years after with a view to developing the Travel Plan. Such reviews shall include (but not be limited to) up to date travel surveys, review of targets for minimising car use and monitoring of those targets and associated measures to meet those targets

Reason: In order to promote sustainable transport measures and reduce on-street parking impact.

- (12) Within 1 month of the date of permission further details showing 2 appropriately laid out disabled parking spaces to the rear shall be submitted and approved in writing, and subsequently made available within 1 month of any agreement in writing. Thereafter the rear yard shall not be used for any purposes other than for its intended use as parking.

Reason; To ensure suitable disabled parking provision on site.

- (13) Within 1 month of the date of permission further details of the internal floor layout shall be submitted to and approved in writing, such details shall demonstrate how the multi-purpose use of the centre can be accommodated within the building envelope. Thereafter the use shall be carried out in accordance with these approved details.

- (14) Within 1 month of the date of permission further details of replacement fencing around the perimeter of the rear of the site shall be submitted to and approved in writing by the Local Planning Authority, and the approved works completed within 2 months thereafter.

Reason; In the interests of visual amenity.

**INFORMATIVES:**

- (1) The applicant is requested to inform patrons of the need for quietness when leaving the premises late at night. Should a nuisance arise action may become necessary under Section 58 of the Control of Pollution Act 1974.
- (2) Prior consent may be required under the Town and Country Planning (Control of Advertisements) Regulations 1990 for the erection or alteration of any
- (a) illuminated fascia signs
  - (b) projecting box signs
  - (c) advertising signs
  - (d) hoardings

Any person wishing to inspect the above papers should contact Gary Murphy, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5227