

**Committee Report  
Planning Committee on 15 December, 2010**

**Item No. 17  
Case No. 10/2041**

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**RECEIVED:** 20 August, 2010

**WARD:** Wembley Central

**PLANNING AREA:** Wembley Consultative Forum

**LOCATION:** Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU

**PROPOSAL:** Retrospective application for change of use to a place of worship (Use Class D1), and proposed erection of a single-storey rear extension and a canopy to the side elevation

**APPLICANT:** Shirdi Sai Baba Temple

**CONTACT:** ASK Planning

**PLAN NO'S:**  
2010-02 303  
2010-02 302 Rev A  
Design and Access Statement July 2010

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**RECOMMENDATION**

Refuse planning permission

**EXISTING**

Situated on Union Road, the subject site contains a single storey building with a steep pitched roof formerly in use as a social club/assembly hall for the British Legion. To the west of the site is Coronet Parade a three storey terrace fronting Ealing Road with commercial units occupying the ground floor and residential units above. The residential units are accessed to the rear of the parade from a servicing road which is adjacent to the site. To the east is a line of traditional two storey dwellinghouses. The property is not situated in a conservation area nor is it a listed building.

**PROPOSAL**

Retrospective application for change of use from British Legion Hall (Use Class Sui Generis) to a Place of Worship (Use Class D1) and proposed erection of a single storey rear extension, erection of a full length canopy to one of the side elevations, the erection of two porch canopies to the front elevation and the installation of UPVC windows

**HISTORY**

E/10/0096 - Without planning permission, the change of use of the premises from a hall (Use class Sui Generis) to a temple/place of worship (Use Class D1), the erection of a canopy structures to the side and front of the premises, the erection of a marquee to the rear and the installation of signage to the premises

**Enforcement Notice Served.**

**Appeal lodged - pending consideration**

**The enforcement appeal has been made under ground (a) - that planning permission should**

**be granted, ground (c) - that a material change of use has not occurred at the premises, ground (f) - that the steps to comply with the notice are excessive and ground (g) - that the time limit for compliance is too short.**

09/1152 - Demolition of existing hall and erection of a part one, part three and part four storey childrens residential care home

**Application Withdrawn - 12/08/2009**

02/1481 - Erection of portakabin to rear of premises

**Refused - 30/08/2002**

22955 5666 - Extension

**Granted - 19/06/1957**

## **POLICY CONSIDERATIONS**

### ***Local***

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan (Consolidated with Alterations since 2004).

### **Brent's Unitary Development Plan - 2004**

**BE2** - Townscape: Local Context & Character

**BE9** - Architectural Quality

**TRN3** - Environmental Impact of Traffic

**TRN4** - Measures to Make Transport Impact Acceptable

**CF2** - Location of Small Scale Community Facilities

**CF4** - Community Facilities Capable of Holding Functions

**CF14** - Places of Worship

### ***Brent Core Strategy 2010***

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

**CP 23** - Protection of existing and provision of new community and cultural facilities

## ***Regional***

### *London Plan 2008*

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

**Policy 3A.18 of the London Plan concerns the protection and enhancement of social infrastructure and community facilities.**

## ***National***

### Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

### Planning Policy Guidance 13 – Transport (2001)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

## **SUSTAINABILITY ASSESSMENT**

n/a

## **CONSULTATION**

Standard three week consultation period carried out between 15 September 2010 and 06 October 2010 in which 99 properties were notified. Ward Councillors have also been notified regarding the proposal.

The application has received a significant response including:

- 185 individual letters of support from the surrounding area
- 467 individual letter of support from other parts of London, the UK and internationally together with support from unspecified addresses.
- A petition in support of the application with 534 signatures
- A petition of objection to the application with 156 signatures
- 17 standard form letters have been received which states the person signing has been

approached by the family residing at 22 Union Road to support the temple in finding larger premises for the Temple. The wording of this letter is ambiguous and it is uncertain whether the individuals who have provided their details are in support of or object to the scheme.

- Letters of support have also been received from the Hindu Forum of Britain and Barry Gardiner MP.

28 letters of objection with addresses, one councillor objection and one objection with no postal address. These objections raise the following concerns:

- Noise and disturbance to neighbouring residential amenity beginning early in the morning and continuing into the late evening (after 9pm)
- Noise disturbance from ceremonial parades
- Crowding in the street around the temple before and after events.
- Littering of food packaging and rats
- Processions result in Union Road being closed to traffic which results in congestion in the surrounding area and prevents buses being able to pass through Union Road
- Increased traffic congestion from visitors
- Visitors block private driveways to residential properties
- No dedicated coach parking for the use which results in further road blockages
- Cumulative impact of three religious institutions within a small area
- Health and safety hazard from burning substances within the premises
- Increased anti-social behaviour caused by crowds outside temple - including urination against neighbouring walls
- Impact on Wembley Brook running along the rear of the site

It should be noted that one of the addressees who submitted a letter of support through the Council's website has contacted officers to advise that her details have been used by an unknown individual and she has no comments regarding the application. This letter of support has therefore not been counted.

### **Internal Consultees**

**Transportation** - No objections, subject to conditions

**Thames Water** - No objections

### **REMARKS**

#### *Background*

This application seeks to regularise the existing use of the premises as a temple. The operation of the Shree Saibaba Mandir commenced at the beginning of 2010 and has been the subject of an enforcement investigation which has resulted in an enforcement notice being issued to rectify the breach in planning control. The notice includes a number of unauthorised structures; a marquee at the rear, a canopy along the side elevation, two canopies fixed to the front elevation and signage. These have now been removed from the site. In their place, the application seeks approval for new UPVC windows to improve noise insulation, a single storey rear extension to improve the existing facilities within the building, the erection of a canopy along the western side elevation to provide shelter for visitors whilst removing shoes and new canopies above the front entrance doors.

The material planning considerations relevant to this application are the principle of the use, the impact on neighbouring residential amenity, the scale and design of the extensions proposed and their impact on the character of the area and transportation implications. In particular, as the use is existing and has been observed by officers and objectors, it is necessary to consider whether the use can be adequately controlled by conditions to address officers concerns. This issue has been discussed with the applicants who have supplied further information. This will be discussed later in the report.

### *Principle of the Use*

The building has previously been used as a British Legion Hall which falls within the Sui Generis Use Class as the organisation is a network of social clubs for members. This conclusion is supported by decisions from other authorities, appeal decisions and legal advice. Nevertheless, it is clear from the design of the original building that the building was intended as a function hall which facilitates large groups of people meeting. As a result, the council does not object to the proposed change of use to D1 for a religious institution subject to the intensity of the use being appropriate for the site. This approach is consistent with policy CF14 of the adopted Unitary Development Plan which considers the provision of religious meeting places for all denominations acceptable provided there is no significant loss of residential amenity or unacceptable transport impact, particularly at the time of religious festivals.

### *Impact on neighbouring residential amenity*

The site is surrounded by residential neighbours. The closest of these are 22 Union Road and the flats on the upper two floors of Coronet Parade. As a result, careful scrutiny of the intensity of the use is required to ensure that the impact to residential amenities is acceptable. The enforcement record, property database and objections highlight a large number of issues since the commencement of the use early in 2010. These include issues such as the transfer of noise from within the building to neighbouring residential properties and noise and disturbance from processions outside the building which includes the banging of drums and the use of a public address system. In addition the marquee to the rear appears to have been used to facilitate food being served which has resulted in complaints that there are an increase in rats in the area and neighbours have reported smoke from burning substances being a further problem. A site visit also revealed that the canopy along the side of the building which has now been removed was previously used as a waiting area when the Temple is at capacity during peak times which presents a risk that this would continue to be used for these purposes if consent were to be granted for a new canopy to be erected. These issues have been discussed with the applicants who have expressed a desire to work with the council to control the use within acceptable limits.

Within the building, the transfer of noise will be mitigated through the installation of new glazing. In addition, a condition could be attached requiring a noise mitigation strategy which shows means of ventilation which prevent the need for opening any windows and provide suitable door controls/an external lobby. This is consistent with the approach recommended by officers when considering the retention of the mosque on Harrow Road which was also in close proximity with residential uses.

The applicants have advised of the circumstances surrounding the use since its commencement in January 2010. It has been indicated that the success of the Temple has been unprecedented and as such, the management of the use to address concerns of neighbours has evolved over time. The Shree Sai Baba Mandir is the only Temple in the UK devoted to this saint and as such, the catchment area for worshippers attending services at the Temple is larger than would generally be expected for a place of worship. In response to this, the applicants have advised that other venues have been set up in East London, Milton Keynes and Leicester which alleviate pressure on the Temple in Wembley. No quantitative evidence has been submitted confirming how these new facilities have impacted on visitor numbers at the application site. The applicants highlight and state that there are 4 prayer times every day which stagger the arrival of numbers and that during peak times, stewards are based permanently at the site entrance to divert worshippers. A condition could be attached to any consent restricting the number of people within the Hall at any one time however in light of the intensity of activity observed previously, your officers feel that a more detailed management plan should be provided prior to the granting of permission in order to ensure that these conditions would be complied with. This would seek to deal with suitable locations where devotees might be diverted to in the event that the hall was at capacity. Currently it has not been specified where any overspill might congregate and as such officers remain

concerned regarding noise and disturbance from crowds congregating outside the premises. Further support for this approach is set out within policy CF14. This policy requires the impact of major festivals to be considered. It should be noted that a significant amount of complaints were received regarding a major festival held on 25 July 2010 which involved a significantly larger activity than is typically generated (approximately 1000 visitors over a 13 hour period). The applicants have advised that the Temple celebrates 6 festivals throughout the course of a year which need a greater degree of management to minimise the impact to neighbouring residential amenity. The lack of a detailed management plan does not provide the reassurance needed for officers to recommend approval at present.

As a further commitment to work with the Council, the applicants have advised that the use of the public address system for the procession outside of the premises has ceased and food is now served in takeaway boxes removing the need for the marquee at the rear and reducing the time spent at the Temple. The applicants have advised that the procession, which is a weekly activity undertaken on a Thursday evening, is an essential part of the worship and would need to continue. This activity involves a group of around 50 people leaving the site, processing along the pavement and crossing the road to Pavitt Hall, continuing to process around the Hall and before crossing Union Road again and returning to the site. The group of worshippers sing devotional songs and play musical instruments such as small hand cymbals and drums. This activity is completed by 9pm and is managed by stewards who seek to ensure that traffic continues to move freely along Union Road. The discontinuation of the public address system is welcomed and helps limit the disturbance to neighbouring properties. Nevertheless this issue is a frequently cited complaint as the practice does result in disturbance both to residential neighbours and to the free and safe flow of traffic along Union Road. It is uncertain how this associated activity can be controlled to address these issues.

Objectors have also raised issues with an increase in littering and anti-social behaviour associated with Temple users. Your officers believe that measures to deal with the issues arising from Temple worshippers can be written in to the management so that the impact to neighbouring residential amenity is adequately mitigated. However in the absence of a detailed management plan which satisfactorily deals with all of these issues, the change of use is currently considered contrary to policy CF14. These issues are considered to warrant a refusal of the application at the present although your officer to consider if possible for these concerns to be overcome.

#### *Scale and Design of Proposed Extensions*

The application proposes 2 small cantilevered canopies over the two front entrances which have been designed to respect the character of the building. These are minor additions which do not raise any significant concerns although samples of materials and structural details of supports to show a good quality finish would need to be conditioned in the event that the scheme could be approved.

It is also proposed to reinstate a canopy along the side of the building for shelter whilst worshippers remove footwear and to provide covered access from the side of the building around to the front of the site. Given the previous use of this area for worshippers to queue whilst the temple is at capacity and the absence of an indicative management plan, your officers have requested that the scale of this extension be reduced. A significant setback which would result from a reduction in scale would also significantly improve the appearance of this addition within the street scene and address officers concerns regarding its impact on the character of the building. The applicants have declined to make this amendment however as the access is used as a form of fire escape. Your officers do not consider this to be a reasoned justification as a covered area is not necessary to ensure a suitable fire escape.

A further extension to the rear is proposed which extends the original rear elevation by 4.1m. This structure extends along the boundary shared with 22 Union Road, a residential property, and projects 4.3m beyond the rear elevation of this property with a height of 3m. The physical impact of

this extension would be more detrimental than can be considered reasonable and officers would require the depth to be reduced and the separation between the extension and boundary to be increased. The extension exceeds the limits put forward by officers however the agent has declined to amend this. Accordingly the rear extension is considered unacceptable due to the unduly detrimental impact to the amenities of the immediate neighbour in terms of outlook and overbearing impact and is considered contrary to policy BE9.

Whilst there are issues with the physical form of the extensions proposed in terms of impact on neighbouring amenity and design, your officers consider these issues could be overcome with amendments. Nevertheless your officers would need to be satisfied that the management of the use is controlled appropriately prior to any increases to the building which would typically be associated with a more intensive use than the existing building is capable of supporting. Accordingly, this issue is included as a reason for refusal.

### *Transportation Implications*

Policy CF2 which deals with the location of small-scale community facilities states that such uses should be located in or adjoining a town or local centre. This is in order to ensure such activities are situated where access to public transport is moderate or better. The site has good accessibility to public transport with a PTAL rating of 4 due to its close proximity to Wembley Central Station and local bus routes. As such the location is, in policy terms, considered appropriate for the use proposed.

Nevertheless, the site has no potential for parking or servicing. Furthermore the reports from objectors regarding problems with inconsiderate parking by temple users and coaches parking and blocking Union Road must be considered together with concerns regarding increased congestion in surrounding streets. These concerns have been highlighted to the applicants as similar applications (such as the mosque on Harrow Road ref 08/1847, and the application to redevelop McNicholas House being considered at this committee, ref 10/2390) have required the submission of a detailed Travel Plan which indicate traffic management measures prior to the granting of planning permission. In response to this, initial information regarding existing systems which are in place have been provided. The agent has declined to provide this document prior to the granting of planning permission however and has instead requested that a detailed travel plan should be dealt with through condition (or in the case of a travel plan, a legal agreement).

The initial measures provided by the applicant include the following:

- Arrangements with Auto Point on Coronet Parade adjacent to the site for the use of up to 6 spaces for visiting devotees
- Arrangements with Shivam Nursing Home on Chaplin Road to allow use of up to 8 spaces for visiting devotees
- Encouraged use of the private car park on Curtis Road
- Advanced warning system for coach parking who would be directed to the Curtis Road Car Park
- Signage at the premises advising not to park outside the premises

Whilst the information provided demonstrates that the applicants have put in place some traffic management systems, it is not clear how the arrangements with neighbouring sites would not impede these other uses from having sufficient parking arrangements. It is also noted that although the applicants state they are encouraging devotees to the Curtis Road Car Park, it is not clear how this is done. In reviewing the Temple's website, it is noted that no such information is provided if people were considering worshipping at the Temple having travelled some distance.

It is noted from a site visit that stewards are also in place outside the hall to discourage people from parking in a manner which is inconsiderate to neighbouring residents. However at the time of observing the use, your officers were asked to move on despite being parking within a legitimate

parking space whereas others who had parked inconsiderately were ignored. Therefore it is uncertain whether this practice is undertaken in a consistent manner in order to effectively protect vehicular accesses belonging to neighbouring residents.

As a result your officers do not consider there to be any justification for the submission of a fuller travel plan to be dealt with by legal agreement or condition given the amount of objection received regarding this matter from local residents and officers observations. Furthermore as the use is continuing to operate, it is considered appropriate to insist that a full travel plan be developed in advance of any consent being issued. Accordingly in the absence of a full travel plan which demonstrates that the existing harm to residential amenity in terms of increased parking pressure, congestion and noise and disturbance from vehicle and coach parking, your officers consider it necessary to recommend the application for refusal.

#### *Response to other objections*

Objectors have raised concerns regarding smoke and smell from substances being burned on site. This matter is traditionally dealt with through Environmental Health controls. Discussions with Environmental Health Officers have revealed that an abatement notice has been served on the premises on the 17th September 2010 following concerns from neighbours regarding this matter. Since this date, officers have received correspondence from the Temple Trustees confirming that extraction arrangements have been put in place to direct smoke upwards. The nature of the extraction equipment put in place is unknown and further investigation in to whether this would require formal planning permission is pending however the issue of burning substances is being addressed through other legislation.

Concerns have been raised regarding the impact on Wembley Brook. Confirmation regarding the location of Wembley Brook has been sought from the Environment Agency who have confirmed that the extension works proposed would not impact the culverted brook and as such, no specific measures are required in this instance.

#### *Conclusion*

Whilst the original building lends support for a D1 use, your officers do not consider the applicants to have demonstrated that the use currently operated can be managed in a way which has a reasonable impact on neighbouring and nearby residents in terms of acceptable levels of noise and disturbance and adequate transport management measures. In the absence of further supporting information in the form of a robust management plan the proposal is, on balance, considered to be contrary to policies CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004 and is accordingly recommended for **refusal**.

**RECOMMENDATION:** Refuse Consent

#### **CONDITIONS/REASONS:**

- (1) In the absence of a detailed management plan to satisfactorily control numbers of worshippers and traffic impacts, this application fails to demonstrate that the change of use would not result in an unduly detrimental level of noise and disturbance to neighbouring and nearby residents or conditions prejudicial to the free and safe flow of traffic and pedestrians on the local highway network contrary to policy CF14 and TRN1 of Brent's Unitary Development Plan adopted in 2004.
- (2) The proposed rear extension, by virtue of its depth, height and close proximity with the boundary would result in an unduly detrimental impact to the amenities of 22



Union Road in terms of outlook and overbearing impact. Furthermore in the absence of a detailed management plan demonstrating that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

- (3) The proposed side extension, by virtue of its scale, design and inadequate setback from the main front elevation is considered detrimental to the character and appearance of the existing building. Furthermore in the absence of a detailed management plan demonstrating that the change of use can respect the amenities of neighbouring properties, the intensification of the use of the existing building through extensions is likely to lead to unduly detrimental level of noise and disturbance to neighbouring and nearby residents contrary to policies BE2 and BE9 of Brent's Unitary Development Plan adopted in 2004.

**INFORMATIVES:**

None Specified

**REFERENCE DOCUMENTS:**

The London Plan Consolidated with Alterations since 2004  
Brent's Unitary Development Plan - 2004  
Local Development Framework Core Strategy 2010

Any person wishing to inspect the above papers should contact Sarah Ashton, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5234



# Planning Committee Map

Site address: Shree Saibaba Mandir, Union Road, Wembley, HA0 4AU

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