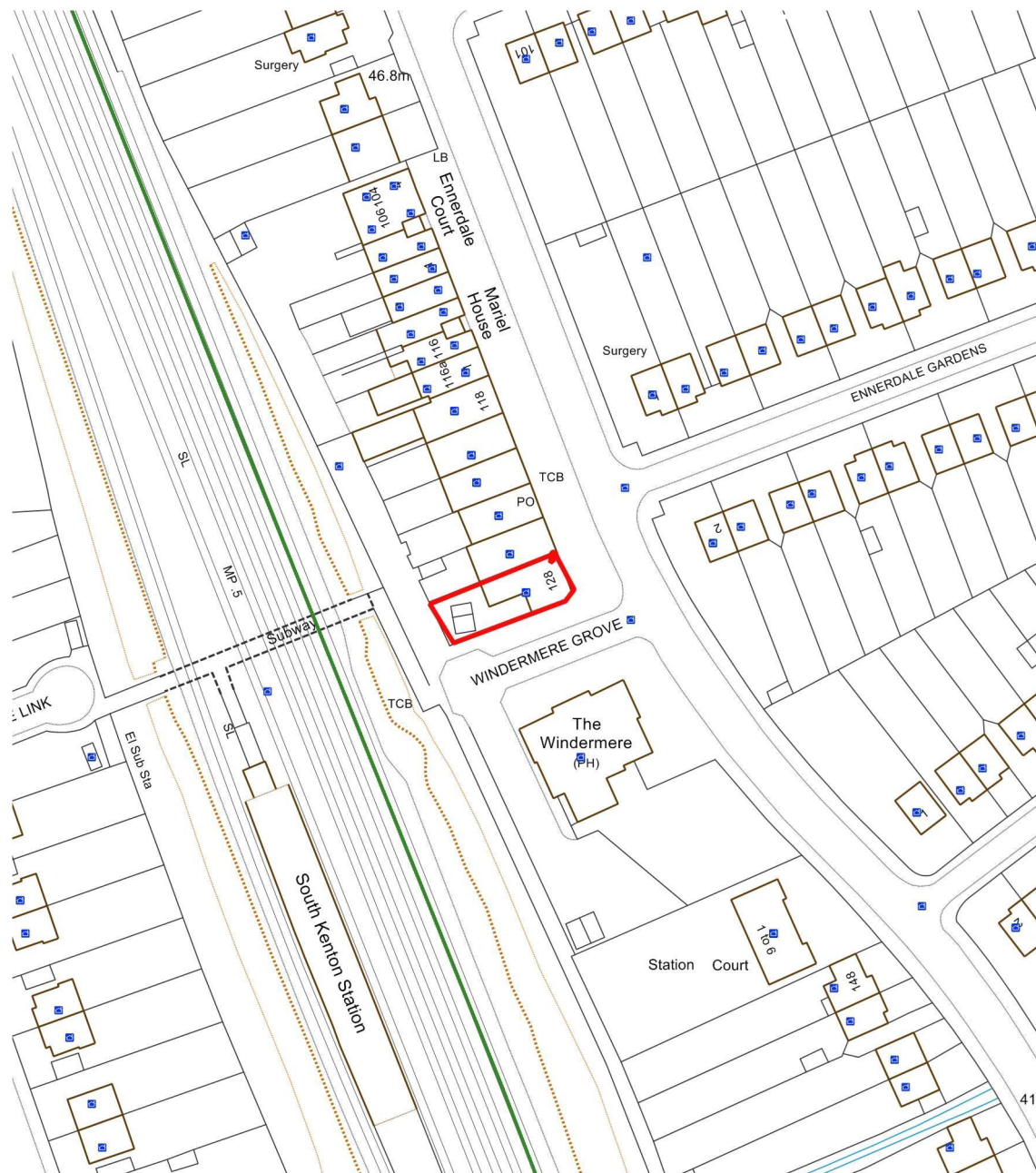




### Planning Committee Map

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

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This map is indicative only.

**RECEIVED:** 25 June, 2012

**WARD:** Preston

**PLANNING AREA:** Wembley Consultative Forum

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

**PROPOSAL:** 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**).

**APPLICANT:** Mr Mohammad Hanafi

**CONTACT:** MCS Designs

**PLAN NO'S:**

site location plan  
Existing & proposed ground floor plan (Drg LMCRC/PLAN/01)  
Layout showing centres maximum capacity (Drg LMCRC/PLAN/02)  
Block Plan (Drg LMCRC/PLAN/02)

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**RECOMMENDATION**

Refuse

**EXISTING**

The application site is an end of terrace property within a Local Shopping parade on the western side of Windermere Avenue. The ground floor was previously in use as a mini-cab office, though this use ceased approximately 18 months ago. This unit has a ground floor area of approximately 90sqm. 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 the unit is accessible via Windermere Grove.

The area is mixed in character, within the Local Centre there are a range of commercial uses including a post office, pharmacy and public house (The Windermere) but outside of the designated parade the area is predominantly residential, with streets of typical suburban housing.

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

Members should be aware that the previous mini-cab operation has moved to another unit further along the parade, Members granted permission (ref; 11/0894) for this use at 108 Windermere Avenue at Committee on 03/08/11. The ground floor is already being used by the applicants, London Muslim Cultural and Recreational Charity (LMCRC) as a place of worship, for Friday prayers

**PROPOSAL**

Change of use of existing mini-cab office (*Sui Generis*) to Islamic Culture and Education Community Centre (Use Class D1) (this is a re-submission following the withdrawal of previous planning application ref; 11/1590).

**HISTORY**

**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 had been identified that the application had been submitted without serving of the correct notices to all those with a known interest in the land, to which the application relates. Following Legal advice where Officer's were advised the procedural failure would leave any decision open to a possible legal challenge the applicants chose therefore to withdraw the application*

and re-submit with the correct serving of notices.

#### **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**

#### **POLICY CONSIDERATIONS**

National Planning Policy Framework (2012)

#### **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

#### **Main Considerations**

Principle of D1 use in this location

Transportation impact of proposed change of use

Parking provision

Impact on amenity of nearby residential neighbours

#### **CONSULTATION**

Consultation letters were sent out on the **26 July 2012**, a total of 199 individual properties were consulted. In

addition Ward Councillor's, Transportation, Environmental Health and the South Kenton & Preston Park Residents Association (SKPPRA) were consulted on proposals.

A total of 34 individual objections have been received to date. A total of 13 letters/emails in support of the proposal have also been received along with a petition of support containing 20 signatures. (Please note multiple representations from an address are counted as one only)

Summary of nature of objections:-

<b>Grounds of objection</b>	<b>Number of times raised</b>
The use is exclusive and not open to the whole community	6
Will cause parking problems in the local area	29
The use will add to traffic congestion along Windermere Avenue	16
Will result in increased noise & disturbance	9
The use is already taking place without the necessary planning permission	12
It will result in anti-social behaviour	1
Shopfront is visually harmful	2
Inaccuracies are presented in the application form & supporting documents	1
Will harm the vitality of the shopping parade	2
The use presents a health & safety risk with no proper fire escape	2
The location is inappropriate – this is a predominantly residential area	1
There is already an Islamic community centre on Preston Road, and there is no need for another one so close by.	5
This is an unsuitable location, directly opposite a public house	6
Premises are too small for use as a community centre.	5

Summary of responses in support of the proposal:-

<b>Reasons for support</b>	<b>Number of times raised</b>
Use will be convenient for local residents	5
Most of the users of the centre will live within walking distance, and are unlikely to drive.	4
Will be a benefit for local children & community	10
Increased footfall will benefit the local parade	1
Will result in more social cohesion	4
There is a local need for this facility	6

*Transport comments;* - The site has low access to public transportation, however there is close access to South Kenton Station, and Windermere Avenue is a local access road with bus route No.223.

The site is within the Wembley Stadium Event Day Parking Zone, otherwise on-street parking is un-restricted and available for residents and local businesses. Windermere Avenue has low levels of night time parking.

The main prayer meeting, where maximum numbers in the order of 80 persons are expected is likely to have a transportation impact in terms of pedestrian access and parking.

Transportation site surveys have carried out on-street parking surveys. It was noted that that there was high on-street parking on Windermere Avenue close to the unit and also between the junctions with Thirlmere Gardens and Allonby Gardens. A high incidence of illegal parking was also noted at the Windermere Grove junction, which caused obstruction to buses during Friday lunchtimes (between 1pm and 2pm).

Transportation recommends that the proposal should be resisted on the basis that the proposed change of use would be likely to have an unacceptable impact on traffic and parking conditions in the vicinity of the site, that cannot be effectively mitigated by the proposed Travel Plan or by parking controls in the foreseeable future, contrary to UDP policies TRN3 and TRN24.

*N.B. Since these original comments the applicants have provided further information about the intended use, and revised their Travel Plan. However Transportation have not withdrawn their objection.*

*Environmental Health*;- believes that there is potential to cause noise and nuisance to flats above. Due to these concerns it is recommended that planning conditions be attached requiring post-completion noise testing, and acoustic insulation, should permission be granted.

*Ward Councillors*;-

Councillor Harshadbhai Patel objects to the proposed use on the following grounds;-

- This is a mainly residential area, and should the application go ahead it will have an extremely detrimental effect on the surrounding residents, shop keepers, local customers and South Kenton rail users.
- Traffic problems are already a big issue in this location. Residents regularly complain about cars blocking driveways. In addition there is already regular congestion on WA in front of the parade, this problem is exacerbated by commuter parking, buses and refuse vehicles all sharing this narrow stretch of road. The proposed use will drastically increase traffic and pedestrian footfall to the area.
- The Council has already acknowledged the traffic problem in its refusal of application 11/0409 in April 2011. There has been no change to the surrounding streets since then, therefore the same objections must still be valid now.
- The area is already well served for worshippers, and there are several nearby mosques with very good transport facilities. Many users may come from outside of the area.
- The proposed use is considered to be an overdevelopment of a small site and will bring a number of traffic and environmental problems to the area.

*SKPPRA*;-

South Kenton & Preston Park Residents Association objects to the proposal on the following grounds;

- The application is considered to be invalid as the correct procedures have not been followed with regards to serving of notices to all those with an interest in the land.
- 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 application form has been completed with false and misleading information.
- The applicants conduct in terms of the existing unlawful use of the building makes it impossible to determine the real nature of the use.

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

*Sudbury Court Residents Association*;-

Objection raised as it is 'believed it is an inappropriate location and parking is a substantial nuisance in an already over parked area caused by the station and the hospital'.

## **REMARKS**

The proposed Islamic Culture and Education Community Centre is for occupation by the London Muslim Cultural & Recreational Charity (LMCRC), who are a registered Islamic cultural and recreational charity previously based in West London. They have previously 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.

LMCRC 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 D&A Statement. Friday prayer (1pm – 2pm) would be the

busiest time of the week and during this period it is stated that up to 80 persons are expected to attend. There are 5 times daily prayer times and the Centre will also be used for these prayers that last 15 to 30 minutes each, as set out below;

- Prayer Fajar (morning 7am to 7.30am) / 5-10 persons expected to attend
- Prayer Zohar (midday 1pm to 1.30pm) / 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 provide library facilities, Islamic education as well as English language education classes and welfare advice sessions. These activities 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 and welfare advice session between 10am and 12pm / between 5 and 20 persons expected to attend.
- Wednesday – Ladies only education classes in Arabic and English language (10am to 12pm) / 10 to 20 persons expected to attend.
- Sunday – Community and welfare advice session between 11am and 12pm / 15 to 30 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.

Estimated visitor numbers for people attending, using figures provided by LMCRC, indicate that the centre will be at its busiest during Friday prayer, attracting up to 80 people. Over the course of the week, based on maximum figures estimated by the applicants the centre could potentially attract as many as 270 visitors to the premises, though dispersed across the entire week.

The use has already commenced in so far as it relates to Friday prayer and Officer's have been monitoring the centre's use at these times, over the past 15 months, in response to the objections received. This has provided first hand evidence of how the centre operates during this time, figures have been recorded of numbers of visitors and a better understanding of the parking and traffic impacts associated has also been gained. These observations will be discussed further on in this report where the transport impacts of the use are considered.

#### *Building layout*

The ground floor is sized at approximately 90sqm in area. To the front of this a main congregation prayer hall is proposed that is 60sqm, taking up some 66% of the unit. This space will also double up as a multi purpose room outside of prayer times to provide classroom space. Behind this a smaller ladies prayer room is proposed, partitioned off from the main congregation area. Then to the rear of this are toilets and a washroom.

#### **Principle of D1 use**

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 on the edge of a designated Local Centre and UDP policy CF2 states that proposals for small scale community facilities serving a neighbourhood should be located in or adjoining town or local centres. And that such proposals are subject to the protection of neighbourhood amenity. The premises have residential flats above and dwellinghouses opposite and immediately outside of the designated parade then the area is almost entirely residential in character.

UDP policy CF14 deals with places of worship, stating that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity or unacceptable transport impact.

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, 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.

The most recent survey of the parade revealed that the parade only has 38.4% of units in A1 use, however as the proposal would not see the loss of a A1 retail use then there would be no worsening of the retail offer, and it would not conflict with this policy.

In light of the above policy context there is no in principle policy objection to a community and education centre, on the edge of this centre and former retail premises have proved to be an option in catering for demand. However policies CF2 and CF14 preclude community uses or places or places of worship where the use 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. As such this sets the parameters for determining the application and a major factor in considering both of these issues is the link with resulting intensity of the use.

#### **Impact on amenity of residential occupiers and residential amenity**

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

The D&A statement states that the centre is intended to be open as early as 7am on weekdays, through until at least 8pm seven days a week. Visitor numbers are anticipated to peak during Friday prayer (1pm to 2pm), with maximum numbers of 80 expected at this time by the applicants. The other uses throughout the week that are a mixture of prayer/worship, education or community advice sessions would be expected to operate at a lower level of intensity.

As Friday midday prayer is to be the busiest period of the week, where the impacts felt would be at their greatest, Officer's have undertaken a number of site visits to observe the centre's use at this critical time. Since July 2011 a series of site visits have been carried out to observe the centre's use during Friday prayer, this has allowed a good understanding of the centre's actual use at this time, both in terms of intensity of the use and parking and traffic conditions locally. 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 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

The results of these visits do show quite clearly that the Centre's use has significantly increased over the parameters set out in the applicants D&A statement. The applicant's original assumptions of visitor numbers which provide the baseline for their travel plan are based on maximum occupancy levels of 80 persons, during the busiest 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 LMCRC, and the later data indicates a higher level of use. Clearly this reflects the centres popularity, but it also challenges parts of the suggested travel plan.

There are two residential flats immediately above the ground floor, these could potentially be harmed by the use, especially with the numbers of visitors it is already attracting, and when you consider the applicants wish to operate 7 days per week. 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 wall 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 Officer's 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 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. In view of these concerns conditions are recommended (i) requiring post-completion testing to be undertaken at the nearest noise sensitive premises to demonstrate acceptable sound levels, and approval of such a report; and (ii) ensuring that the building is provided with adequate acoustic insulation, if planning permission is granted.

There can be no doubting the potential impacts of a centre, with visitors coming and going 7 days a week,

with over 100 visitors coming during peak time (Friday lunchtime) and potentially up to 300 visitors over the course of a typical week will have a greater impact on residents above that the previous mini-cab office once did. However for most of the week, barring Friday prayer the centre would receive relatively modest attendance, and it has been confirmed no amplified sound or music will be played. In the absence of an objection in principal from Environmental Health on these grounds then no objection based on harm to residential amenity in terms of noise and activity is raised.

However residential amenity can extend to matters such as increased parking, parking conflict and increased traffic congestion, as these can affect neighbourhood amenity, all of which are discussed below.

**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.

There is no formal off-street parking available for the unit in question currently, though it is proposed to provide two disabled spaces to the rear of the building, accessed directly from the service road, via Windermere Grove. In principle the provision of disabled parking is welcomed, and goes some way towards satisfying standard PS15, although as shown these spaces would not be accessible through the gated access.

The regular site visits carried out by your Officer’s have built a picture of the number of visitors, how they are arriving, levels of cars visiting the site and on-street parking and traffic conditions, locally, during Friday prayer. The table below illustrates these observations.

Date site visited	Number of visitors	Number of vehicles	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%

There is evidence that the number of users to the centre arriving by car is 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 in any event. Ennerdale Gardens and Allonby Gardens, which are accessed via this stretch of road 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 at this peak period is such that any capacity is 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 blocks private driveways or parks on double yellow lines near to junctions.

The relatively modest levels of use over most of the week are less cause for concern as numbers stated in the D&A suggest visitor numbers would remain somewhere between 10 and 50 persons, with the largest attendance occurring on a Saturday morning when children’s school would attend classes. At this time, during the weekend one would expect there to be greater capacity to park on street along Windermere Avenue, or surrounding roads as spaces would not be occupied by commuter parking, which is what currently happens Monday to Friday. It is the peak time that causes most concern although there is scope for other popular activities to add to this.

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 have gathered evidence 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 proposed centre,



which attract visitors in large numbers at certain times undoubtedly leads to further competition to park on-street in the area.

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 the religious worship aspect is 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. Now 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 problematic at peak times, as the centre's visitors are reliant on their ability to park on-street, and as we already know 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 over 100 visitors to the centre on a regular 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 current trend suggests an increase in users of the centres over the past 9-10 months, and there is a concern that there may be further growth in popularity, which would be difficult to control, and if so would 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.

***Relevant appeal decision at 324 Harlesden Gardens (ref; APP/T5150/A/11/2158959):-***

The inability to control the scale of the use or the levels of on-street parking was identified as a reason for dismissing an appeal at 324 Harlesden Road for a change of use to a place of worship. The Council had refused permission for this use, in part, due to concerns it could result in an increased demand for parking and a conflict between this and residential parking on street. In dismissing the appeal the Inspector felt that there was no guarantee the activity would be limited to the level set out in the application, and that no mechanism had been put forward to control numbers. The Inspector was of the opinion that without any means of controlling the scale and intensity of the use there would be potential for traffic generation to increase to the extent that it would result in an unacceptable impact. Similar concerns can be applied to the centre on Windermere Avenue, particularly as there is evidence of recent expansion of its use and due to the lack of on-street parking controls on roads surrounding the site to mitigate the impacts from additional parking and traffic.

There is evidence, and a number of concerns raised by objectors to substantiate this that the existing use is creating a parking problem locally as users of the centre are parking in such a way that is inconsiderate and unsafe to local residents. There is evidence that visitors are parking in such a manner that they are obstructing access to private driveways, parking on yellow lines, or double yellows close to junctions. This activity has been witnessed by Officer's and residents alike and such behaviour presents a danger to the free flow and safe movement of traffic.

Policy TRN4 states that where transport impact is found to be unacceptable measures will be considered which could acceptably mitigate this, including management measures to reduce car usage to an acceptable level (e.g. green transport plans). The travel plan submitted in support cannot be relied upon as it does not present an accurate picture of the centre's use. Its baseline position is that the centre will attract no more than 80 persons during its busiest period. We know that this is not a true reflection as visitor numbers to Friday prayer regularly exceed this, and we also know from site observations that visitors arriving by car, on occasion, exceed the 17% modal split that has been presented.

Unfortunately no real targets or a mechanism is set by the travel plan to significantly reduce visits by car, and due to the ability to park freely on surrounding rounds there is little incentive, or mechanism to reduce trips by car. Within the travel plan there are no penalty clauses should the desired modal split not be achieved, and in any case the number of vehicle movements generated by the place of worship/community centre is known to be higher than the travel plan states.

The submitted D&A statement and travel plan state that the majority of persons attending the centre live less than 1 mile away, and that they will be encouraged to walk to the centre. The travel plan makes unsubstantiated claims about high levels of visitors who walk to the centre, and about the low levels of car use by visitors, quoting 17% as being the proportion arriving by car. In the absence of more detailed information about the profile of visitors in terms of address, distance travelled, travel patterns and attendance across the week then little weight can be given to the figures presented.

There is in fact clear evidence that the proportion of visitors by car is greater than presented. In fact on one occasion some 40% of 84 visitors to the centre for Friday prayer arrived by car. And what we know is that the

stretch of Windermere Avenue where the parade is concentrated, as well as Ennerdale Gardens and Allonby Gardens are regularly at parking capacity during the day. There is capacity to park on-street further a field to the north and south along Windermere Avenue, but that these sections of Windermere Avenue also experience higher than normal levels of daytime parking during the peak Friday prayer. These on-street conditions are indicative of larger numbers arriving by car than the travel plan suggests.

Despite its access to South Kenton Station the location has low public transport accessibility (PTAL 1), and the applicants have failed to demonstrate how the increase in traffic and parking, which is already evident on roads surrounding the site will be addressed.

Given the failure to make adequate provision for centre parking and the busy nature of the use, it is considered that the proposal in this location results in a significant increase in traffic to and from the site, increased congestion locally and an increase in parking levels on-street locally that cannot be accommodated on-street without being detrimental to residential amenity and the free flow and safe movement of traffic. Furthermore this reliance to park on-street, and this extra demand results in conflict with residents parking.

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

The centre operates with solid roller steel shutters down at all times which presents 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 centre. Were the use being supported Officer's would actively be seeking works to improve the shop fronts overall appearance in order to provide a degree of visual interest.

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

Though not strictly a material planning consideration the observations that visitors to Friday prayer are exceeding 100 persons has lead Officer's to 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. The floor layout submitted in support of the application demonstrates a maximum occupancy of 75, this being based on the space required for an individual and their prayer mat (1m x 600mm). So assuming maximum occupancy this takes up the entire ground floor in the main front room, and the entire space in a smaller secondary room. No space is left for circulation or escape in the event of an emergency.

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 1m<sup>2</sup>/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 significantly exceed these maximum occupancy levels, and such overcrowding presents a real health & safety risk. The size of the premises appear not to be acting as a obvious limit on the level of use, at least at peak times.

### **Summary**

Whilst a use of this nature, in such a location is rarely going to be impact free your Officer's are concerned primarily with the traffic and parking implications of the intensity of the use. There is clear evidence for the growth in popularity of the use of the centre, and that this is having an adverse impact on parking and traffic conditions locally. Due to the lack of off-street parking a use of this intensity, is competing with local residents and commuters to park on-street, and on surrounding residential roads that already experience high levels of parking, and is resulting in parking conflict with residents, illegal parking and increased traffic.

Without any means of controlling the scale and intensity of the use there would also be potential for traffic generation to increase and undue pressure to park on-street, in the future were the centre to increase in popularity

For these reasons the proposed use cannot be supported, in this location, due to it having a detrimental impact on pedestrian and highway safety and the free flow of traffic, in contravention of policies TRN3, TRN4 and PS12 of the London Borough of Brent Unitary Development Plan 2004.

**RECOMMENDATION:** Refuse Consent

### **CONDITIONS/REASONS:**

- (1) The change of use to a cultural and community centre, including place of worship results in an increased demand for parking, placing undue pressure on parking on-street on roads surrounding the site. Due the scale and intensity of the use already evident on site this increased parking and traffic results in conflict between this and residential parking locally, including illegal parking, and is detrimental to the free flow and safe movement of vehicles on roads surrounding the site, particularly during peak visitor times. Furthermore the application has failed to demonstrate that the unacceptable impacts on traffic and parking conditions can be effectively mitigated by the Travel Plan, nor can these impacts be mitigated by on-street parking controls on roads surrounding the site. This use is considered to be contrary to policies TRN1, TRN3, TRN22, TRN24, CF2 and CF14 of Brent's Adopted UDP 2004.
- (2) The solid external roller-shutters, which appear to be down at all times of the day, have an unacceptable impact on the appearance of the property, in particular, as well as having a negative impact on the local centre, and the streetscene, in general. This is contrary to policies BE2, BE9 and SH22 of the London Borough of Brent Unitary Development Plan 2004 and advice contained in Supplementary Planning Guidance 7: "Shopfronts and Shop Signs".

### **INFORMATIVES:**

- (1) The applicant is advised that as the centre is currently operating without planning permission, and has been for some time then this matter will be followed up by the Council's Planning Enforcement department.

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