

 **Planning Committee Map**  
Site address: 557 Kenton Road, Harrow, HA3 9RS  
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This map is indicative only.

**RECEIVED:** 24 May, 2013

**WARD:** Kenton

**PLANNING AREA:** Kingsbury & Kenton Consultative Forum

**LOCATION:** 557 Kenton Road, Harrow, HA3 9RS

**PROPOSAL:** Variation of condition 5 (to allow changes in opening times from 0900 - 2130 Monday to Saturday and 1000 - 1700 Sundays and Bank Holiday to 0900 - 1300 & 1700-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 1000 - 1900 Bank Holidays) of full planning permission reference 09/2091 dated 26/11/2009 for erection of single-storey and two-storey side and rear extension to religious institution, formation of basement with lightwell to rear and associated landscaping (as accompanied by Apcar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009)

**APPLICANT:** Shantiniketan Ltd

**CONTACT:** Multi Creation

**PLAN NO'S:**  
See Condition 1

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## **RECOMMENDATION**

1 year temporary consent to extend hours

## **EXISTING**

The property is a 2-storey property on the south side of Kenton Road. It is not a conservation area nor is the building listed. The surrounding area is predominantly residential. The property was formerly a single family dwellinghouse but now comprises a self-contained flat on the first floor and the ground floor is in use as a place of worship (Class D1). The place of worship is , a Jain Temple operated by the Mahavir Foundation. Kenton Road is a major London Distributor Road and forms the borough boundary with Barnet.

In 2009, the Planning Committee approved an application for the erection of a single-storey and two-storey side and rear extension to the religious institution, including the formation of a basement with a lightwell to its rear (LPA Ref: 09/2091). These alterations have now been implemented, with the exception of the basement.

## **PROPOSAL**

The proposal is to vary the opening hours of the temple. The previous planning permission restricted the opening hours to 0900 - 2130 Monday to Saturday and 1000 - 1700 Sundays and Bank Holidays.

It is proposed to extend these hours to:

- 0900 - 1300 & 1700-2130 Monday to Friday;
- 0800 - 2130 Saturday to Sunday;
- 1000 - 1900 Bank Holidays

## **HISTORY**

The relevant site history is as follows:

**13/0946:** Retention of front boundary wall and proposed alterations to include installation of railings (1.35m high), sliding metal gate (1.35m high) and hedges to the front elevation of the religious institution - Granted, 26/07/2013

**E/13/0497:** The erection of a marquee in rear garden of the premises AND the breach of condition 4 (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.) of planning permission 09/2091 dated 26/11/2009 – Further action suspended

**12/2301:** Erection of front boundary wall, parking layout plan and single storey outbuilding to rear garden of religious institution – Application withdrawn, 30/04/2013

**E/12/0418:** The breach of conditions 1 (landscaping) 7 (boundary hedge/ tree screen) 13 (front garden layout) 14 (cycle parking) and 15 (flood barrier) of planning permission No. 09/2091 dated 26/11/2009 (landscaping, boundary treatment, retention of hedges/ trees, front garden layout, cycle parking) – Ongoing though a number if these matters have now been resolved

**09/2091:** Erection of single-storey and two-storey side and rear extension to religious institution, formation of basement with lightwell to rear and associated landscaping (as accompanied by Apcar Smith Planning Design & Access Statement ref. CA/2349A and Three Counties Flood Risk Assessment dated 19/08/2009) - Granted, 26/11/2009

**09/0892:** Erection of basement, single storey rear and side extensions, single storey extension to front entrance and associated landscaping of religious institution - application withdrawn, 04/06/2009

**06/2973:** Certificate of Lawfulness for proposed use of the ground floor as a place of worship - Granted, 08/02/2007

**95/1559:** Change of use of ground floor of property from residential to part non-residential educational use and part residential. (As revised by letters dated 12/11/95 and 10/12/95 and plan dated 12/95 received on 08/01/96) - Refused, 13/02/1996

**86/0515:** Erection of single storey side extension and car port - Granted, 24/06/1986

## **POLICY CONSIDERATIONS**

The relevant policies are:

### ***Brent UDP 2004***

STR37 Accessible community facilities to meet the needs of the Borough will be permitted and existing community facilities will be protected  
H22 Protection of Residential Amenity  
EP2 Noise and Vibration  
TRN3 Environmental Impact of Traffic  
TRN4 Measures to Make Transport Impact Acceptable  
TRN22 Parking Standards: Non Residential Developments  
PS12 Non-Residential Institutions (Use Class D1) and Hospitals (Use Class C2)  
CF4 Community Facilities Capable of Holding Functions – proposals should have an acceptable transport impact and noise impact

## **CONSULTATION**

The Council consulted 39 adjoining owner/occupiers regarding the proposal. In addition, the Council's Transportation and Environmental Health Departments were consulted.

No objections have been received from either Transportation or Environmental Health, whom consider the change in hours acceptable, however three objections have been received from residents on the following grounds:

- The change in operating hours will result in an increase the amount of traffic and parking in adjoining streets, particularly during the times when the local roads are busy with school traffic/parking during weekdays;
- Increase in on-street parking during weekends, particularly early in the morning;
- Extending the hours is likely to result in increased noise nuisance, which has already occurred from a

public address system and marquee being used in the rear garden over an extended period, which is contrary to the conditions stipulated in application reference 09/2091 which requires that no public address system could be used; this condition has been not been adhered to;

- The premises is already operating from 08:30 at weekends when it should be operating in accordance with the current planning consent (09:00 on Saturday and 10:00 on Sundays). This has led to a noticeable increase in noise levels from parking activities such as banging of car doors and loud conversations, particularly in the mornings at weekends.

## **REMARKS**

### ***Key considerations***

1. The key considerations are:

- Need to provide adequate community facilities for a diverse Borough
- Implication of increase in opening hours to community facility on neighbouring residential amenity
- Transport implications of extensions to opening hours of community facility

### ***Need to provide appropriate facilities***

2. Brent is one of the most ethnically diverse boroughs in Britain, with the majority of residents from a wide range of ethnic and cultural minority communities. This diversity gives rise to a high demand for community facilities, many of whom cannot compete in the market for land and buildings.

3. Brent's policy guidance seeks to reflect this situation by protecting existing facilities and ensuring new or expanded facilities can be accommodated, subject to any impact being minimised, mitigated or controlled.

### ***Implication of extension of a community facility on neighbouring residential amenity and traffic***

4. The ground floor of the premises is used on a daily basis as a place of worship, whilst the first floor is used as a flat which is ancillary to the use and management of the temple. It is noted from information provided as part of the 2009 planning application (LPA Ref: 09/2091) that approximately 10 to 15 people attend prayer between 19:00 and 21:00 daily, and meditation meetings are held 3 -4 days a week between 10:00 and 12:30 which are attended by between 30 and 50 people. Those people visiting the temple arrive by car, bus and on foot. Up to 10 times a year a maximum of 100 people attend special events.

5. The proposed hours of use are: 0900 - 1300 & 1700-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 1000 - 1900 Bank Holidays.

6. Whilst the use of the premises would be further restricted within the afternoons Monday to Friday, the weekend hours would be extended including an extra hour in the morning on Saturdays from 8:00, and additional 6.5 hours on Sundays and an additional two hours on Bank Holidays.

7. The applicant has stated that the increase in hours will provide no significant change to the nature of operation occurs (e.g. number of visitors, changes in patterns of worship, increase in number of functions).

8. In relation to the issue of noise and disturbance, the proposed extended hours are not considered unreasonable. The Council's Environmental Health Department have commented on the proposal stating that, since its operation, one complaint has been made in relation to the use of the premises as a place of worship, in April 2013 which related to the use of a public address system. In consideration that this was a one-off event and no complaints have been received since, the Council's Environmental Health officers do not raise objection to the application. It is acknowledged that concerns have been raised regarding vehicle movements and visitor related noise when arriving at and leaving the premises. However, due to this being a large detached property, and the limited additional opening times requested, the extension of hours is unlikely to generate noise which has potential to significantly impact on the amenity of nearby residents. As the application proposes use of the premises from 8:00 on Saturdays and Sundays, it is recommended that a temporary consent is given for a maximum of one year to monitor the impact of the use.

9. With regard to traffic impact, the Council's Transportation Department have commented on the proposal and consider the change in hours to be acceptable.

10. The street which is most likely to be affected by the proposal is Kinross Close, located to the west of the site (accessed from Kenton Road). It is noted that there is on-street parking on both sides of the road which is not classified as a Heavily Parked Street within Brent's Unitary Development Plan. In consideration

that most of the residents on this road have off street parking, the on-street parking spaces are little used by the residents.

11. In consideration of the capacity in relation to this floorspace (167 sq m) and the ample surrounding parking, the Council's Transportation Department advise that the variation in the opening hours will have little effect on the parking and access areas around the temple.

**Response to objections**

<b>Objection</b>	<b>Officer response</b>
The change in operating hours will result in an increase the amount of traffic and parking in adjoining streets, particularly during busy times in the week/ weekend	There is no evidence to suggest that there would be increased traffic to a level that would be considered unacceptable by the increase in opening hours. The applicant has advised that the change in hours will not significantly change the existing operation of the temple.
Increase in noise nuisance from both visitors parking outside the premises (e.g. car doors banging/ loud conversations early in the morning including at weekends).	See Remarks Section
Failure to comply with current planning conditions, i.e. the premises is already operating from 08:30 at weekends when it should be operating in accordance with the current planning consent (09:00 on Saturday and 10:00 on Sundays) and the use of a public address system and marquee being used in the rear garden over an extended period, contrary to the conditions stipulated in application reference 09/2091.	Any applicant would be required to comply with the planning conditions as set out in their decision notice including those set for the hours of operation/ use of a public address system. They were reminded of this following a complaint received from a local resident.

**Conclusion**

12. The proposed amendment to the opening hours would provide improved accessibility to an existing lawful community facility. Consideration has been given to the location of the site is a predominantly residential area and the proposal is not considered to have a detrimental impact on the amenity of neighbouring occupants. A temporary 1 year consent is recommended which can then be reviewed.

**RECOMMENDATION:** Grant Consent

**REASON FOR GRANTING**

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

Brent Unitary Development Plan 2004  
Council's Supplementary Planning Guidance 5

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  
Environmental Protection: in terms of protecting specific features of the environment and protecting the public  
Transport: in terms of sustainability, safety and servicing needs  
Community Facilities: in terms of meeting the demand for community services

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

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

Approved under 09/2091: 738/1 Rev B; 738/2 Rev B; 738/3 Rev B

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

- (2) 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.

- (3) Activities within the building shall only be permitted between 0900 - 1300 & 1700-2130 Monday to Friday, 0800 - 2130 Saturday to Sunday and 1000 - 1900 Bank Holidays, with the premises cleared within 30 minutes after these times (unless the Local Planning Authority agrees other hours in writing). This permission shall be for a limited period of 1 year only from the date of this decision notice.

Following the expiration of the 1 year temporary period, unless a further application has been submitted to and approved in writing by the Local Planning Authority, the hours of use shall revert back to 0900 - 2130 Monday to Saturdays and 1000 - 1700 Sundays and Bank Holidays.

Reason: To enable the Local Planning Authority to review the position in the light of the impact of this use.

- (4) The basement, ground floor and first floor office extension shall be used only for the purpose of worship and religious instruction and ancillary activities and for no other purpose (including any other purpose in Use Class D1 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

Reason: To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.

- (5) The boundary hedge/tree screen situated on the north and west boundaries of the site shall be retained at a minimum height of 1.5m in accordance with details approved under reference 13/0946. Should any part die or be damaged during the course of development, replacement planting shall be undertaken in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason: Permission is granted having regard to the present screening and boundary planting in existence, the retention of which will ensure a satisfactory visual appearance.

- (6) The whole or any part of the premises shall not be used/occupied by more than 50 persons (including staff) at any one time on any given day of the week, Sundays to Saturdays inclusive (except where events for up to a maximum 100 people are approved on either permanent or temporary basis by the Local Planning Authority) without the further prior written consent of the Local Planning Authority.

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

- (7) Notwithstanding the provisions of Condition 6 above this permission shall allow no more than 10 days per calendar year where up to 100 persons (including staff) are present without the prior written consent of the Local Planning Authority.

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

- (8) A Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision and the development thereafter shall only be used or occupied in compliance with the plans so approved unless amended with the agreement of the Local Planning Authority in writing.

The Green Travel Plan shall set out objectives to encourage persons visiting the site to use alternative forms of transport to the private motor car and to address the detailed traffic and parking implications the usage of the development creates. The travel plan shall include details of the matters listed below which directly link to the usage/occupation of the development in accordance with the maximum occupancy numbers . The plan shall also set out and include details of specific targets for the various objectives, the arrangements for monitoring and implementation of the objectives the responsibility of which rest with the developer/occupiers. The plan shall also include details of a system for reporting the monitoring information to the Local Planning Authority for reviewing/comment and approval:

- (a) measures to encourage the use of public transport facilities organised coach travel for large groups, car sharing and cycling;
- (b) arrangements for the uses set out in Condition 9 where persons using/ occupying the development will be up to 100, which shall include details on the following matters:
  - stewarding of the pedestrian and vehicular traffic in particular at times of arrival and departure from the site.
  - use of any park and ride/off site facilities to provide adequate offsite overspill parking during the Special Events Days.

Reason: To ensure that a satisfactory management of the parking and to ensure that the proposed development does not prejudice the enjoyment of the neighbouring occupiers in the area

- (9) Notwithstanding the approved plans, details of the front garden layout shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. All detailed works shall be carried out as approved within 2 months of approval of these details. Such details shall include:

- (i) planting of the front garden area with shrubs and/or trees;
- (ii) the retention of existing hedges and shrubs;
- (iii) provision of additional front boundary planting or other form of boundary treatment;
- (iv) car parking space for 4 cars including 2 disabled spaces, the defined points of access and the surfacing materials to be used;
- (v) waste and recycling storage facilities

Reason: To ensure a satisfactory appearance and in the interests of local amenity.

- (10) Details of the provision of a minimum of 2 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained.

Reason: To ensure satisfactory facilities for cyclists.

- (11) Further details of a raised threshold or demountable barrier around the basement to delay or prevent flooding to the basement shall be submitted to and approved in writing by the Local Planning Authority before any works are carried out to provide a basement and completed in all respects in accordance with the details so approved before the basement is occupied.

Reason: These details are required to ensure that a satisfactory development is achieved.

- (12) Notwithstanding any details of landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (a) the landscaping of the rear access terrace;
- (b) proposed means of enclosure, indicating materials and heights, along the boundary with No. 555;
- (c) screen planting along the boundary with No. 555;

Any planting that is part of the approved scheme that within a period of *five* years after planting is removed, dies or becomes seriously damaged or diseased, shall be replaced in the next planting season and all planting shall be replaced with others of a similar size and species and in the same positions, unless the Local Planning Authority first gives written consent to any variation.

Reason: To ensure a satisfactory appearance and setting for the proposed development and ensure that it enhances the visual amenity of the area.

#### **INFORMATIVES:**

- (1) The applicant is advised that details are required to be submitted to the LPA for approval to satisfy conditions imposed on the original consent. These details are required to be submitted within 3 months of the date of this decision (see details above).

Any person wishing to inspect the above papers should contact Laura Jenkinson, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5276