

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 9 August 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Westbourne	
Subject of Report	5-7 Sutherland Avenue, London, W9 2HE,		
Proposal	Use of basement floors of Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road as a community centre (Class D2) by the Asian Muslim Cultural Centre.		
Agent	Compass Architectural + Consultants		
On behalf of	Mr Ahmed Issa		
Registered Number	12/07598/FULL	Date amended/ completed	3 December 2012
Date Application Received	27 July 2012		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site comprises the combined basement floors of the buildings at Nos. 5-7 Sutherland Avenue and Nos.346-348 Harrow Road. The application seeks permission for use of the basement floors beneath these buildings as a community centre for use by the Asian Muslim Cultural Centre. The use to which the application relates has already commenced.

The key issues in the determination of this application are:

- The acceptability of the provision of a Class D2 community use in this location in the City.
- The impact of the proposed use on the amenity of neighbouring residents.
- The impact on the operation of the local highway network.

Objections have been received from 28 neighbouring residents, who principally raise objection on a range of amenity and highways impact grounds. The objections raised are summarised in Section 5 of this report.

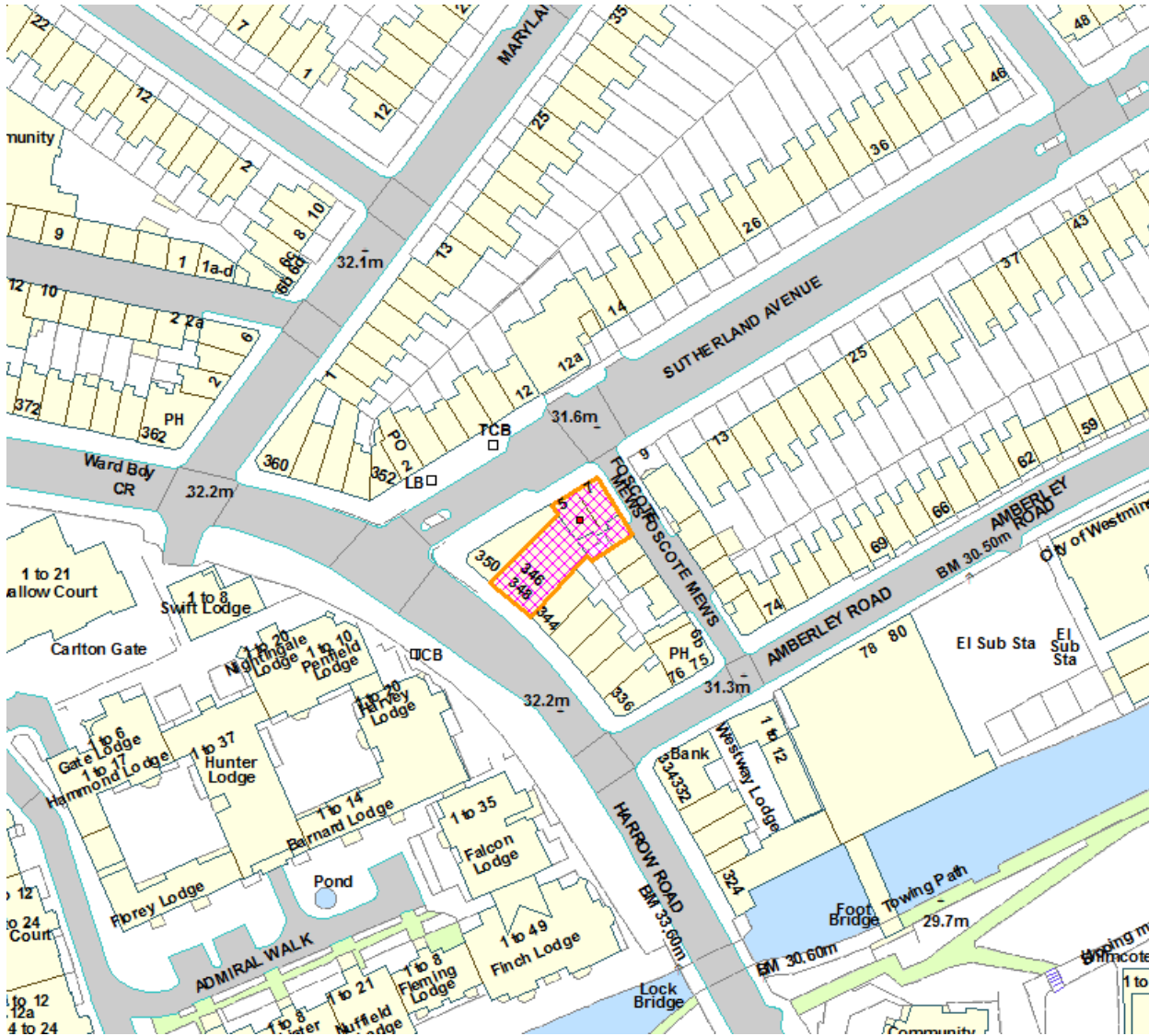
Subject to the recommended conditions, including a condition to limit the permission to a temporary

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period of one year to allow the impact of the use on the amenity of neighbours and the operation of the public highway to be monitored, the proposed development accords with relevant land use and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore considered to be acceptable. As such, the application is recommended for conditional approval for a temporary one year period.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Sutherland Avenue elevation (top) and Harrow Road elevation (bottom).



5. CONSULTATIONS

COUNCILLOR HUG

Concerned about transportation impacts of community centre use.

WARD COUNCILLORS (WESTBOURNE)

Any response to be reported verbally.

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY

Any response to be reported verbally.

NORTH PADDINGTON SOCIETY

Any response to be reported verbally.

CLEANSING MANAGER

No objection, subject to revised drawing showing waste and recycling storage provision being secured by condition.

DESIGNING OUT CRIME OFFICER

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection in principle; however, acoustic report should be submitted in relation to the predicted noise levels from internal activities to demonstrate impact of noise break out from the premises and from noise transmission through the structure of the buildings. Notes that there have been two noise complaints in relation to the premises in 2012, but that these were not substantiated.

LONDON FIRE AND EMERGENCY PLANNING AUTHORITY

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 346.

Total No. of replies: 30.

No. of objections: 28.

No. in support: 2.

26 emails/ letters raising objection on all or some of the following grounds:

Amenity:

- Anti-social behaviour; large numbers of people loitering, day and night and into early hours of the morning.
- Litter thrown on the ground; leading to vermin issues.
- Site is not suited to accommodate number of visitors; does not have necessary amenities.
- Noise disturbance from persons outside the premises, including playing of chanting/ music outside premises.
- Noise from late night cooking to rear of premises in Fosco Mews.

- Not appropriate development in a residential area.
- As a community centre, it does not accommodate the entire community.

Parking and Highways:

- Increased pressure on public transport.
- Loitering on the public highway outside the site obstructing other pedestrians.
- Reduces footfall to local businesses.
- Vehicles often parking in contravention of road markings/ parking regulations.
- Parking on pavements.
- Lack of parking for residents as residents parking used by visitors to premises, particularly between 19.00 and 22.00 hours outside of restricted hours.
- Adverse impact on junction safety as a result of illegal parking.
- Litter dropped on public highway.
- Cycle racks have not been installed.

Other:

- High proportion of attendees are men with few children attending after school.
- Pedestrians feel threatened/ intimidated by large groups of men outside the centre.
- Signage and Access to Harrow Road would be more appropriate.
- Concern that means of escape are not suitable.
- Regular police presence near premises.
- Unclear which access point will be used.
- Unauthorised signage.
- Continued use without permission and history of breaching planning control.
- Question need for another facility such as this when 10 exist locally within 1 mile.
- Muslim community is better served by the purpose built mosque in Acklam Road, 6-8 minutes from the application site.
- Bigger, more suitable venue nearby in Regent's Park.
- Health and safety risk given the number of those who use the basement area and limited access points.

PRESS ADVERTISEMENT/ SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The site comprises the basement floors beneath Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road. The buildings in Sutherland Avenue and Harrow Road comprise four storeys, plus basement. None of the buildings comprising the site are listed, nor are they located in a conservation area.

The upper floors of the buildings in Sutherland Avenue and Harrow Road are in residential use, whilst the ground floors are in retail use (a vacant laundrette and computer repair shop at No.5 Sutherland Avenue, a Class A1 mini supermarket at No.7 Sutherland Avenue, a Class A2 bookmakers at No.346 Harrow Road and a Class A1 mini supermarket at No.348 Harrow Road). The lawful use of the basement floors of all the buildings in Sutherland Avenue was formally as ancillary accommodation to the ground floor retail units, whereas the previous use of the basements of the buildings in Harrow Road was as a printers workshop.

The buildings in Sutherland Avenue and in Harrow Road are all located within the Secondary Frontage of the Harrow Road East Local Centre. The site is also located within the North Westminster Economic Development Area.

6.2 Recent Relevant History

8 June 2006 – Permission granted for a temporary one year period for use of the basement at Nos.5-7 Sutherland Avenue as a community centre (05/02205/FULL) (copy of this planning permission and relevant drawing is provided in the background papers).

7. THE PROPOSAL

Planning permission is sought for the use of the basement floors beneath Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road as a community centre operated by the Asian Muslim Cultural Centre. The use of the basement floors for this purpose has already commenced.

Permission was granted June 2006 for the use of the basement below Nos.5-7 Sutherland Avenue only as a community centre for a temporary period of one year. Prior to this permission, it is understood that the basements of Nos.5-7 Sutherland Avenue had been used since 1999 by shop workers in the shop units above as a prayer room ancillary to the ground level retail units. The use of the basement at Nos.5-7 Sutherland Avenue has continued since the 2006 permission expired, and was latterly expanded around 2012 to also encompass the basement floors of Nos.346-348 Harrow Road. The use is therefore currently unauthorised.

The applicant describes the Asian Muslim Cultural Centre as a charitable organisation, which is intended to cater for the education, development and the unmet needs of the Muslim community living in the local community. The community centre provides educational and training facilities, particularly for women and young people along with religious teaching and prayer. The centre operates between the hours of 08.00 and 20.00 hours daily, with peak use between 18.00 and 20.00. The premises can accommodate up to 80 people for prayers, with Friday prayers (held in the early afternoon) attracting approximately 250 visitors; albeit not all persons are on the premises at anyone time. The applicant advises that early morning prayers attract significantly fewer persons with approximately 10 visitors in the summer months and 20 during the winter.

In terms of access to the site, an external stairwell provides access from Sutherland Avenue, whilst on the Harrow Road there is an entrance between the neighbouring shop fronts, which appears to be utilised as the main entrance to the premises. The hours during which the community centre is used varies throughout the year as they are dependent upon when prayer time occurs and this varies throughout the year. The applicant advises that the earliest prayers are at 05:00 hours (during summer time), with the latest starting at 23:00 hours (also during summer time).

The applicant's design and access statement is provided in the background papers to provide the applicant's full account of the purpose of the use and how it is operated.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Loss of Existing Uses at Basement Level

The use of the basements of the buildings comprising the application site has resulted in the loss of the previous lawful uses at basement level within the Secondary Frontage of the Harrow Road East Local Centre. In the case of the buildings in Sutherland Avenue the lawful use of the basements is as ancillary floorspace to the vacant laundrette and computer repair shop at No.5 Sutherland Avenue and Class A1 mini supermarket at No.7. The basement below Nos.346-348 Harrow Road was formally known as No.346A and was previously used as a printers workshop.

Given the location of both frontages of the application site within the Secondary Frontage of the Harrow Road East Local Centre, and as the site is also located within the North Westminster Economic Development Area (NWEDA), the relevant policies in terms of assessing the loss of the previous lawful uses of the basement floorspace are Policy SS7 in the UDP and Policy S12 and S21 in the City Plan.

In terms of the loss of the printers workshop, although Policy S12 seeks to increase economic activity within the NWEDA, it also seeks development that contributes to other priorities within the area. These other priorities include *'Delivering... appropriate local services including... supporting opportunities to provide facilities for local community groups including faith groups'*. As such, whilst the former use of the basement at Nos.346-348 was as a printers workshop which would have contributed towards economic activity within the NWEDA, the community centre provides an alternative use that is equally compliant with the aims of Policy S12 in the City Plan. In terms of the impact on the Local Centre, the printers workshop did not have an active frontage and whilst it had a sign at ground level above its access doorway in Harrow Road, it is evident that it would not have derived a high proportion of its turnover from incidental passing trade. Accordingly, its loss has a negligible impact on the retail character and function of the local centre and it loss would therefore not be contrary to Policy SS7 in the UDP or Policy S21 in the City Plan.

The loss of the ancillary floorspace at basement level below the shop units at Nos5 and 7 Sutherland Avenue has previously been accepted as part of the planning permission granted for the smaller community centre in 2006 (albeit on a temporary one year basis). Whilst the laundrette and computer repair shop at No.5 is vacant, and has been so since at least 2012, it is apparent that it was occupied for a significant period of time after the 2006 permission was granted. Therefore it is evident that the loss of the ancillary floorspace at basement level has not rendered the ground floor units at either Nos.5 or 7 Sutherland Avenue unviable. Accordingly, it is considered that the change of use to a community centre that has occurred has not adversely affected the vitality or viability, or character or function of the parade, frontage or centre; nor has it jeopardised the long term occupation of the ground floor shop unit for retail purposes.

8.1.2 Proposed Community Centre Use

Policy SOC1 in the UDP and Policies S12 and S34 in the City Plan are relevant to the provision of new social and community uses, such as the Class D2 community centre proposed. Policy S34 encourages the provision of new social and community uses across the City and Policy S12 promotes community uses within the NWEDA. Policy SOC1 also supports new social and community uses but sets out that they should *'...be required to (1) be located as near as*

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possible to the residential areas they serve; (2) not harm the amenity of the surrounding area, including the effect of any traffic generated by the proposal; and (3) be safe and easy to reach on foot, by cycle and by public transport'.

Although it is apparent from representations made by objectors that some users of the community centre travel to it by car and by bus, it is considered that the majority of users of the centre are local to the community centre. As such, it accords with part (1) of Policy SOC1. In terms of (2) and (3) of Policy SOC1, it is considered that the impacts of the use on the amenity of neighbours and the local highway network can be adequately controlled and mitigated by the conditions suggested in Sections 8.3 and 8.4 of this report. Allied to these conditions it is recommended that a precautionary approach is taken and that permission is granted for an initial temporary one year period to allow the City Council to monitor the effectiveness of the recommended conditions and the compliance of the applicant with those conditions. It is also recommended that the permission is granted on a personal basis to the Asian Muslim Cultural Centre to prevent the use of the premises by another community group or Class D2 use that may have a materially greater impact on the amenity of neighbours and the operation of the local highway network.

In summary, subject to the recommended conditions set out in the draft decision letter appended to this report, the proposed community centre use is considered to be acceptable and would accord with the relevant land use policies in the UDP and City Plan.

8.2 Townscape and Design

The current application does not propose any external alterations to the building and relates solely to the use being carried out at basement level.

One objection has been received on the grounds that the signage associated with the community use is not authorised. The signage that has been installed above the entrance to the community centre in Harrow Road does not form part of this application and an informative is recommended to advise that this may require separate advertisement consent.

8.3 Residential Amenity

A number of residents have objected to the application to continue the use on the grounds of anti-social behaviour and noise disturbance as a result of large groups of people congregating outside the premises after they have attended the community centre.

Officers visited the site during Friday prayers to observe the impact of people entering and leaving the site, which is greatest at this time during the week. It was observed that whilst a large number of people did leave the community centre at the same time, the time it took for this crowd to dissipate was relatively short and was largely informed by how long visitors had to wait for a bus. Nevertheless, it is evident from the objections raised by local residents that the community centre does have an impact on the amenity of neighbours, principally as a result of noise disturbance, particularly when this occurs late in the evening or at night. To address these concerns, a number of conditions are recommended, as set out below:

- Requirement to submit and have approved a management plan that requires the applicant to set out measures to demonstrate how people entering and leaving the premises will be managed/ dispersed to prevent noise disturbance to neighbours.

- Restriction of hours of opening to between 05.00 and 00.00 (midnight) daily to accommodate prayer times, whilst preventing overnight activity at the premises.
- Limit the number of persons permitted on the premises at any one time to no more than 80 persons.
- Restrict access to the premises to the entrance from Harrow Road, which is already a busier thoroughfare day and night than Sutherland Avenue. The Sutherland Avenue and Foscoote Mews entrances to be limited to use in emergency or for disabled access (in the case of the Foscoote Mews entrance).
- Prohibit the playing of amplified music or prayers on the premises.

In terms of noise disturbance, the use is confined to the basement which limits the potential for noise breakout and transference to neighbouring residential properties, as it is separated from residential properties in the same buildings by the retail uses at ground floor level. The potential for structure borne noise disturbance would be further reduced by the condition suggested above that would prevent the playing of amplified music or prayers within the premises. In this context, whilst Environmental Health have requested that an acoustic report is submitted to demonstrate the predicted noise levels from the internal activities within the community centre, it is not considered that this is necessary in this case; indeed the concerns expressed by neighbours on noise grounds are related to the noise generated outside the community centre largely by persons entering or leaving the premises.

In conclusion in amenity terms, subject to the suite of conditions set out above, it is considered that community centre use would be capable of complying with Policies ENV6 and ENV13 in the UDP and Policies S29 and S32 in the City Plan.

8.4 Transportation/Parking

The applicant suggests that approximately 70% of those who use the centre arrive on foot with 20% arriving on public transport and 10% arriving by car. These figures are likely to be broadly accurate, but as noted by neighbouring residents, even at 10% of the total number of visitors, the number of vehicle trips and the demand for parking that this would generate at peak times (for example during Friday prayers or during Ramadan) would not be insignificant, particularly given the busy nature of Harrow Road and the underlying high demand for residents parking.

In terms of the impact of the use in respect of parking demand, it is considered that this is adequately controlled during daytime hours by existing on-street parking restrictions, which can be enforced. The impact on residents parking after controls end in the early evening is more difficult to control. A condition is recommended requiring a travel plan that seeks to reduce parking demand. It is also recommended that the management plan condition includes a specific requirement to tackle the problem of illegal parking, such as is alleged to occur on the central hatching in Sutherland Avenue.

The other predominant concern raised by neighbours in highways terms is the impact visitors to the community centre have on the footpath of the public highway when congregating after leaving the centre. The principal highway issue with this is the obstruction it causes to other pedestrians using the footpath of the public highway. It is recommended that the introduction of measures to ensure swift dispersal of visitors after they leave the community centre is another requirement of the management plan condition. As mentioned in the amenity section of this report, it is also recommended that a condition is imposed restricting access and egress to the

entrance in Harrow Road which is closer to local bus stops and is already a busier environment.

Subject to the conditions recommended in this section of the report and the comments of the Highways Planning Manager, which will be reported verbally to the committee, it is considered that the impacts on the public highway that are currently occurring during its unauthorised operation can be adequately addressed and therefore for a temporary one year period the use would be accord with Policy TRANS3 and TRANS22 in the UDP and S41 in the City Plan.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size.

8.6 Access

In response a condition imposed on the permission granted in 2005, disabled access is provided in the form of a platform lift accessed via a rear entrance in Foscothe Mews. A condition is recommended limiting access to the community centre via this entrance to use for disabled access only and in the event of an emergency to prevent noise disturbance to neighbouring residents.

8.7 Other UDP/ City Plan/ Westminster Policy Considerations

The Cleansing Manager recommends that details of waste and recycling storage are secured by condition and such a condition is imposed on the draft decision letter.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.11 Environmental Impact Assessment

Environmental Impact issues are not relevant in the determination of this application.

9. BACKGROUND PAPERS

1. Application form.
2. Copy of planning permission dated 8 June 2006 and relevant drawing.
3. Copy of applicant's Design and Access Statement.
4. Email from Councillor Hug dated 29 July 2016.

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5. Memo from the Cleansing Manager dated 14 January 2013.
6. Memos from Environmental Health dated 7 February 2013 and 25 July 2016.
7. Letter from the occupier of Flat 4, 33 Sutherland Avenue dated 18 January 2013.
8. Emails from the occupier of 28a Sutherland Avenue dated 11 January 2013 (x2) and 21 July 2016.
9. Emails from the occupier of 26 Sutherland Avenue dated 12 January 2013 (x2).
10. Email from the occupier of 340 Harrow Road dated 18 January 2013.
11. Letter from the occupier of Flat 3, 33 Sutherland Avenue dated 18 January 2013.
12. Letters from the occupier of 33 Sutherland Avenue dated 18 January 2013 and one undated.
13. Email from an occupier of 19 Sutherland Avenue dated 8 July 2016.
14. Email from the occupier of 71D Sutherland Avenue dated 8 July 2016.
15. Email from an occupier of 19 Sutherland Avenue dated 8 July 2016.
16. Email from an occupier of an unspecified property in Sutherland Avenue dated 9 July 2016.
17. Email from the occupier of 37b Sutherland Avenue dated 9 July 2016.
18. Email from the occupier of 17 Aldsworth Close dated 10 July 2016.
19. Email from the occupier of 32 Delaware Mansions, Delaware Road dated 10 July 2016.
20. Email from the occupier of 11a Edbrooke Road dated 10 July 2016.
21. Email from an occupier of 27 Sutherland Avenue dated 10 July 2016.
22. Email from the occupier of 35E Sutherland Avenue dated 10 July 2016.
23. Email from the occupier of 159 Delaware Mansions, Delaware Road dated 10 July 2016.
24. Email from the occupier of 17 Clifton Hill dated 10 July 2016.
25. Email from occupier of 19 Sutherland avenue dated 11 July 2016.
26. Email from the occupier of Flat 6, 29 Sutherland Avenue dated 11 July 2016.
27. Email from the occupier of 19 Sutherland Avenue dated 12 July 2016.
28. Email from the occupier of 18 Sutherland Avenue dated 14 July 2016.
29. Email from an occupier of 27 Sutherland Avenue dated 20 July 2016.
30. Email from an occupier of 28 Sutherland Avenue dated 20 July 2016.
31. Email from the occupier of 77 Sutherland Avenue dated 21 July 2016.
32. Email from an occupier of 28 Sutherland Avenue dated 21 July 2016.
33. Email from the occupier of 10 Barnard Lodge, Admiral Walk dated 27 July 2016.
34. Email from the occupier of 354 Harrow Road dated 21 July 2016.

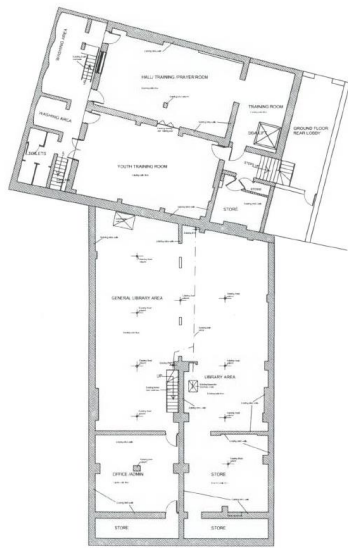
Selected relevant drawings

Existing and Proposed Floorplans.

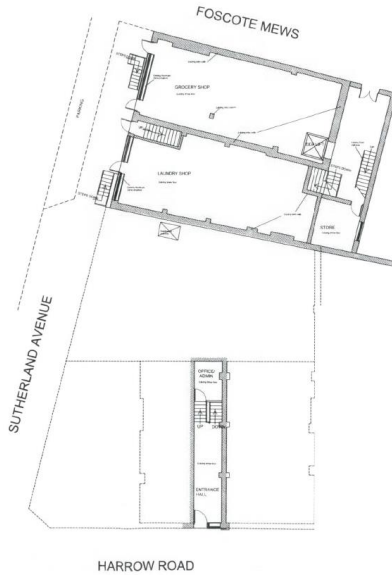
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: OLIVER GIBSON BY EMAIL AT ogibson@westminster.gov.uk .

10. KEY DRAWINGS



EXISTING BASEMENT FLOOR PLAN



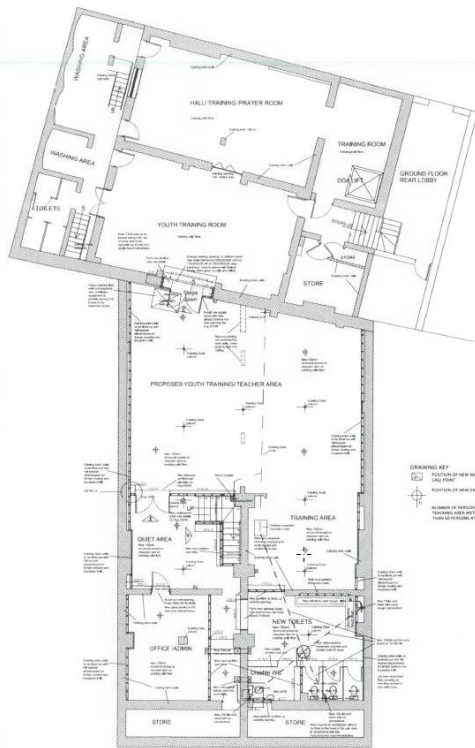
EXISTING GROUND FLOOR PLAN



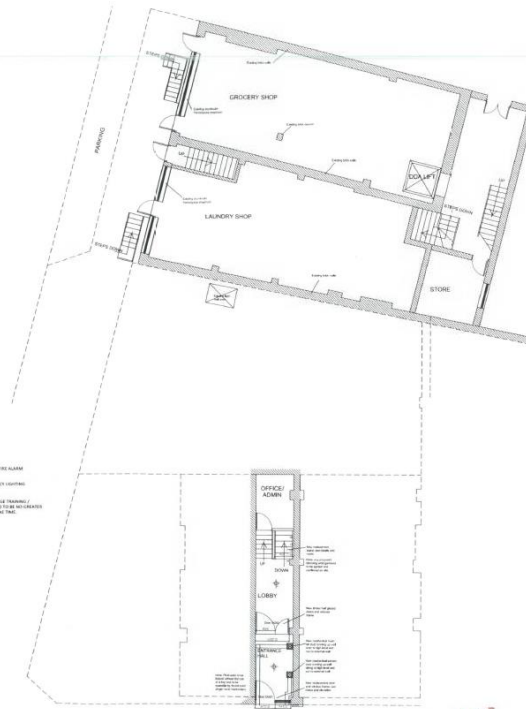
EXISTING FRONT ELEVATION

COM PASS Architectural & Construction	
DAISFIELD BUSINESS CENTRE SUITE 301 APPLEBY STREET BLACKBURN LANCASHIRE BB1 3BE TEL: 01254 493922	
CLIENT	ASIAN MUSLIM CULTURAL CENTRE 5/7 SUTHERLAND AVENUE (BASEMENT), MANDA VALE, LONDON W9 2HE
PROJECT TITLE	ALTERATIONS TO EXISTING MUSLIM CULTURAL CENTRE IN BASEMENT OF 346/8 HARROW ROAD WITH 5/7 SUTHERLAND AVE, MANDA VALE, LONDON W9
DRAWING TITLE	EXISTING PLANS AND ELEVATION
DRAWING STATUS	

case copy



PROPOSED 346/8 BASEMENT FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010 AND THE BUILDING ACT 2016.

2. THE CLIENT HAS ADVISED THAT THE EXISTING BUILDING IS CLASSIFIED AS A CLASS 2 BUILDING.

3. THE EXISTING BUILDING IS CLASSIFIED AS A CLASS 2 BUILDING.

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10. THE EXISTING BUILDING IS CLASSIFIED AS A CLASS 2 BUILDING.

Revisions @ Amended according to L.A. officers notes.
R009/12
Revision A: More Building Control notes added 18/12/13

COM PASS Architectural & Construction	
DAISFIELD BUSINESS CENTRE SUITE 301 APPLEBY STREET BLACKBURN LANCASHIRE BB1 3BE TEL: 01254 493922	
CLIENT	ASIAN MUSLIM CULTURAL CENTRE 5/7 SUTHERLAND AVENUE (BASEMENT), MANDA VALE, LONDON W9 2HE
PROJECT TITLE	ALTERATIONS TO EXISTING MUSLIM CULTURAL CENTRE IN BASEMENT OF 346/8 HARROW ROAD
DRAWING TITLE	PROPOSED PLANS
DRAWING STATUS	BUILDING REGULATIONS
DRAWING NO.	04
DATE	18/12/2013
DESIGNER	COM PASS
PROJECT MANAGER	COM PASS

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DRAFT DECISION LETTER

Address: 5-7 Sutherland Avenue, London, W9 2HE,

Proposal: Use of basement floors of Nos.5-7 Sutherland Avenue and Nos.346-348 Harrow Road as a community centre (Class D2) by the Asian Muslim Cultural Centre.

Plan Nos: 01A, 03, 04B and Design and Access Statement by Compass Architectural and Consultants.

Case Officer: Victoria Coelho

Direct Tel. No. 020 7641 6204

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

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

- 2 Only the Asian Muslim Cultural Centre can carry out the community centre use. No one else may benefit from this permission.

Reason:

Because of the special circumstances of this case we need to control future use of the premises if the Asian Muslim Cultural Centre leaves. This is as set out in SOC1 of our Unitary Development Plan that we adopted in January 2007. (R06AB)

- 3 The community centre use allowed by this permission can continue until 31 August 2017. After that the land must return to its previous condition and use. (C03AA)

Reason:

So that we can assess the effect of the use and make sure it meets SOC1, TRANS2, TRANS22 and ENV6 of our Unitary Development Plan that we adopted in January 2007 and S34, S29, S32 and S34 of Westminster's City Plan that we adopted in July 2016. (R03CB)

- 4 You must not allow more than 80 people into the basement community centre at any one time. (C05HA)

Reason:

To protect the environment of the neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

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- 5 No amplified music or prayers shall be played on the premises.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S29, S32 and S34 of Westminster's City Plan (July 2016) and ENV 6 and SOC1 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 6 The basement community centre use hereby approved shall only be accessed via the entrance on Harrow Road. The entrance in Sutherland Avenue shall only be used as a means of emergency escape in the event of emergency. The access on Fosco Mews shall only be used as a means for disabled access or as a means of escape in the event of emergency.

Reason:

To protect the noise environment of the neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 and SOC 1 of our Unitary Development Plan that we adopted in January 2007. (R21CC)

- 7 Within 2 months of the date of this permission, you must apply to us for approval of an Community Centre Management Plan that includes details of how you manage the following aspects of the community centre use:

- (a) How visitors entering and leaving the community centre will be controlled so that they do not cause noise disturbance to neighbouring residents or obstruct the public highway.
- (b) Measures to be put in place to encourage visitors to park vehicles in accordance with local parking restrictions.
- (c) Measures to minimise noise breakout from the community centre when it is in use.

You must then operate the community centre use in accordance with the Community Centre Management Plan that we approve, unless or until we approve an alternative Community Centre Management Plan.

Reason:

To make sure that the use will not cause a noise nuisance for people in the area and to prevent obstruction of the public highway outside the premises. This is as set out in S29, S32 and S41 of Westminster's City Plan (July 2016) and ENV 6, TRANS 3 and TRANS22 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 8 Users and visitors of the community centre shall not be permitted within the premises before 05:00 or after 00:00 hours (midnight) each day. (C12AD)

Reason:

To protect neighbouring residents from late night noise nuisance, as set out in S29 and S32 of Westminster's City Plan (July 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13FB)

- 9 Within 2 months of the date of this decision letter you must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored

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separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the community centre within one month of the date on which we approve the details that you submit pursuant to this condition. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (July 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

10 Within 2 months of the date of this decision letter, you must apply to us for approval of a Travel Plan. The Travel Plan must include details of:

- (a) A comprehensive survey of all users of the community centre;
- (b) Targets set in the Plan to reduce car journeys to the community centre;
- (c) Details of how the Travel Plan will be regularly monitored and amended, if necessary, if targets identified in the Plan are not being met over the year long period of this permission.

You must then carry out the community centre use in accordance with the Travel Plan that we approve.

Reason:

In the interests of public safety, to avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in S41 of Westminster's City Plan (July 2016) and TRANS 2, TRANS 3 and TRANS 15 of our Unitary Development Plan that we adopted in January 2007. (R45AB)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (July 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the advertisement above the entrance to the community centre in Harrow Road may require the benefit of separate advertisement consent.
- 3 In respect of the Travel Plan required by Condition 10, at the end of this temporary one year permission you should review the effectiveness of the Travel Plan and set out in a report any

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changes you would make to the Plan to overcome any identified problems. This report and an amended Travel Plan should be submitted along with any future planning application you may make to continue the use of the basement area as a community centre beyond the expiry of this temporary permission.

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.