

Registration Date:	29-Jan-2013	Applic. No:	P/02523/011
Officer:	Mr Smyth	Ward:	Foxborough
		Applic type:	
		13 week date:	
Applicant:	Mr. Waqas Choudhery, Dawat-e-Islami		
Agent:			
Location:	27, Cheviot Road, Slough, SL3 8LA		
Proposal:	CHANGE OF USE FROM LICENSED MEMBERS SOCIAL CLUB (SUI GENERIS) TO ISLAMIC COMMUNITY AND TEACHING CENTRE AND PLACE OF WORSHIP (CLASS DI) AND RETENTION OF SECOND FLOOR FLAT (CLASS C3)		

**Recommendation: Delegate to the Head of Planning Policy and Projects**



## 1.0 **SUMMARY OF RECOMMENDATION**

1.1 Having considered the relevant Policies below and the additional information provided by the applicant, officers are of the view that the development can be considered to be acceptable subject to adequate controls being retained over parking and traffic.

1.2 Delegate the application to the Head of Planning Policy and Projects for completion of a Section Planning Obligation Agreement, finalising conditions and final determination.

1.3 This application is of a type which is normally determined under Officer powers of delegation, however, the application has been called in by Ward Councillor Plimmer for determination by Planning Committee, on the following grounds:

- The planning application submitted on 25th September 2012 by Dawat-e-Islami charitable organisation is to convert the former Langley Village Club into an Islamic Community & Teaching Centre through change of use to class D1, however the planning application on the SBC website claims this is a change of use from licensed members club to Islamic community centre and place of worship. The floor plans include the conversion of the 1st floor into a dedicated prayer hall as a mosque rather than as a teaching and community centre.
- The objections from local residents in Cheviot Road, Mendip Close, Quantock Close and Grampian Way are that there are only 35 parking spaces available in the Langley Village Club site therefore where will the additional car parking be available during weekday evenings and weekends when local residents are at home with their cars parked out in the surrounding streets?
- Residents fear serious traffic congestion in Cheviot Road and surrounding roads which could occur when religious festivals such as Eid take place at the proposed place of worship.
- Friday lunchtime prayers will take place at the same time as patient appointments at the adjacent Langley Medical Centre and also parents collecting their children from the morning session and dropping off their children off for the afternoon session at the Sure Start Centre and reception classes at Foxborough Primary School which is also adjacent to the proposed site in Common Road. These prayer times between 1-2 pm on Fridays could also cause traffic congestion in the surrounding area
- The applicant's travel plans do not mention the possibility of worshippers attending from outside of Slough potentially from the West London and Thames Valley areas for Friday prayers and major religious festivals.
- Local residents would wish to see temporary parking controls in place during major religious events.
- Concerned about what feasible alternatives are in place if neither of the car parks (Harvey Park & Parlaunt Road) being proposed are not available for use

## **PART A: BACKGROUND**

### 2.0 **Proposal**

2.1 An application was previously submitted for a *change of use from licensed members social club to Islamic Community and Teaching Centre*.

The further supporting information that accompanied that application stated the planned activities to include:

- Children's education classes
- Ladies study circle, probably twice weekly
- Adult Study Classes and Tuition
- Language courses: English, Arabic, Urdu
- Counselling & advice as required for community members eg on issues of drugs, domestic, marital, family etc.
- Education for special needs and disabled members of the community.

2.2 Upon reviewing the submitted plans it was apparent, at the time, that the first floor was being proposed as a prayer hall. In light of this, the description of the proposal was changed to: *Change of Use from Licensed Members Social Club (Sui Generis) to Islamic Community and Teaching Centre and Place of Worship (Class D1)*. That application has since been withdrawn.

2.3 The current application is a resubmission following the previous withdrawal. Notwithstanding the previous issue raised in terms of the description of the proposal as included on the planning application form, this remains as it was previously ie. "*Change of Use from Licensed Members Social Club to Islamic Community and Teaching Centre*". No changes have been made to the proposed floor plans, which include: on the ground floor, the accommodation will comprise 2 no. classrooms, reception, committee room, entrance hall with reception toilets and store. At first floor the accommodation will comprise prayers hall, toilets, kitchen and stairs. There is no change to the second floor two bedroom flat, which is accessed via the clubhouse and is to be retained for a caretaker or project manager. As there has been no change to the floor plans this planning application has been registered as a ***Change of Use from Licensed Members Social Club (Sui Generis) to Islamic Community and Teaching Centre and Place of Worship (Class D1) and Retention of Second Floor Residential Flat***". The applicant has not challenged the Council's revised description.

2.4 Also as with the previous application, the total gross internal floorspace is shown as 305 sq m. However, it has been established that this is the footprint and not the total internal floorspace, which excluding the second floor flat equates to 610 sq m. The dimensions of the building have been verified by reference to the original planning permission.

2.5 There is an existing on site car parking for 35 no. cars.

2.6 Additional information has been provided in support of the application, which builds upon the statement as submitted in support of the previous application and seeks to address a number of issues that arose during the life of that application. The statement sets out more information about Dawat-e-Islami as an organisation and use of the building as a Teaching and Community Centre, including information on classes, class sizes and operating hours, and for which it is stated that the existing car park would be more than adequate. Most classes will start after 6.30pm after the health centre and school have closed.

2.7 With respect to Friday prayers and on the 2 no. special days, the applicants acknowledged that additional people will be use the facility and in the event that the car park becomes full, worshippers will be directed by stewards to the nearby car parks in Harvey Park and in Parlaunt Road. A minibus shuttle service will be available to provide transport for worshippers travelling between the centre and the car parks.

2.8 The applicants have submitted a transport statement/travel plan. The travel plan sets out the site's characteristics, the main objectives of the travel plan, the travel plan strategy, the roles and responsibilities of the travel plan coordinator including management support, monitoring and reporting and action plan details. An organisational plan is also attached.

### 3.0 **Application Site**

3.1 The site comprises a two storey social club with a residential flat within the roof space. The site is served by its own car park which provides car parking for up to 35 no. cars. The building contains some full height windows although most windows are high level, designed to minimise noise outbreak.

3.2 Adjoining the site to the north east is the Langley Health Centre and car park. To the south of the host property is a four storey block of flats, beyond which is Foxborough Primary School. To the south and west of the site is two storey terraced housing. Currently, there are no on- street parking restrictions in place within the vicinity of the site.

### 4.0 **Site History**

4.1 There is an extensive planning history for this site, but the relevant site history is set out below.

P/02523/008, Demolition of existing buildings and erection of two and four storey buildings to provide 30 flats, 11 houses and a new village club house (including stewards flat) (amended plans dated 27/05/02, , 12/07/02, 30/08/02). Approved 20-Jun-2003

P/02523/009, Installation of 2 smokers shelter canopies and a brick pillar to create additional front entrance door. Approved 17-Oct-2007

The social club was constructed following a grant of planning permission in 2003 for demolition of existing buildings and erection of two and four storey buildings to provide 30 flats, 11 houses and a new village club house. Formerly the wider site contained a larger single storey village club, car park and 2 no. large Council owned houses.

4.2 A previous application reference P/02523/011 was submitted for a similar use, but was withdrawn by the applicants, following an indication from Planning Officers that the application was to be recommended for refusal and before it was due to be heard at Planning Committee.

### 5.0 **Neighbour Notification**

5.1 Langley Health Centre,  
Headteacher, Foxborough Primary School  
1 – 12, 14 – 17 Sir Robert Mews  
2 – 12, 14 – 30 (even nos ) Cheviot Road  
19, 49 Cheviot Road

10 – 16 & 25 – 38 Mendip Close  
27 – 35 Quantock Close  
1 – 5 Yiewsley Terrace

Letters of Objection have been received from 10, 12, 33, 36 Mendip Close, 14 Cheviot Road, 36 Seacourt Road, Governing Body of Foxborough Primary School. The main reasons for objecting are summarised below and are similar in nature to those raised previously in respect of the earlier application:

- Cheviot Road is very busy for parking due to Langley health centre being next door and for which parking commences at around 7.30 am and lasts through to early evening, with parking spilling over onto Cheviot Road itself, Mendip close and the club itself. This situation is aggravated by parking for Foxborough primary school.
- Cheviot Road is the only road into and out of the Foxborough estate and constantly busy
- A change of use to mosque will generate much more traffic than the club did.
- What provisions are there to prevent parking from the proposed mosque spilling over onto neighbouring roads, particularly on Islamic holy days and on prayer day each Friday
- Increased noise and disturbance and in particular external noise from the car park and its users, impacting on the outdoor learning experiences of pupils at Foxborough School and Islamic calls for prayer which could involve the use of external speakers.
- Users may be asked to walk but in reality most will drive.
- Use of the car parks in Harvey Park and Parlaunt Road will force shoppers to park in surrounding residential streets.
- The occupier of 36 Seacourt Road works in Chalvey and has first hand knowledge of the parking issues that occur in surrounding roads near to the Islamic Centre.

Late consultation letter sent to the Site Controllers Bungalow at Foxborough School. The 21 day consultation period expires on 23rd April 2013 and any comments received will be reported on the Amendment Sheet.

5.2 A petition has been received containing 11 no. signatures from 5 no. separate addresses. In addition to the points set out above, the following additional comments are made:

- The average number of people attending Friday prayers in a mosque or place of worship is 421 whilst Eid stands at 613 according to research conducted by the Charity Commission.
- Another dimension is that a Muslim is required to pray 5 times a day with most prayer times falling in the day time during activity hours when most people need to go in and out of the neighbourhood
- The Transport Plan is flawed. How will the travel plan be monitored and enforced in future years when the numbers will have certainly grown. The issue is not simply about congestion caused by cars but also by the numbers of people attending.

One letter of support has been received from the occupiers of 1 Yiewsley Terrace. A further e mail in support has also been received but which is not identified by address.

5.2 A petition has been received from objectors to the proposal. The objection relates to traffic congestion and parking. The petition contains 659 signatures. This is in addition to the petition which was submitted in respect of the previous planning application which contained 255 signatures opposing the application.

The previous petition comprised 200 no. standard letters of objection which have been signed on an individual basis. On the reverse side of most of these sheets, but not all, were minutes of a meeting held by the Foxborough Tenants and Residents Association, held on 8th September 2012, to discuss three alternative uses for the Langley Club based upon the bids received. Being a standard letter, the reasons for objecting are common to all petitioners, that being on grounds of traffic and parking:

*“that we are already virtually up to capacity with parking and that there are potential hazards in a number of places: the doctors surgery is open all day, queues beginning form at 0.7.30; the local primary school, just 100 metres from the surgery, has access problems; the school has special needs classes, whose pupils arrive and leave at different times between 08.45 and 16.30; the redwood House ambulance needs constant access; Cheviot Road, Mendip Close, Common Road, Eden Close, Quantock Close, Sir Roberts mews, Humber way, Raymond Road and Tamar way are frequently at capacity with parked cars and heavy congestion; large vehicles, waste-disposal lorries, coaches etc etc already frequently bring the area to a near standstill; as most of the garage sites have been – or are going to be- demolished, more and more cars and vans have been parked on the highway, with the result that you take your life in your hands when crossing the road; there is only one exit to the estate and even if a second was created, it would not solve congestion at the top of Cheviot road, a problem highlighted by Fiona Mactaggart, our member of Parliament.*

*It must be emphasised that this is in no way anti-Islam, but merely opposition to a potential parking problem in an area and on an estate which is creaking at the seams”*

In addition a further 55 no. signatures were collected, with a general objection to the proposal, but without any detailed reasons given. When collecting signatures information was also gathered relating to car ownership. This revealed that the 255 signatories owned a total of 91 no. cars.

5.3 A new petition in support of the proposals has not been submitted in respect of the current application, but a petition, in support of the proposals, containing 402 signatures, was submitted in respect of the previous application. The basis for the petition was as follows:

*“We the undersigned request the Council to give permission to open an Islamic Community Centre in Langley. We require this for our community events and for our children on weekends. We believe 27 Cheviot Road SL3 9LA is a suitable building for a community centre with ample parking, there is no such facility in Langley currently and we ask the Council to allow us to use this building for our community use”.*

A second petition/undertaking containing 251 no. signatures from 103 no. separate addresses was also submitted in relation to the previous application. It was determined at that time that 39 (35%) of those addresses listed duplicated addresses in the first petition. That undertaking set out the following:

*“We the undersigned residents of Foxborough Ward (Slough Borough Council) give formal undertaking to the Planning Committee with regards to a potential car parking issue by changing the premises from D2 to D1 usage, that we shall walk to and from the Islamic community and teaching centre of Dawateislami located at 27 Cheviot Road Slough SL3 8LA and will promote this practice accordingly”.*

A new undertaking has not been submitted to support the current application, but with the applicants seeking to rely on a copy of the undertaking to walk which was submitted in support of the previous application.

6.0

### **Consultation**

6.1

#### **Transport & highways**

Following the submission of further information in respect of the previous application, the transport and highways engineers revised their comments to read as follows:

*Further information has been supplied by the applicant in terms of the size of the development and the proposed use of the hall and the comments provide an updated recommendation of the proposed development.*

#### **Development Proposal**

*The applicant states that the building will be used:*

- mainly on evenings and weekends;*
- community activities and classes will be held in the evenings and weekends after both the school and health centre will be closed;*
- Friday prayers will be between 13.00-14.00 – this will not coincide with school traffic*
- facility for local people who live in Langley (Foxborough ward) meaning that these people will not have to travel to other facilities elsewhere in the Borough*
- the applicant assumes that 90% of people will walk to the site for Friday prayers as the catchment area for the Centre will be Langley*
- Maximum number of people expected is 300 on special occasion days. Please note this is the maximum and this number of people will only attend the building a few times a year.*
- The building will mainly be used for education classes for adults and children which will start after 4.30pm. There will be a few classes in the evening, each class will consist of 15-20 people. There will be 50-60 people in the building at any one time during the week. On weekends there will be about 60-100 people in the building in the evenings.*

#### **Assessment Against Local Plan Parking Standards**

*D1 places of worship require 1 space per 10m<sup>2</sup> for car parking provision, so against the gross floor area the development requires 61 spaces. However if one looks specifically at the use of each part of the building a case could be made that the hall which measures 217m<sup>2</sup>, would require 22 parking spaces under the adopted parking standards. The ground floor facilities should be considered under D1 Further Education, which requires 1 space per member of staff, plus 1 space per 3 non-teaching staff, plus 1 space per 3 students. Therefore against current parking standards for this use class the level of provision meets the standards. Although the planning case officer has advised that it would be very difficult to prevent the ground floor of the building being used for prayers as well and therefore a greater proportion of the building should be considered under the standard of 1space per 10m<sup>2</sup>. In the case of this particular development, one does need to make sure that the level of parking provision can accommodate the*

development peaks and that if parking cannot be accommodated within the site car park then there should be facilities that provide parking without saturating the local residential streets.

### **Parking Concerns During Peak Periods**

Following the submission of further information in relation to this application and complaints about the operation of the recently opened Islamic Centre at Westward House on Montrose Avenue, which have been made since I made my original comments, I am concerned that my initial comments may have overlooked a genuine concern that there is likely to be a shortage of parking. At the Westward House site the Council has received complaints that the area of the building being used as a prayer hall is larger than what was given permission for and as a result the building is generating a higher number of trips and greater parking demand. Whilst the applicant has re-iterated that the catchment area for the Centre is Langley, this will not stop people travelling to the site by the car. If people are travelling from work to the prayer hall on a Friday there are only a limited number of employment establishments within a short walk distance of the site; therefore the suggestion of 90 percent of centre users arriving by foot is considered unrealistic.

Another element of local concern is that there is already high demand for parking within the immediate vicinity of the site, with the patients from the adjacent Health Centre capitalizing on the empty Social Club car park and on my site visit at 10.00 on 12/12/12 the Social club car park was close to capacity. Patients are also parking in the vicinity of the health centre / social club on-street. I would suspect that any future occupier of the Social Club would seek to prevent patients from parking in their car park if it was affecting their operation. Therefore the streets around the centre will become much busier in parking terms than the existing situation now. Whilst the health centre parking issues are not a material consideration within this application I think one does need to take account of the impact of periods of high parking demand on local residents.

### **Consistency of Assessment in terms of Parking with other Sites**

In terms of considering this application one does need to consider how other recent applications have been assessed. The most recent similar sites that have received consent are Islamic Centres at :

- 68-72 Ragstone Road – 783m<sup>2</sup> with 34 parking spaces – 1 space per 23m<sup>2</sup> - extension to site was agreed at appeal
- Westward House, 39 Montrose Avenue – 932m<sup>2</sup> with 49 car parking spaces (311m<sup>2</sup> for prayer hall) – 1 space per 19m<sup>2</sup>
- 339-345 Bath Road – 574m<sup>2</sup> with 24 car parking spaces (1 space per 24m<sup>2</sup>)
- proposed development - 610m<sup>2</sup> with 35 car parking spaces (1 space per 17m<sup>2</sup>)

### **Proximity to Places of Work**

- Montrose Avenue - close proximity to the Slough Trading Estate, Perth Trading Estate and the businesses and shops on Farnham Road;
- 339-345 Bath Road close proximity to businesses and workplaces on the Slough Trading Estate, Bath Road Retail Park and Bath Road frontages
- Ragstone Road is within 520m of edge of Slough town centre and serves the Chalvey ward which contains a busy secondary shopping area and a number of small businesses
- proposed development is 950m from Hurricane Court development, the Harrow Centre in Langley 1.15km and Sutton lane development is 1.8km away



### **Proximity to Public Car Parks (Public and Private)**

*Whilst this was not a consideration when the other sites were considered, following their implementation it has become apparent that overspill parking does occur at public car parks in the vicinity of these sites:*

- Montrose Avenue – opposite Sainsburys car park on Farnham Road;*
- 339-345 Bath Road is opposite the Bath Road Retail Park car park;*
- Ragstone Road site – 400m to Jubilee River public car park, 850m from Herschel multi-storey car park*
- proposed site – the nearest public car parks is on Parlaunt Road 580m, 840m from Langley leisure Centre car park, and there is a Leisure Services car park at Harvey Memorial Park 440m from the site which is only operational at the weekend – use outside of this time would be subject to an agreement with SBC Leisure Services;*

*In terms of consistency with other applications, in terms of parking provision provided specifically for the development it has a similar number. In respect of proximity to work places there are no obvious large employers within 800m of the site (a 10 minute walk). In terms of additional car parks there are no public car parks within 400m (5 minute walk). There are some clear differences with this site to the other three sites.*

### **Travel Plan Measures**

*It is unlikely that travel plan measures on their own would be sufficient to encourage 90 percent of worshippers to travel to the site by non car means as suggested by the applicant. As no travel plan has been submitted it is difficult to be sure if any measures are to be proposed, but it would appear unlikely. The most effective measures would be to prevent worshippers from parking on-street, but this would have impacts on local residents as well and they would have to accept the implementation of a residents parking zone. This would cause some inconvenience to local residents as they would have to purchase permits to park on-street, compared to no charge now, also it would mean that their visitors would have to pay in future. The costs of implementing a scheme would be relatively high (which would be funded by the applicant through a S106 agreement) and the enforcement costs for the Council would also be high, which would not be covered by a S106 contribution. A residents parking scheme could only be implemented following public consultation and there is no guarantee that the scheme would be accepted by local residents.*

### **Summary and Recommendation**

*Taking account of the further submitted information and reflecting on our approach at other sites I do not believe that the applicant has made the case for this development and whilst it is consistent with the Parking Standards assuming the hall is only 217m<sup>2</sup>, a case could be made that the development should be providing a larger number of spaces. Information has not been submitted to date that supports the claim that 90 percent of worshippers will arrive on foot and therefore unless this claim backed up I think it is reasonable to assume that a greater proportion of worshippers will come by car. If 90 percent are not going to arrive on foot where will those who are driving going to park if the car park capacity is exceeded. Therefore I think the applicant should be given a final chance to provide further information, if this is not forthcoming or not sufficiently robust to defend the 90 percent mode share claim then the application should be refused as it does not contain sufficient information for the Local Highway Authority to determine the impacts of the proposed development on the safety and operation of the public highway and the wider transportation network. Therefore the proposed development is contrary to Slough Borough Council's*

*Core Strategy 2006-2026 Core Policy 7.*

**6.2 Neighbourhood Protection**

Neighbourhood Protection were not consulted in relation to the current application, but commented on the previous application that there were no objections to the proposed change of use from Club to Islamic Centre and that no complaints about noise were received when the building was used as a club.

**6.3 Licensing**

Under the terms of the current licence, the maximum capacity for the premises is 300 people. This is the maximum for the whole of the premises.

In addition there is an additional condition that states that 'Seats are available to accommodate 95% of the maximum capacity of the premises

**6.4 Thames Valley Police**

Late consultation sent. Any comments received will be reported on the Amendment Sheet.

**6.5 Building Control**

Guidance in the current building regulations for "Places of Assembly" would permit 1 person per 0.5 sq metre, standing. However, this figure can be distorted by a number of factors including means of escape, width of fire exits etc. The owners would be required to prepare a fire risk assessment, although this in itself would not fix a maximum number of persons.

Prior to the use commencing the applicants would need to obtain building regulations approval, which would include consideration of occupation levels.

**6.6 Parks Manager**

The Parks Manager has been approached by the applicant to determine the feasibility of the Harvey Park car park being leased by Dawateislami leasing the car park for use in connection with the centre for specific use during Friday prayers and on the two special days. This proposal is under consideration and discussions have taken place with the police. The outcome of those discussions is that the car park is to remain closed for general public use, this means that on week days it would be feasible to licence the car park to a specific group. However, this would be subject to the necessary legal checks and a decision by the Council that this would be supported.

**PART B: PLANNING APPRAISAL**

**7.0 Policy Background**

National Planning Policy Framework (NPPF)  
Core Policies 7, 8 and 11 of the Slough Local Development Framework, Core Strategy (2006 – 2026) Development Plan Document December 2008  
Policies EN1 and T2 of the adopted local plan for Slough 2004.

7.1 The proposal is assessed in relation to:

- Principle of the change of use
- Impact on neighbouring uses/occupiers
- Traffic and Parking

8.0 **Principle of the Change of Use**

8.1 The overarching Core Planning principles of the NPPF requires that planning *should always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings* (Paragraph 17). Paragraph 70 further states that: *To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should...plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.....and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

Core Policy 11 of the Slough Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008 states that: *The development of new facilities which serve the recognised diverse needs of local communities will be encouraged. All development should be easily accessible to all and everyone should have the same opportunities.*

8.1 The principle of using the building as *an Islamic Community and Teaching Centre and Place of Worship* is supported in planning terms as it would be an appropriate alternative use for the building and would serve as a local Islamic community facility and place of worship for the Langley area. However, concerns are expressed about the potential for traffic congestion and parking overspill onto surrounding residential streets as set out in the report below.

8.2 No objections are raised to the principle of the change of use in relation to paragraphs 17 and 70 of the NPPF nor Core Policy 11 of of the Slough Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008, subject to the resolution of traffic and parking issues which are discussed in the report below.

9.0 **Impact on Neighbouring Uses/Occupiers**

9.1 The overarching Core Planning principles of the NPPF requires that planning *should always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings* (Paragraph 17). Core Policy 8 of the Slough Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008 states that: *All development will respect its location and surroundings.* Policy EN1 of the Adopted Local plan for Slough states: *development proposals are required to reflect a high standard of design and must be compatible with and/or improve their surroundings in terms of relationship to nearby properties.*

9.2 The potential impacts identified relate to noise and disturbance. Significant noise outbreak from the building is considered to be unlikely given that it's most recent use was as a social club and as part of the original planning permission details of noise attenuation measures were required through planning condition. Notwithstanding this, a condition could be imposed requiring that there should be no increase in the ambient background noise when measured at the nearest noise sensitive boundary when the building is in use. Further, a limit on the total number of persons permitted to occupy the building at any one time can be limited through a S106 Agreement, for which more detail is set out in the report below.

External noise could occur as a result of people congregating in the car park, particularly late at night. However it is not proposed to change the current operating hours which are: 6.00 am to 23.00 pm daily. The Neighbourhood Protection Section has confirmed that no complaints about noise have been received whilst the building has operated as a social club. Another potential source of external noise could be through the use of external tannoy/loudspeakers. However, the applicant has confirmed that external tannoys/speakers will not be used and in any event, this can be regulated through the imposition of planning conditions.

9.3 No objections are raised on grounds of adverse impact on neighbouring uses/occupiers in relation to Core Policy 8 of the Slough Local Development Framework Core Strategy (2006 – 2026) Development Plan Document December 2008 nor Policy EN1 of the Adopted Local plan for Slough 2004 on the basis that, conditions can be imposed covering noise breakout, operating hours and a restriction on the use of external tannoy systems or loudspeakers. In addition maximum occupancy can be controlled through a section 106 Agreement.

10.0 **Traffic and Parking**

10.1 There are a total of 35 no. parking spaces available to serve the existing building. From the site visit it would appear that whilst the building is currently unoccupied, the car park is being used informally by visitors to the neighbouring health centre. The site visit was made on a Wednesday at 11.30 am and there were a total of 14 no. cars in the car park. In addition the adjacent health centre car park was almost full and there were additional cars parked on street. The existing use of the building is sui generis and with the absence of a specific car parking standard, this was previously assessed on its individual merits. The current proposal falls into Class D1, albeit there are varying parking standards within that use class depending on the actual use.

10.2 The approved parking standard for a place of worship is 1 space per 10 sq metres. On the basis of the submitted layout, only the first floor is proposed as a prayer hall. Taking the net floor area ie excluding circulation areas, toilet areas and kitchen, the total floor area is 215 sq m. requiring 22 no. car parking spaces and leaving a balance of 13 no. spaces to serve the ground floor which comprises 2 no. classrooms, reception and Committee room.

10.3 Assessing the planning application strictly on the basis of how it is proposed to be used and in accordance with the Council's approved car parking standards, it could be argued that a total of 35 car parking spaces would be sufficient, to support the use. However, drawing on local experience from other similar places of worship in Slough, where there are problems with parking spilling over onto neighbouring roads, it is considered that a total of 35 no. car parking spaces may prove to be inadequate. The applicant has advised that on special days, of which there are 2 no. in each calendar year, the maximum number of people attending would not exceed 300 people. The further issue is that both places of worship and community/education centres fall within the same D1 Use Class and which are interchangeable without the need for further planning permission, unless controlled through the imposition of a planning condition, but which would prove difficult to enforce against in practice.

10.4 Assuming a worst case scenario, in practice both ground and first floors, which would provide a total combined floorspace (excluding kitchens toilets and general

circulation areas) of 443 sq metres which could potentially be used for purposes of worship, as indeed may be necessary on special days to accommodate the maximum numbers of people anticipated. There is also the potential for marquees to be erected on the site to accommodate additional persons, on special days or at other times when larger numbers of people are anticipated and which being temporary structures would not need specific planning permission unless controlled by planning condition. In their previous application the applicants, advised that 90% of persons will walk to the centre and would be drawn primarily from the Langley/Foxborough area, although the basis for this figure is not known.

10.5 As stated in paragraph 5.3 above, an undertaking to walk, signed by a number of supporters, was received in respect of the previous application and which has been re-submitted in respect of the current proposal. Some analysis as to the location and distribution of the addresses of the signatories was undertaken at the time of the previous application and which is set out below.

*Officers have carried out some analysis based upon the distribution of addresses given on the petition and cross referencing this information to guidance on suggested walking distances as provided in document “providing for journeys on foot”, published by the Institution of Highways and Transportation in 2000. The Council’s Highways and Transport Consultant advises that this document has been used quite widely in planning appeals.*

*Table 3.2 below is taken from this document.*

**Suggested Acceptable Walking Distances**

	<b>Town Centres (m)</b>	<b>Commuting/ School Sight – seeing (m)</b>	<b>Elsewhere (m)</b>
<b>Desirable</b>	<b>200</b>	<b>500</b>	<b>400</b>
<b>Acceptable</b>	<b>400</b>	<b>1000</b>	<b>800</b>
<b>Preferred Max</b>	<b>800</b>	<b>2000</b>	<b>1200</b>

*The Council’s Highway and transport engineer is of the view that anybody living within 400m (0.25 mile) of the facility will walk. Given that the prayers occur during the middle of the day when many will be at work or school then I think we can quite reasonably assume that a lower percentage of people will walk as the journey time increases. The Transport and Highways engineer suggests that:*

- 75% of people who live within 800m will walk
- 50% of those who live within 1200m will walk
- 25% of those who live greater than 1200m will walk

*The table below provides a snap shot of the petition in support of the proposal. It includes most but not all addresses provided, as not all of the addresses could be identified.*

*Of the total number of addresses identified from the petition, the following information can be deduced:*

- 47 addresses from within 9 identified streets are within the recommended desired 400 m distance/ 5 minute walk or less from the proposal property.

*100% of persons living within this zone would walk.*

- 23 addresses within 4 identified streets are within the recommended acceptable 800m distance/ 10 minutes walk of the proposal property. 75% of persons living within this zone may walk*
- 11 addresses within 8 identified streets are within the recommended maximum 1200m distance/ 10 minutes walk of the proposal property. 50% of persons living within this zone may walk*
- 97 addresses within 50 identified streets are located beyond the recommended walking distance of 1200m from the proposal property. 25% of persons living more than 1200m from the proposal property may walk.*

*On the basis of the above information provided by the petition, it is estimated from the various locations of the addresses given that approximately 52% of people may walk to the proposal property and 48% would drive or use other modes of travel. It is assumed that as the petition does extend to those areas identified in the table below, that it is expected that persons will travel from those areas to use the facility. The applicant has advised that on holy days the maximum number of people attending prayers would be 300 no. It is not clear how many people would be expected to attend on regular prayer days held during the day time on a Friday. However, assuming the worst case scenario of 300 persons, then based upon the analysis as set out above, there is the potential for up to approximately 144 no. persons to travel by car to the facility. The existing car park can only accommodate 35 no. parked cars.*

- 10.6 The applicant has responded to this analysis with a more detailed breakdown of the persons who have signed the undertaking and which has been used in their response to queries raised by officers. Taking into account that a number of the signatories were female and would not attend the facility for prayers and given that there are several signatures from each property, the applicant has proposed a different scenario:

*We also submitted another undertaking to the council with the current application which states that people will walk to the proposed centre. Please find attached analysis (2) which shows that there are at least 128 females who signed the undertaking. Please note these females will not attend Friday prayers and special occasion days. These females have been included in the above figures which is not realistic. So if we take these 128 females out of the undertaking, we are left with only 142 people who should be included in the undertaking.*

*Looking closely at the undertaking it can be seen that it has been signed from only 106 households. We believe the above percentages should be calculated on the number of households not the number of people as most definitely people from the same household will come in the same car and not bring one car each.*

*Analysis (2) of the undertaking signed by 270 people shows:*

*33 households are within a five minute walk or 400 metres so 100% will walk*

*39 households are within 0.5 miles or a 10 minute walk. 75% of these will walk, so 30 households will walk and 9 will come by car.*

*12 households are with 1200 metres. 50% of these will walk, so 6 households will walk and 6 will come by car*

*22 households are above 1200 metres away 25% of these will walk, so 6*

*households will walk and 16 households will come by car*

*This shows that a total of 31 cars will come to the centre*

*The existing car park can accommodate 35 cars, Also mentioned in the travel plan submitted we will encourage car sharing. The undertaking signed was from less than 50 roads. This shows that the people who signed the undertaking live close by and it will be convenient for them to share cars with their neighbours and other people who live close by. We will share details of people who live close to each other to encourage them to travel together.*

- 10.5 What is clear is that an analysis of statistical data alone is unlikely to provide a clear picture of what may occur on the ground. Local experience would seem to suggest that such facilities can and do result in traffic congestion and parking overspill onto surrounding roads. Without there being adequate controls in place, Officers have concerns about the adequacy of existing car parking and the implications for traffic congestion and parking overspill, particularly as the local planning authority would have little or no control over an intensification of the use from combined education and community centre and place of worship to a place of worship only, with its obvious implications for visitor numbers, traffic and parking.
- 10.6 The way forward is seen as robust travel plan supported by the introduction of a residents controlled parking scheme. Whilst the applicant has submitted a travel plan, this has been evaluated by the Council's transport advisers and a number of suggestions have been made to improve its robustness. The Council's transport advisers are currently working with the applicants to secure a robust and sustainable travel plan.  
The working draft is attached in Appendix 1.
- 10.7 However, for such a travel plan to be effective, it is essential that the targets are set out in that travel plan. The targets will be met by implementing the detailed measures set out in the travel plan. To determine whether or not these targets are being met will necessitate an independent survey being undertaken, which would be funded by the applicant and there would be regular meetings with the Council around the time of reporting. The applicant would be required to pay a travel plan monitoring fee to the Council as is the normal practice in respect of travel plans. Should a situation develop whereby the targets are consistently not being met, then the Council must retain the power to ensure that the use shall cease, by seeking an injunction from the courts. However, this must be a last result in the event that negotiations completely break down. This would need to be achieved through a bilateral s106 Agreement.
- 10.8 Hand in hand with this measure, it is proposed that the Council seek a financial contribution to fund changes to the Road Traffic Order, to allow the introduction of a resident's only parking scheme. The financial contribution to cover the costs of consulting with residents on the scheme and the administrative charges, together with the physical measures associated with the marking out of the bays on street and signage. In the event that the local residents do not vote in favour of a resident's only parking scheme that the money be used to implement other measures which are as yet to be determined. Payment of the financial contribution would also form an obligation in the S106 Agreement.
- 10.9 It is further proposed that the S106 Agreement contains a clause which would restrict the total number of persons occupying the building to not more than 300

at any one time and that prayers be restricted to the first floor of the building only. In the event that this maximum number is being consistently exceeded that the applicant would be required to submit a fresh planning application or seek a variation to the S106 Agreement to vary the total number. Failure to do either could result in the use having to cease, for which the Council could seek an injunction from the courts.

10.10 The Heads of Terms for a Section 106 are as follows:

- Prior to the use commencing the applicant shall pay the sum of £20,000 to the Council to cover the cost of implementing a change to the Road Traffic Order to allow the introduction of a resident's only parking scheme in the local area. The contribution would cover the consultation, administrative and implementation costs associated with scheme. In the event that the residents vote against the introduction of a resident's only parking scheme that the money be spent on other parking related measures, which are to be defined.
- To meet the targets set out in the travel plan which will be incorporated into the S106 Agreement. Should a situation develop whereby the targets are consistently not being met, then the use shall cease, until such time as a way forward can be agreed with the Council
- Pay the Council's travel plan monitoring fee of £3,000 to cover a 5 year period.
- The applicant to fund independent surveys to verify compliance with travel plan targets. The person or persons undertaking the surveys to be approved by the Council.
- The maximum number of persons permitted to occupy the building at any one time is not to exceed 300 and prayers are to be confined to the first floor only except on the 2 no. special occasion days (to be defined). In the event that this maximum number is being consistently exceeded that the applicant would be required to submit a fresh planning application or seek a variation to the S106 Agreement to vary the total number. Failure to do either would result in the use having to cease.

10.10 The draft Heads of Terms have been given to the applicant and whose acting solicitors have responded initially as follows:

1. *My client is grateful for the proposed change of use from a Licenced Members Social Club to an Islamic Community and Teaching Centre and Place of Worship within user Class D1 (ground and first floor of property) and retention of the residential flat (second floor of property). In this regard, my client does not understand why prayers may only be undertaken on the first floor of the property. There are two concerns. Firstly, the first floor probably does not hold 300 people though a survey and fire regulations inspection need to be undertaken to confirm this. Secondly, it is not within my client's gift or Islamic practice to turn people away in the event the number exceeds 300. In view of the fact the property has a ground floor and that this ground floor will also enjoy Class D1 use, would it be possible to agree that the principle place for prayers is the first floor but that the ground floor can be used in the event of high numbers attending prayer?*

Officer's Response: The change of use has not been approved. At this stage it is an application for planning permission which is to be reported to Planning Committee at its Meeting on 8<sup>th</sup> May 2013. The restriction to the first floor for prayers, reflects the plans submitted and there is a



concern that the whole building could be used solely for prayers in the future without this restriction in place, as has been the experience elsewhere in Slough. As a concession and in a response to the applicants request it has been agreed that this restriction can be lifted on the two special days (to be defined in the agreement) whereby the whole building may be used. The maximum figure of 300 people is the figure provided by the applicant as part of the planning application. It also reflects the maximum number of people who were permitted to occupy the building under the licence given in respect of the social club. The Council has been assured by the applicant that the maximum number of 300 is only likely to be reached on the two special days and not as a rule during Friday prayers. If the 300 maximum given is not a realistic number then the application should have reflected this. **Not agreed**

2. *My client notes the cost of the travel plan monitoring fee at £3,000. My client notes that this will fund monitoring for the 5 year period. My client is agreeable to meet the costs of this.*

Officer Response: For purposes of clarification, this relates to the Council's monitoring costs and not that of the applicant/occupier.

3. *My client notes the cost of putting a residents only parking scheme in place within the locality, in the sum £20,000. Similarly to the travel monitoring plan, my client does not wish to challenge the proposed cost of this although it is felt to be a greater level than anticipated. My client would however ask that rather than assuming the monitoring process will reveal the need for change to the Road Traffic Order within the locality, my client would prefer that any agreement with the Council should have a mechanism for triggering a payment of £20,000 in the event such a change is required, rather than assuming this to be the case prior to any monitoring and the change of use commencing. My client would be open to your reasonable suggestions for the list of triggering events which would draw a conclusion a parking issue had arising within the locality as a result of my client's use of the property.*

Officer's Response: As per the normal situation in a planning agreement financial payments such as that referred to are normally required either on signing of the agreement or prior to the use commencing. Relating payments to trigger points or non specific time periods can make it difficult for the Council to be able to secure the funds. **Not agreed.**

4. *You have proposed within your e-mail that a Section 106 Agreement be put in place. However, it is understood that 27 Cheviot Road does meet the size criteria for a Section 106 Agreement and I would be grateful if you could please confirm to me why a Section 106 Agreement is appropriate in this case rather than some other mechanism for putting in place the above proposals so that I can explain this to my client*

4. Officer's Response: As far as is known there is no size criteria which triggers a S106 Agreement. The purpose of the agreement is to allow planning permission to be granted by requiring measures to be put in place, which are reasonably related to the development, but without which the proposal would not be acceptable in planning terms, which is the situation here. **Not Agreed**

Whilst the applicant appears to have accepted the principle of a Section 106 Agreement, clearly there is still further negotiation to be undertaken before further progress can be made. It is anticipated that such negotiation will continue during the period up to the date of the Meeting and any additional information will be reported on the Amendment Sheet.

## 11.0 **Process**

11.1 Following an amendment (Amendment 2) to the Town and Country Planning (Development Management Procedure) Order 20012 , which was effective from the 1st December 2012, there is now an obligation on the local planning authority that a decision notice shall include a statement explaining how, in dealing with the application, the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.

Following withdrawal of the previous application there have been discussions with the applicant to determine what measures can be put into place such that the application can be supported. Such measures to include a Section 106 Agreement, setting out obligations upon the applicant (as described above). In addition there are ongoing meetings between the Council's transport engineers and the applicants to secure a robust and sustainable travel plan.

It is considered that the local planning authority has worked proactively with the applicant to try and resolve issues of visitor numbers, parking and traffic. Subject to adequate safeguards in respect of visitor numbers parking and traffic, it is considered that the proposed use would improve the economic social and environmental conditions of the area and as such does accord with the National Planning Policy Framework.

11.2 In reaching this recommendation, officers have had due regard to the provisions of Section 149 of the Equality Act 2010 and have sought to seek a positive outcome to this application to meet the needs of a local community group in accordance with Core Policy 11 (Social Cohesiveness) of the Slough Local Development Framework Core Strategy Development Plan Document . At the same time officers have sought to protect the amenities enjoyed by existing local residents, by ensuring that controls are in place through mitigation, to be able to address the concerns of traffic and parking, in accordance with measures to be set out in a Section 106 Agreement.

## **PART C: RECOMMENDATION**

### 12.0 **Recommendation**

12.1 Delegate the application to the Head of Planning Policy and Projects for completion of a Section Planning Obligation Agreement, finalising conditions and final determination.

12.2 In the event that a Section 106 Agreement is not completed that the Head of Planning Policy and Projects reserves the right to refuse planning permission for the following reason.

*A holding objection is raised on the grounds that the applicant has failed to enter*

*into a Section 106 Planning Obligation Agreement for the purposes of regulating traffic congestion and parking within the vicinity of the site through the implementation of a travel plan which is designed to encourage alternative modes of travel to the private motor car in accordance with the aims and objectives of the Integrated Transport Strategy, parking controls and maximum occupation numbers, necessary to ensure that the proposed use when considered in conjunction with other parking intensive uses in the locality, including the neighbouring health clinic and school, will not result in localised traffic congestion and parking overspill onto surrounding residential streets, to the detriment of general highway safety and amenities of local residents. The proposed use is thereby contrary to Core Policy 7 of the Slough Local Development Framework Core Strategy(2006 – 2026) Development Plan Document December 2008.*

12.3 Set out below are the draft planning conditions, in the event that the application receives Member support. The detailed wording of the conditions would be finalised by officers, in the event that agreement can be reached with respect to the Section 106 obligations.

1. Time, 3 years
2. Approved Drawings
3. Hours of use 06.00am – 23.00pm daily including bank holidays
4. No external speakers/tannoys
5. Minimum of 35 no. car parking spaces to be maintained at all times.
6. No marquees to be erected on the site
7. No increase in ambient noise levels at the nearest noise sensitive boundary.
8. Maximum numbers (if not included in final S106 Agreement)
9. Prayers to be carried out on the first floor only (if not included in final S106 Agreement)
10. Second floor to remain in residential use.