

**Location** 356 Cricklewood Lane London NW2 2QH

**Reference:** 20/3715/S73 Received: 12th August 2020  
Accepted: 14th August 2020

**Ward:** Childs Hill Expiry 9th October 2020

**Case Officer:** Andrew Turner

**Applicant:** Mr Mohammed Daulatzai

**Proposal:** Variation of conditions 3 (Occupied hours) and 5 (Permitted occupants) of planning permission F/00302/10 dated 25/03/2010 for 'Change of use from Class Sui Generis (car show room) to Class D1 (community facilities). Internal and external alterations to include removal of ramp and windows'. Variation of hours stated within condition 3, to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers. Variation of allowing 50 people instead of 30 people as stated within condition 5. Variations to also include removal of conditions 6 (sound insulation) and 7 (extraction and ventilation) [AMENDED DESCRIPTION AND PLANS]

## **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:  
Proposed plan and elevations - 263/02; Existing plan and elevations - 263/01, Site Location Plan, The London Central Mosque Trust Ltd. & The Islamic Cultural Centre 2020 Islamic Calendar, Existing Ground Floor Plan PC/2020/001, Updated Noise

Management Plan, January 2022 by SM Design Consulting Studio (dated 1st January 2022) and Planning Statement And Revised Design And Access Statement dated 11th October 2021.

Reason:

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

- 2 The building shall not be occupied before 11:30am or after 10:45pm from Monday to Sunday, except for a maximum of 1 hour and 30 minutes outside of these hours to accommodate prayers only.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 3 The use hereby permitted shall be occupied as a community facility only and for no other purpose (including any other purpose in Class F1) under the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020.

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 4 The proposed use hereby permitted shall be occupied by no more than 50 people at any time.

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 5 The level of noise emitted from any plant on the site shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 6 The development shall hereafter be carried out in accordance with the Updated Noise Management Plan, January 2022 by SM Design Consulting Studio (dated 1st January 2022).

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

- 7 Within 3 months of the date of this permission, the applicant shall provide to the Local Planning Authority, a named point of contact for community and council liaison purposes.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies D13 and D14 of the London Plan 2021.

### **Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 This Notice relates solely to a planning decision and does not purport to convey any approval or consent which may be required under the Building Regulations or any other statutory purpose.

### **OFFICER'S ASSESSMENT**

## **1. Site Description**

The application site is the ground floor of 356 Cricklewood Lane located on the corner of Cricklewood Lane and Sunnyside, one of the designated local shopping frontages within the Borough. The application site is used as a Class F1(f) (formerly D1) Islam community centre.

The wider street comprises of commercial /retail activity at ground floor level with office and residential accommodation at upper floors.

The building is not listed and is not located within a conservation area.

## **2. Site History**

Reference: F/00302/10

Address: 356 Cricklewood Lane, London, NW2 2QH

Decision: Approved subject to conditions

Decision Date: 25 March 2010

Description: Change of use from Class Sui Generis (car show room) to Class D1 (community facilities). Internal and external alterations to include removal of ramp and windows.

## **3. Proposal**

Variation of conditions: 3 (Occupied hours) and 5 (Permitted occupants) of planning permission F/00302/10 dated 25/03/2010 for 'Change of use from Class Sui Generis (car show room) to Class D1 (community facilities). Internal and external alterations to include removal of ramp and windows'. Variation of hours stated within condition 3, to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers. Variation of allowing 50 people instead of 30 people as stated within condition 5. Variations to also include removal of conditions 6 (sound insulation) and 7 (extraction and ventilation).

Condition 3 reads:

"The building shall not be occupied before 8am or after 10pm on weekdays and Saturday, nor before 10am or after 8pm on Sundays and shall be closed on Bank and Public Holidays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties."

Condition 5 reads:

"The proposed use hereby permitted shall be occupied by no more than 30 people at any one time.

Reason:

To protect the amenities of local residential occupiers"

Condition 6 reads:

"The development shall be constructed/ adapted so as to provide sufficient air borne and

structure borne sound insulation against internally/ externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

A scheme of mitigated measures shall be submitted to and approval by the Local Planning Authority prior to development. The approved mitigated scheme shall be implemented in its entirety before (an of the units are occupied/ the use commences).

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties."

Condition 7 reads:

"Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties."

The applicant has submitted a Noise Management Plan to try to minimise the amount of unnecessary noise and overcome the concerns of the Council's Environmental Health Officer. It is titled Updated Noise Management Plan, January 2022 and proposed by SM Design Consulting Studio (dated 1st January 2022).

It should be noted that the current application does not seek to change the use as it was originally granted planning permission for. Therefore, the permission for the community use as approved does not change and the application does not seek to address the nature of the community use.

#### **4. Public Consultation**

Consultation letters were sent to 117 neighbouring properties. Following amendments made to the proposal, a re-consultation was undertaken.

15 objections have been received in the initial round of public consultations. They can be summarised as follows:

- Impact on traffic on Fridays at prayer times.
- Question whether 90% of attendees arrive by foot.
- Overcrowding. Fire risk from increased attendees.
- Initial application was for a community centre, not for a mosque but current use operates as one
- Neasden tube station not within a 15 minute walk
- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents
- There has already been more than 30 people there using the property at any one time
- Users of the property were unneighbourly (being noisy outside the property, drinking and leaving/ throwing rubbish outside)
- Mosque should be moved to another location
- Applicants have not put in sound proofing
- Users in frequent breach of current opening hours

- Increased capacity will reduce the ability to socially distance during the period of social distancing
- Difficulty for residents to follow social distancing guidelines when getting into and out of their property
- Property is on a small residential street and is a small building with no parking facilities for the property and not appropriate for mosque to be here
- Inadequate toilet and washing facilities

18 objections were received in the second round of public consultations. They can be summarised as follows:

- Most attendees do not walk to the centre. Therefore a detrimental impact on traffic on Fridays at prayer times.
- The change of converting the property from a community centre to a place of worship (notably a mosque) in underhand
- Originally, there was the intention to have restrictions of the use at night and only a couple of times of year would the premises be able to open late at night
- Detrimental impact of having a large group of people in small area
- Detrimental impact to remove the sound proofing and extraction and ventilation
- Detrimental impact from noise on neighbouring residential amenities from increased numbers of people late at night lingering around the block
- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents
- Carrying items a long way to the block is not a feasible
- Application seems to have been done retrospectively
- Difficulty walking on pavements due to large numbers of people queuing outside
- Detrimental impact on parking nearby
- Users of the site often disregard the resident bay parking restrictions
- Neighbourhood cannot accommodate such large numbers of people: unable to socially distance when queuing outside
- Initial application was for a community centre, not for a mosque but current use operates as one
- Mosque should be moved to another location

Since the publication of the officer's report, two additional objections were received on 16th June 2022. The comments can be summarised as follows:

Firstly, detrimental impact on neighbours from additional noise, business, traffic and general inconvenience. Also lack of need to still meet in person, being able to meet online instead.

Secondly, use of microphone on site until early hours of the morning has a detrimental effect on the amenity of nearby residents.

### *Internal Consultees*

The Council's Environmental Health officer was consulted on the application.

The Council's Environmental Health officer requested a noise management plan to cover the following issues:

- Details related to Summertime/wintertime prayer calendar.
- Signage (Patrons to respect neighbours and keep noise to a minimum)
- Arrival and departure noise mitigation measures to minimise disturbance to local

residents (prevention of congregating outside).

- Proposed use of entrances.
- Assurance of no external means of noise amplification.
- Details of any internal speakers.
- Travel plan to promote the use of local public transport.
- Point of contact for community/council liaison.

A Noise Management Plan was submitted by the applicant and the Council's Environmental Health officer was satisfied with the plan.

Regarding the variation to condition 3: the hours the building is occupied, the Council's Environmental Health officer stated "Amendments to hours as proposed could cause some confusion with the summer time extension to an hour and a half...

... I believe Ramadan dates change yearly so could become confusing to enforce if needed? I would be happy for them to be given 1.5h all year round and given that they will unlikely need the additional time outside of Ramadan it shouldn't be an issue."

Following discussions with the applicant and amendments made to the scheme, the Council's Environmental Health officer was satisfied with variation of condition 3 to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers.

The Council's Environmental Health officer was also satisfied with the increase in the permitted occupants from 30 to 50.

Regarding the removal of conditions 6, 7 and 8, the Council's Environmental Health officer stated:

"Looking at noise, as long as no means of voice amplification are used internally or externally I do not see an issue regarding noise. I do see there may be concerns regarding traffic with increased occupancy but this is not within my remit."

Also "As for condition 6, based on that we haven't received any complaints regarding the internal noise of the facility over its operation I would say that this can be discharged. Levels of insulation are likely to be sufficient if no reports have been made.

As for the aircon unit if we could get confirmation if that belongs to the centre or not then we can look at discharging condition 7/8."

The case officer confirmed with the applicant that the air conditioning units have been part of the premises since 2014.

Following this, the environmental health officer was content with the removal of condition 6 in the absence of complaints to the environmental health team regarding these issues.

The Environmental Health officer was also content with the removal of condition 7 given that the air conditioning unit had been there since 2014 and no complaints had been raised with Environmental Health concerning issues with the air-conditioning unit specifically.

The Environmental Health office advised that condition 8 should remain. This is a condition re compliance with the standard noise level.

The Council's Highways officer was consulted on the application. They stated:

"The proposed variation of condition 3 and condition 5 is unlikely to have a significant highways impact.

The increase of 20 worshippers should not result in a significant number of additional vehicle trips and is therefore unlikely to have a noticeable network impact.

In terms of opening hours, the extended hours are unlikely to create any significant network issues and measures to encourage sustainable travel are likely to be effective as the site is in a CPZ and from a highways perspective the site has good access to public transport.

Highways would raise no objection to the proposed variations to conditions 3 and 5."

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.



- Relevant Development Management Policies: DM01, DM02, DM04, DM12, DM13, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways issues;

## **5.3 Assessment of proposals**

### Impact on the character of the area

It is important that a ny scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 of the London Plan) in respect of the impact on the character of an area.

It is noted that the application is for an existing permission to be amended. Therefore there is no in-principle objection to the use. All of the reasons for the conditions being attached to the original permission were regarding protecting the amenities of neighbouring occupiers as detailed above. Therefore there are no proposed significant changes to the external façade of the building, with no operational development extending the building in any way. The only changes will be the erection of notices to inform occupiers of the need to be respectful in their levels of noise when inside the building and entering and exiting the building directly outside the premises as detailed in the Noise Management Plan January 2022.

Therefore, the impact on the character of the area will be negligible and as such the proposal is not considered to cause undue harm to the character of the area, thus complying with policy DM01.

### Impact on the amenities of neighbours

#### *The increased opening hours (condition 3):*

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Policy DM13 of Barnet's Development Management Policies Document DPD (2012) states that in point b:

*New community or educational uses will be expected to protect the amenity of residential properties.*

Policy DM01 seeks to protect the impact of development on the amenities of neighbouring occupiers. The explanatory text for policy DM04 states:

*Proposals should seek to minimise any adverse impact... by controlling the hours of use*

The explanatory text for policy DM04 states:

Noise can reduce the quality of life of people living or working in the borough. Planning controls can help to minimise noise disturbance in new developments with planning conditions used to control the operating hours of a particular source of noise.

Condition 3 of planning permission F/00302/10 dated 25/03/2010 states:

*The building shall not be occupied before 8am or after 10pm on weekdays and Saturdays, nor before 10am or after 8pm on Sunday and shall be closed on Bank and Public Holidays*

Reason:

To ensure that the development does not prejudice the amenities of occupiers of adjoining residential properties.

As noted above, following discussions with the applicant and amendments made to the scheme, the Council's Environmental Health officer was satisfied with variation of condition 3 to allow opening hours of 11:30 am - 10:45 pm from Monday - Sunday with a maximum of 1 hour 30 minutes use outside these hours per day to accommodate prayers. This was considered to provide enough flexibility for special prayer times which arise around the time of Ramadan and the requirements to pray in line with their lunar calendar, whilst still ensuring an adequate level of protection for the amenity of neighbouring properties. It also ensures that the planning condition remains easily enforceable, not changing the opening hours to be in line with the Lunar calendar, which had been previously suggested by the applicant.

Therefore, the proposed changes in opening hours is considered to be acceptable and in compliance with DM01 and DM04.

*Increase in the number of permitted occupiers (Condition 5)*

Condition 5 of the planning permission F/00302/10 dated 25/03/2010 states:

*the proposed use hereby permitted shall be occupied by no more than 30 people at any one time.*

Reason:

To protect the amenities of local residential occupiers.

Changes are proposed to condition 5 to allow a maximum of 50 occupiers of the property at any one time.

The Council's Environmental Health officer was also satisfied with the increase in the permitted occupants from 30 to 50.

Given that the primary use of the premises is used for prayers which is a relatively quiet activity, it was considered that a maximum number of 50 would allow a sufficient number of people to use the premises as their place of worship to pray whilst still maintaining the amenities of the neighbouring occupiers.

Therefore, the proposed changes in the permitted number of occupiers is considered to be acceptable and in compliance with DM01 and DM04.

*Removal of the Requirement to Submit and Have Approved Sound Insulation Prior to Occupation (Condition 6):*

Condition 6 of the planning permission F/00302/10 dated 25/03/2010 states:

*The development shall be constructed/ adapted so as to provide sufficient air borne sound insulation against internally/ externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the (specified use) as measured within habitable room of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in the bedrooms from 11pm to 7am.*

A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied/ the use commences).

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties.

The applicant has submitted a Noise Management Plan to try to minimise the amount of unnecessary noise and overcome the concerns of the Council's Environmental Health Officer. It is titled Updated Noise Management Plan, January 2022 and proposed by SM Design Consulting Studio (dated 1st January 2022). The most relevant issues covered in the Plan include the following:

- Confirming there was no existing or proposed internal or external voice amplification systems.
- Introducing a marshal reminding attending and departing congregational members

that conversations inside should be kept to a minimum.

- Subject to planning permission being granted, the applicant will provide within the next 12 weeks' appropriate point of contact for community and council liaison. This will help in the dialogue between the Council and the users of the property to address any further concerns which may arise concerning noise issues going forward.

As noted above, the environmental health officer was consulted regarding the removal of condition 6 as part of this variation of condition application. The officer was content with the removal of conditions 6, in the absence of complaints to the environmental health team regarding noise being made since the initial planning permission was approved and with no existing or proposed internal or external voice amplification systems.

Therefore, the proposed removal of condition 6 of the planning permission F/00302/10 dated 25/03/2010 is considered to be acceptable and in compliance with DM01 and DM04.

Condition 7 of the planning permission F/00302/10 dated 25/03/2010 states:

*Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.*

Reason:

To ensure that the proposed development does not prejudice the enjoyment of amenities of occupiers of adjoining residential properties.

As noted above, the environmental health officer was consulted regarding the removal of condition 7 as part of this variation of condition application. The officer was content with the removal of condition 7 given that an air conditioning unit had been in use since 2014 and there had been no complaints to the environmental health team regarding the air conditioning being made since the initial planning permission was approved.

Therefore, the proposed removal of condition 7 of the planning permission F/00302/10 dated 25/03/2010 is considered to be acceptable and in compliance with DM01 and DM04.

### Impact on Highways

It is important that any scheme addresses the relevant development plan policies (for example policy DM17 of the Barnet Local Plan and policy T4 of the London Plan) in respect of the impact on travel and parking standards. With regards to a transport assessment, in considering planning applications for new development, the council will require developers to submit a full Transport Assessment (as defined by Department for Transport threshold) where the proposed development is anticipated to have significant transport implications in order to ensure that these impacts are considered. With regard to parking management, the council will expect development to provide parking in accordance with the London Plan standards. Policy D13 and of the London Plan 2021 states:

The Noise Management Plan sets out measures to encourage sustainable modes of transport for the users of the site. This includes:

- The Imam strongly advising attendees wherever possible to use public transport or to walk to the Centre
- Car sharing/taxi sharing (particularly for the elderly and disabled individuals) with

other attendees will also be actively encouraged.

- Those attendees arriving by car will be instructed to park at nearby public car parks or at paid spaces on the main road and not at resident permit sites.

The Council's Highways officer was consulted as part of this scheme. They were satisfied that the variations of conditions 3 and 5 would not have any significant impact on highways. They were satisfied that additional number of worshippers should not result in any significant numbers of vehicle trips or noticeable highway network impact. The extended opening hours was judged to not cause any significant network issue. The measures to encourage sustainable travel laid out in the Traffic Management Plan were deemed to be effective as the site is within a CPZ and from a highways perspective because of the good access to public transport, having a PTAL rating of 4.

Therefore taking all of this into account, the development proposal is not considered to have any undue impacts on the highways network or parking, complying with policy DM17.

#### **5.4 Response to Public Consultation**

- Impact on traffic on Fridays at prayer times.

Response: This was covered in the body of the report

- Question whether 90% of attendees arrive by foot.

Response: the highways officer was satisfied that the goal of sustainable transport for getting to and from the site and limiting car use for the elderly and disabled was acceptable.

- Overcrowding. Fire risk from increased attendees.

Response: this was not considered to be of concern for the environmental health officer. The proposed number of people occupying the site is considered to be acceptable, especially given the nature of the use.

- Initial application was for a community centre, not for a mosque but current use operates as one

Response: This has been addressed in the body of the report. Notwithstanding this, the comment has been taken into account as part of this application.

- Neasden tube station not within a 15 minute walk

Response: this has been noted. It appears to be an error in naming the nearby station which is indeed Golders Green tube station and is a 15 minute walk. This has been duly noted and taken into account.

- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents

Response: This has been addressed in the body of the report.

- There has already been more than 30 people there using the property at any one time

Response: any breaking of the current permission is a planning enforcement matter. The application must be determined on its planning merits.

- Users of the property were unneighbourly (being noisy outside the property, drinking and leaving/ throwing rubbish outside)

Response: this was addressed in the Noise Management Plan (as amended) and, following consultation from the environmental health officer is now considered acceptable.

- Applicants have not put in sound proofing

Response: the environmental health officer is satisfied with the current proposal to remove the condition to submit details of the sound proofing give the age of the use and there being no complaint to environmental health regarding the noise. This is echoed through the concerns with noise being from the use outside the premises.

- Users in frequent breach of current opening hours

Response: any breaking of the current permission is a planning enforcement matter. The application must be determined on its planning merits.

- Increased capacity will reduce the ability to socially distance during the period of social distancing

Response: the need to socially distance is something which is everchanging. This also falls outside of the jurisdiction of planning to control for an ongoing use.

- Difficulty for residents to follow social distancing guidelines when getting into and out of their property

Response: the issue of congregating outside the premises has been satisfactorily addressed through the Noise Management Plan. The need to socially distance is something which is everchanging. This also falls outside of the jurisdiction of planning to control for an ongoing use.

- Property is on a small residential street and is a small building with no parking facilities for the property and not appropriate for mosque to be here

Response: This has been addressed in the body of the report.

- Mosque should be left as it is without the removal of sound proofing.

Response: The existing sound proofing will not be removed or changed. The removal of the condition is only removing the need to submit details of the existing soundproofing. There is still a condition restricting the maximum noise from plant on the premises (originally condition 8).

- Inadequate toilet and washing facilities

Response: This was not highlighted by environmental health as being a concern. The existing facilities are considered to be appropriate.

- Most attendees do not walk to the centre. Therefore a detrimental impact on traffic

on Fridays at prayer times.

Response: the highways officer was satisfied that the goal of sustainable transport for getting to and from the site and limit car use for the elderly and disabled was acceptable.

- The change of converting the property from a community centre to a place of worship (notably a mosque) is underhand

Response: This has been addressed in the body of the report. Notwithstanding this, the comment has been taken into account as part of this application.

- Originally, there was the intention to have restrictions of the use at night and only a couple of times of year would the premises be able to open late at night

Response: the proposed opening hours would ensure a balance of protecting the neighbouring residential amenity with the enforceability of the opening hours as well as the right to worship for the occupiers.

- Detrimental impact of having a large group of people in small area

Response: it was considered to be acceptable by the environmental health officer to have groups of up to 50 people in the community centre at one time. This number is only likely to happen on Friday Prayers and during special times of fasting and praying during times of Ramadan. Therefore on balance this is considered acceptable.

- Detrimental impact to remove the sound proofing and extraction and ventilation

Response: The existing sound proofing will not be removed or changed. The removal of the condition is only removing the need to submit details of the existing soundproofing. There is still a condition restricting the maximum noise of plant at the premises (originally condition 8).

- Detrimental impact from noise on neighbouring residential amenities from increased numbers of people late at night lingering around the block

Response: this is deemed to have been adequately addressed in the applicant's Noise Management Plan

- Detrimental impact on parking for residents during prayer times, the evenings and during religious festivals. This includes some disabled residents

Response: if the resident parking CPZ restrictions are not being adhered to by the occupiers, this should be addressed through highways parking enforcement

- Carrying items a long way to the block is not feasible

Response: the current parking arrangements, with the correct enforcement of the resident parking CPZ is considered acceptable. This was not raised as a concern by the Council's Highways Officer.

- Application seems to have been done retrospectively

Response: this application is not a retrospective planning application as it seeks to amend

a previous permission. Whether the previous permission has not been adhered to is a matter for planning enforcement. The current application will be judged on its own merits.

- Difficulty walking on pavements due to large numbers of people queuing outside

Response: This has been adequately addressed in the applicant's Noise Management Plan

- Detrimental impact on parking nearby

Response: the current parking arrangements, with the correct enforcement of the resident parking CPZ and the correct implementation of the Noise Management Report, should be acceptable for the proposed increase in occupiers of the building. This was not raised as a concern by the Council's Highways Officer.

- Users of the site often disregard the resident bay parking restrictions

Response: if the resident parking CPZ restrictions are not being adhered to by the occupiers, this should be addressed through highways parking enforcement

- Neighbourhood cannot accommodate such large numbers of people: unable to socially distance when queuing outside

Response: the ability to socially distance outside of a premises is not a material planning consideration. It would fall more under the property management of the site. Also, with regard to queuing outside the premises, this has been adequately addressed in the applicant's Noise Management Report.

- Initial application was for a community centre, not for a mosque but current use operates as one

Response: This has been addressed in the body of the report. Notwithstanding this, the comment has been taken into account as part of this application.

- Mosque should be moved to another location

Response: this is not a material planning consideration. The application must be considered on its merits

- Detrimental impact on neighbours from additional noise, business, traffic and general inconvenience. Also lack of need to still meet in person, being able to meet online instead.

Response: The impact on neighbours has been covered in the body of the report. The principle of the use has been established and therefore the principle and benefits of people meeting in person compared to meeting virtually has already been established. It is widely held that there are benefits for peoples' wellbeing, both spiritual, emotional and psychological through meetings in person. Whilst some people have chosen to meet virtually for prayer, particularly since the COVID-19 lockdowns, people should still be given the opportunity to meet in person for such activities whenever and wherever appropriate to do so.

- Use of microphone on site until early hours of the morning has a detrimental



effect on the amenity of nearby residents.

Response: The submitted updated Noise Management Plan (dated 1st January 2022) makes reference to internal noise under Issue 6- Details of any internal speakers. It confirms that:

There will be no internal speakers. Due to the compact internal dimensions of the ground floor and that the Imam provides prayers from a platform, the service will be vocally provided by the Imam. Vocal noise level will be at a minimum but sufficient for the indoor congregation to hear. There also will be no use of musical instruments or other internal apparatus that would affect noise level.

Also the control of noise issues is contained in the updated Noise Management Plan (dated 1st January 2022) which forms part of the recommended planning consent.

## **6. Equality and Diversity Issues**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to approve planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide, amongst other things, extended opening hours and an additional number of permitted occupiers of the building.

The planning authority have taken account of the impact on the character of the area and the impact on the amenity of neighbouring properties. The proposal is considered to have an acceptable impact in these regards and is compliant to Policies CS NPPF, CS1, CS5 and CS13 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

The positive impacts created by the proposed development on people of an Islamic religious persuasion, would outweigh any impacts on the character of the area and amenity of neighbouring properties. Potential adverse impacts can be addressed through the use of conditions.

It is considered that the proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### 7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

