
RECEIVED: 21 September, 2010

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: McNicholas House, Warehouses 1 & 3, Front car park & Yard,
McNicholas House, Kingsbury Road, London & 159 Townsend Lane,
London, NW9

PROPOSAL: Redevelopment of McNicholas House for mixed use to provide a temple building (Use Class D1); multi functional community facility (Use Class D2); the retention and refurbishment of part of existing office building to provide flexible accommodation for business (Class B1 Use); landscaped courtyard; alterations to the existing vehicular access point onto Townsend Lane and provision of surface parking for 91 cars.

APPLICANT: Shree Swaminarayan Sidhant Shjivan Mandal London

CONTACT: Loates-Taylor Shannon

PLAN NO'S:
See condition 2

RECOMMENDATION

Grant planning permission subject to referral to the Mayor of London and the Secretary of State as a departure from the development plan and subject to the completion of a satisfactory Section 106 or other legal agreement and delegate authority to the Head of Planning, or other duly authorised person, to agree the exact terms thereof on advice from the Borough Solicitor.

SECTION 106 DETAILS

The application requires a Section 106 Agreement, in order to secure the following benefits:

- (a) Payment of the Council's legal and other professional costs in (i) preparing and completing the agreement and (ii) monitoring and enforcing its performance
- (b) Prior to Occupation submit, gain approval for and adhere to a Travel Plan, to encompass all activities on site (including the retained office space) and supported by a Car Park Management Plan and Delivery & Servicing Plan and a strategy for weddings and special religious events, and a plan to monitor and evaluate the impact of weddings.
- (c) A contribution of £50,000, due on material start and index-linked from the date of committee, for Sustainable Transportation, Training and Open Space in the local area.
- (d) Sustainability - submission and compliance with the Sustainability check-list ensuring a minimum of 50% score is achieved and BREEAM Excellent on the new build, with compensation should it not be delivered. In addition to adhere to the Demolition Protocol.
- (e) Offset 47% of the site's carbon emissions (2010 baseline) through onsite renewable generation, including the use of a CHP. If proven to the Council's satisfaction that it's unfeasible, provide it off site through an in-lieu payment to the Council who will provide that level of offset renewable generation.
- (f) Prior to Occupation submit, gain approval for and adhere to a Community Access Plan,

covering hours and rates for public access to the onsite Sports facilities, for not less than 30 hours a week, covering lunch times, evening and at least one day each weekend, at rates and access requirements comparable to Council facilities.

- (g) Prior to occupation submit, gain approval for and adhere to a Temple & Community Hall Management Plan including control of weddings and Special Religious Events as follows:
 - (i) Unlimited combined temple and community hall uses with fewer than 200 people
 - (ii) Unlimited Event Sundays between 09.00-16.00 with fewer than 300 visitors
 - (iii) Unlimited Brent Community Access Saturdays (as part of the above Community Access Plan) between 09.00-16.00 except if a Special Small or Large Religious Event is scheduled
 - (iv) 12 no. Large Event Sundays between 09.00-16.00 between 300-450 visitors, with no more than 2 no. per month with a review after one year
 - (v) 4 no. Special Small Religious Event Days up to 500 visitors
 - (vi) 3 no. Special Large Religious Event Days up to 750 visitors
 - (vii) No more than 50 people using the community hall after 16.30 at weekends
- (h) Provide the ground floor (541sqm) of affordable office space to shell, core and utilities prior to Occupation of the Temple, the 1st Floor within 1 year after Occupation and the 2nd floor within 2 years. Should any floor be not more than 75% occupied for a 2 year period starting 6 months after being provided, to pay the Council £100,000 per floor toward local employment land enhancement and training initiatives.
- (i) A financial contribution, to be agreed, towards new pedestrian and cycle route, including a crossing on Townsend Lane
- (j) Join and adhere to the Considerate Contractors scheme.
- (k) Prior to Practical Completion, enter into a S278/S38 to provide works to widen and resurface the footways of Kingsbury Road and Townsend Lane along the site frontage in accordance with drawing 101392L01B (with a minimum of 3.5m total width along the Kingsbury Road site frontage) to include reinstatement of all existing lengths of redundant crossover to footway/verge and provision of street trees on both frontages and to offer the additional width to Brent Council as highway maintainable at public expense through an agreement under jointly S38/S278 of the Highways Act 1980
- (l) A bond figure to be identified to cover the costs of monitoring parking levels and the implementation of a CPZ if necessary

And to authorise the Head of Planning, or other duly authorised person, to refuse planning permission if the applicant has failed to demonstrate the ability to provide for the above terms and meet the policies of the Unitary Development Plan and Section 106 Planning Obligations Supplementary Planning Document by concluding an appropriate agreement.

EXISTING

The site is located within a designated Borough Employment Area BEA. The Kingsbury Road (BEA) is located in the north-east of the borough on the Kingsbury Road, an east-west link from the A5 (and the borough boundary) 650m to the east to Kingsbury Town Centre, 1.3km to the west. The subject site is located in the north-east corner of the BEA, on the junction of Kingsbury Road and Townsend Lane. Kingsbury Road is a four-lane London distributor road and Townsend Lane is a traffic-calmed local access road.

The site extends to approximately 0.75ha and contains offices and a warehouse with associated parking and manoeuvring area. The warehouse dates from the mid-50s, the main part of the front office perhaps slightly later and an extension to the office was built in the early 90s. Levels fall from the Kingsbury Road to the south, along Townsend Lane and the site is lower than its neighbour at its western edge.

The northern boundary is formed by Kingsbury Road, a London distributor road. On the opposite side of the road is a substantial raised highway verge and beyond are school playing fields. The eastern boundary is formed by Townsend Lane and opposite, the Silver Jubilee Park. To the south lies an area containing a mix of industrial buildings in various uses, which is split from the rest of the BEA to the west by the same levels break which affects the western edge of the subject site.

Beyond that lies residential uses in the form of two-storey terraced housing. The western boundary of the site is formed by a large retaining wall and a relatively new commercial building and its access road. Beyond that lies more mixed industrial, particularly car repair workshops.

The site currently has parking for 97 cars in total. This site does not lie within any Controlled Parking Zone and there is unrestricted on-street parking available at certain times in the vicinity of the site along Kingsbury Road and Townsend Lane. Sheltered parking bays have been provided along the northern side of Kingsbury Road opposite the site, but with restrictions preventing parking between 9.15-11.15am, whilst parking on the southern side of the road is generally prohibited during weekday peak hours. Waiting restrictions in Townsend Lane in the vicinity of this site prohibit parking between 8am and 6.30pm Mondays to Saturdays, but these restrictions do not apply south of Burgess Avenue.

None of the residential streets in the vicinity of the site are heavily parked during the day or at night, although the relatively narrow width of Townsend Lane does restrict parking to one side only.

Public transport access to the site is moderate (PTAL 2), with three bus services within 640 metres (two of which stop immediately outside the premises).

PROPOSAL

The application involves the demolition of part of McNicolas House and its associated warehouse and the construction of a traditional Shree Swaminarayan temple (use Class D1) and a multi-function community hall (Use Class D2). Part of McNicolas House would be retained and refurbished to provide flexible accommodation for a range of small business users (Class B1).

Alterations would be made to the existing vehicular access point from Townsend Lane to include a 6m wide crossover with 3m kerb radii from Townsend Lane and gates set 8m from the highway boundary, with parking for 91 vehicles in a new car park. Cycle parking is indicated for 48 bicycles in the northeastern corner of the site, plus a further 16 spaces alongside the refurbished office building.

Associated hard and soft landscaping works would be undertaken to form a landscaped courtyard with pedestrian access taken directly from Townsend Lane. A pedestrian access would also be provided to the temple from Kingsbury Road, although this access would not be DDA compliant.

Physical development

The proposal involves combining three different uses, with three different buildings and activities, around a central courtyard to form, in effect, a campus. The courtyard is bound to the north by the temple building, to the south by the multi-functional community building and the retained office building to the west. The courtyard would open out to the east, with a wide pedestrian entrance which would be gated outside of the main hours of operation. The car parking area will be located to the south west of the courtyard.

Temple building

The temple will comprise 2558sqm of Class D1 floorspace including a main hall for prayer meetings and religious ceremonies, classroom and teaching facilities, a kitchen, offices, stores, lavatories and ancillary accommodation for a caretaker and visiting dignitaries and their helpers.

The temple would be positioned on an east-west axis with the entrance steps and portico facing the east and the Silver Jubilee Park and the temple running parallel to Kingsbury Road, some 4m from the back edge of the footpath. Access to the complex would be taken from either Kingsbury Road or Townsend Lane via the courtyard area. The level on which the main prayer hall is located is elevated by steps from the external ground level. The lower ground floor of the temple is cut into the ground, so it is lower than Kingsbury Road by between 1.5-2.5m.

Office building

The retained part of the office building is located along the western edge of the site. A new entrance would be formed at the northern end of the building and pedestrian access would be provided from Kingsbury Road and vehicular access, deliveries and servicing would be from Townsend Lane, via the courtyard.

Multi-function community hall

The multi-functional community hall would be located to the south of the temple building, also fronting Townsend Lane, and would form the southern boundary of a public courtyard. The hall would comprise 1756sqm of Class D2 floorspace with changing facilities and a cafe and kitchen; the multifunction hall will be of adequate size to accommodate both sports and community events such as weddings. Access to the community hall will be taken from the courtyard.

Uses

Employment uses

The retained part of the office building would be 1597sqm, arranged over three floors. The ground floor would comprise a reception area and eight offices, ranging in size from 26-76sqm, totalling 337sqm of net internal area (NIA) office space. The first floor would also have eight offices, ranging from 12-87sqm, totalling 351sqm of NIA office space. The second floor would have eight offices, ranging in size from 7-87sqm, totalling 280sqm. The total amount of NIA office space would be 968sqm. Each floor would also have associated facilities including meeting rooms, tea points and W/Cs.

Office hours would be as follows:

Weekdays	09.00	to	17.30
Saturday	09.00	to	17.30
Sunday		Closed	

Community & temple uses

The temple community has existing facilities located at 847, 849 and 851 Finchley Road in Golders Green in the London Borough of Barnet; this application proposes the relocation of the temple to this site.

The temple, established in 1982, is run by Shree Swaminarayan Gadi Sansthan - Shree Swaminarayan Sidhant Sajivan Mandal, which is a registered Charity in the United Kingdom

As well as being a place of worship, the temple also has a community function including charitable activities; educational activities (including adult education, Gujarati classes, careers forum, cookery classes); music, arts and cultural academies (including pipe band, life essentials class, music academy, orchestra, dance academy); and the Shree Muktajeevan Sports Academy which caters for over 300 people aged 8 to 55 and has football, cricket, volleyball, badminton, netball and youth clubs.

The application is accompanied by a Design and Access Statement which includes details of the likely programme of activities. The temple would be used for prayer meeting and religious ceremonies, with classrooms and teaching facilities and accommodation for a caretaker and visiting dignitaries.

Regular prayer meetings are held each weekday:

Weekdays	Morning	09.30	to	10.00
	Evening	19.45	to	21.00

Morning prayer meetings would be attended by approximately 40 people, though allowing for staff and the use of the temple teaching facilities, the likely maximum number of temple users would be up to 70 people. The evening prayer meeting would be attended by up to 75 people; when staff and users of the teaching facilities are included, this gives a likely maximum 145 attendees. In terms of the community hall, it is envisaged that this would be used by the wider community according to a plan to be secured within a s106 obligation. On the basis that maximum use of the community hall will be sought, it can reasonably be expected that in addition to the above temple attendees, a further 35-40 people (including staff) may be present on site during the week, making use of the community hall. Employees from the office would also be present, with a maximum of 90 present during the day.

At the weekend the temple activities would intensify, with larger prayer meetings on both Saturday and Sunday evenings.

Weekends	Saturday	Morning	09.00	to	11.00
	Saturday	Evening	19.00	to	20.30
	Sunday	Morning	09.00	to	11.00
	Sunday	Evening	17.00	to	19.30

The Sunday evening service would be the busiest, with up to 460 temple users and staff present at peak time. Based on the current operation at Golders Green, it is anticipated that the maximum of 460 would occur only for a short period of time, which is estimated to be between the times of 18.30-19.00 as people arrive and depart at different times.

Saturday evening prayer meetings would be less busy, with up to 285 temple users and staff present, with a similarly brief period when the maximum would be achieved.

The community hall would function throughout the week as follows:

Weekdays	09.00	to	22.00
Weekends	09.00	to	22.00

During both the weekend evening prayer meetings the community hall would be functioning, albeit restricted only to sporting activities only, adding a further 37 attendees including staff to the people attending the prayer meetings.

During the daytime on Sundays—between the times of 09.00-16.00—it is proposed that the site would be used for Hindu weddings, limited to two a month and a maximum of 12. Similar to the prayer meetings, these events are attended by people who arrive and depart at different times with a peak of 450 visitors expected only for brief periods. During these events it is envisaged that the community hall and temple would not be available for any other function.

Six special religious events would occur throughout the year. These would be:

1. New Years Day Day varies max 750 visitors between 08.00-11.30, average 400 visitors throughout day
2. Anniversary Sunday max 750 visitors at peak, average 600 visitors throughout day
3. Four significant events Day varies max 500 visitors at peak

The first two are considered large and the last are considered small. Your officers have classified these as Special Large Religious Events and Special Small Religious Events respectively.

HISTORY

This is the first application for a change of use and comprehensive redevelopment. Other applications in the past have related to the office and warehouse operations. An enforcement case was opened in 2009 (E/09/0005 "the change of use of the premises into an event/function centre") but following an investigation and site visit by enforcement officers the case was concluded as no breach of planning control was established.

POLICY CONSIDERATIONS

Local

The development plan for the purposes of S54A of the Town and Country Planning Act is the Adopted Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan (Consolidated with Alterations since 2004).

Brent Unitary Development Plan 2004

Within the 2004 UDP the following list of policies are considered to be the most pertinent to the application.

Strategic

- STR3 In the interests of achieving sustainable development (including protecting greenfield sites), development of previously developed urban land will be maximised (including from conversions and changes of use).
- STR5 A pattern of development which reduces the need to travel, especially by car, will be achieved.
- STR9 Maintaining capacity of GLA Roads and London Distributor Roads.
- STR12 Planning decisions should protect public health and safety and in particular, support the achievements of targets within the National Air Quality Strategy.
- STR13 Environmentally sensitive forms of development will be sought.
- STR14 New development to make a positive contribution to improving the quality of the urban environment in Brent
- STR15 Major development should enhance the public realm.

Built Environment

- BE2 On townscape: local context & character states that proposals should be designed with regard to their local context, making a positive contribution to the character of the area.
- BE3 Relates to urban structure, space and movement and indicates that proposals should have regard for the existing urban grain, development patterns and density in the layout of development sites.
- BE4 States that developments shall include suitable access for people with disabilities.
- BE5 On urban clarity and safety stipulates that developments should be designed to be understandable to users, free from physical hazards and to reduce opportunities for crime.
- BE6 Discusses landscape design in the public realm and draws particular attention to the need to create designs which will reflect the way in which the area will actually be used and the character of the locality and surrounding buildings. Additionally, this policy highlights the importance of boundary treatments such as fencing and railings which complement the development and enhance the streetscene.
- BE7 Public Realm: Streetscene
- BE9 Seeks to ensure new buildings, alterations and extensions should embody a creative, high quality and appropriate design solution and should be designed to ensure that buildings are of a scale and design that respects the sunlighting, daylighting, privacy and outlook for existing and proposed residents.
- BE12 States that proposals should embody sustainable design principles commensurate with the scale and type of development.

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- TRN2 Development should benefit and not harm operation of public transport and should be located where access to public transport can service the scale and intensity of the proposed use
- TRN3 Directs a refusal where an application would cause or worsen an unacceptable environmental impact from traffic, noise, pollution it generates or if it was not easily and safely accessible to cyclists and pedestrians.
- TRN4 Measures to make transport impact acceptable
- TRN10 Walkable environments
- TRN11 The London cycle network, schemes should comply with PS16
- TRN12 Road safety and traffic management
- TRN13 Traffic calming
- TRN14 New highway layouts, visibility splayed and accesses to and within development should be designed to a satisfactory standard in terms of safety, function, acceptable speeds, lighting and appearance.
- TRN16 The London Road Network
- TRN20 London Distributor Roads
- TRN22 On parking standards for non-residential developments requires that developments should provide no more parking than the levels listed for that type of development.
- TRN30 Coaches and taxis should be accommodated to ensure unloading or alighting does not obstruct the highway
- TRN31 Design and land take of car parks.
- TRN34 The provision of servicing facilities is required in all development covered by the plan's standards in Appendix TRN2.
- TRN35 On transport access for disabled people and people with mobility difficulties states that development should have sufficient access to parking areas and public transport for disabled people, and that designated parking spaces should be set aside for disabled people in compliance with levels listed in PS15.
- PS6 Car parking standards – Class B
- PS10 Car parking standards – Class D2
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards
- PS19 Servicing standards – Class B

Employment

- EMP10 The environmental impact of employment development
- EMP14 Design of business developments

Tourism, Entertainment & the Arts

- TEA2 Location of small-scale tourist, visitor and arts, culture and entertainment facilities.

Open Space, Sport & Recreation

- OS19 Location of small-scale indoor sports facilities should comply with the principles of policy TEA2

Community Facilities

- CF2 Location of small scale community facilities
- CF4 Community facilities capable of holding functions should have an acceptable transport impact. Where the number and/or scale of functions could have an unacceptable impact on residential amenity these will be limited by condition.
- CF14 Places of worship permitted where there would be no loss of residential amenity or unacceptable transport impact.

Brent Core Strategy 2010

Adopted in July 2010, the Core Strategy has 12 strategic objectives:

- Objective 1: to promote economic performance & regeneration
- Objective 2: to meet employment needs and aid the regeneration of industry and business
- Objective 3: to enhance the vitality and viability of town centres
- Objective 4: to promote the arts and creative industries
- Objective 5: to meet social infrastructure needs
- Objective 6: to promote sports and other recreational activities
- Objective 7: to achieve housing growth and meet housing needs
- Objective 8: to reduce the need to travel and improve transport choices
- Objective 9: to protect and enhance Brent's environment
- Objective 10: to achieve sustainable development, mitigate & adapt to climate change
- Objective 11: to treat waste as a resource
- Objective 12: to promote healthy living and create a safe and secure environment

The following spatial policies are considered relevant to this application:

CP 1 Spatial development strategy

replaces STR1, EMP4

This sets out the spatial strategy, outlining where growth is to be focused.

CP 5 Place making

replaces none

Sets out requirements for place making when major development schemes are considered

CP 6 Design & density in place shaping

replaces none

Sets out the requirements for appropriate design and density levels for development

CP 15 Infrastructure to support development

replaces STR19

Requires that the infrastructure requirements of new development are met

CP18 Protection and enhancement of Open Space, Sports & Biodiversity

replaces STR33, 34, 35 & OS4, 6, 7, 8, 11 & 22

Protects all open space from inappropriate development. Promotes enhancements to open space, sports and biodiversity, particularly in areas of deficiency and where additional pressure on open space will be created

CP 19 Brent strategic climate mitigation and adaptation measures

replaces none

Highlights the need for new development to embody or contribute to climate mitigation objectives, especially in growth areas

CP 23 Protection of existing and provision of new community and cultural facilities

replaces STR31, STR37, STR38, TEA3, CF3, CF5

Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Supplementary Planning Guidance

SPG 17 "Design Guide for New Development" Adopted October 2001

Provides comprehensive and detailed design guidance for new development within the borough. The guidance specifically sets out advice relating to siting, landscaping, parking, design, scale, density and layout.

SPG19 "Sustainable Design, Construction & Pollution Control" Adopted April 2003

This supplementary planning guidance focuses on the principles and practice of designs that save energy, sustainable materials and recycling, saving water and controlling pollutants. It emphasises environmentally sensitive, forward-looking design, and is consistent with current government policy and industry best practice, aiming to be practicable and cost-effective.

SPD "Section 106 planning obligations"

Regional

London Plan 2008

The London Plan, which was adopted in February 2004 and revised in 2006 and 2008, sets out an integrated social, economic and environmental framework for the future development of London. The vision of the Plan is to ensure that London becomes a prosperous city, a city for people, an accessible city, a fair city and a green city. The plan identifies six objectives to ensure that the vision is realised:

- Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces
- Objective 2: To make London a healthier and better city for people to live in;
- Objective 3: To make London a more prosperous city with strong, and diverse long term economic growth
- Objective 4: To promote social inclusion and tackle deprivation and discrimination;
- Objective 5: To improve London's accessibility;
- Objective 6: To make London an exemplary world city in mitigating and adapting to climate change and a more attractive, well-designed and green city.

London Plan SPG

The Mayor's transport strategy
Industrial Capacity (March 2008)
Sustainable Design and Construction – Supplementary Planning Guidance (2006)
Accessible London: achieving an inclusive environment (April 2004)
Planning for Equality and Diversity in London (October 2007)

National

Planning Policy Statement 1 – Creating Sustainable Communities (2005)

This PPS replaces PPG1 – General Principle and Policy (Feb 1997) supports the reform programme and sets out the Government's vision for planning, and the key policies and principles, which should underpin the planning system. These are built around three themes: sustainable development – the purpose of the planning system; the spatial planning approach; and community involvement in planning.

Planning Policy Statement 4: Planning Sustainable Economic Growth

PPS4 consolidates the key economic policies of PPG4, PPG5 and PPS6 (and part of PPS7). PPS4 places retail and town centre development in its wider context, as 'economic development' which provides employment opportunities, generates wealth or produces an economic output or product. As such this contributes to the Government's overarching objective of 'sustainable economic growth'. It retains the key aspects of retail policies contained with PPS6, including the sequential test, retail scale and a revised impact assessment.

Planning Policy Guidance 13 – Transport (2001)

PPG13 outlines the Government's aim of achieving reduced car dependency via transport and planning policies that are integrated at the national, strategic and local level. The guidance places an emphasis on putting people before traffic, indicating that new development should help create

places that connect with each other sustainably, providing the right conditions to encourage walking, cycling and the use of public transport.

Other

Ramidus Consulting, *London Office Policy Review 2009*, Greater London Authority, November 2009

Arup Economics and Planning, *Employment Densities: A Full Guide*, July 2001, English Partnerships and the Regional Development Agencies, 2001.

SUSTAINABILITY ASSESSMENT

The application is supported by a Sustainability Appraisal and an Energy Statement (both prepared by Max Fordham Consulting Engineers) and a completed Sustainability Checklist (form TP6). These have been assessed by the Planning Service's sustainability officer who has provided comments.

The proposal is generally successful in addressing the environmental impacts such as reducing energy demand through passive design, thermal mass, efficient energy supply (CHP), renewables and rainwater harvesting. The high level of parking, however, detracts from much of the environmental gains made elsewhere; the measures to be taken to mitigate this are discussed in the Remarks section (e.g. provision of electric car charging points, a robust Travel Plan to affect a modal shift away from private cars and additional tree planting). Improvements can also be made in terms of materials use, green roof, wildlife improvements and organic waste composting.

Additional details should be submitted or conditioned:

- (i) SUDs proposals
- (ii) Green roof details & management plan
- (iii) Schematic of CHP system to demonstrate proposed CHP will supply to all onsite uses

The applicant's Sustainability Checklist scores 45.5 *fairly positive*, which falls short of the required 50% Very Positive score. The officer's assessment of the checklist is 42.5 and so the following improvements are required to meet 50%:

- (i) Available roof space for green roof is limited by proposal for PV panels. However roof space not used for renewables should be green roofs including a lightweight brown roof for refurbished office building to provide biodiversity benefits. Green roof details & management plan should be conditioned.
- (ii) Increase planting, particularly tree planting in the car park
- (iii) Further supporting information on materials use; the applicant's checklist scores poorly on this section (-20), improvements are required to improve this score and the overall checklist score to 50%. In particular, use of RCA concrete should be considered.
- (iv) Should also consider the potential for organic composting of food waste from the large commercial kitchen

BREEAM Excellent is a requirement of Core Strategy policy CP19. A pre-assessment has been submitted with the application, which indicates that the current design will achieve 57.52%; this falls short of the 70% required to achieve Excellent. A number of measures are identified in the pre-assessment report to improve the proposal to 74.85%. These measures—which include acoustic performance, adequate cyclist facilities, rainwater harvesting, use of A or A+ materials, green roof and wildlife improvements—should be incorporated to ensure the Excellent rating is achieved.

A BRE Design Stage Assessment will be required prior to commencement to demonstrate the proposal is on route to hit Excellent and a Post Construction Stage Assessment and Certificate will be required to demonstrate compliance prior to occupation. These matters would be secured in a section 106 agreement.

The proposed energy strategy is estimated to reduce CO2 emissions by 44%.

Energy efficiency measures are proposed, including passive design techniques and provision of a 30KW CHP. Passive design measures to reduce energy demand by 27% include the design of the temple as a heavyweight building which moderates temperature fluctuations; promoting natural ventilation with stack ventilation for main the hall areas, and; minimising overheating with high performance solar glazing and fixed external shading for south facing windows. Other measures to reduce energy use include light presence detectors, light level sensors and LED lighting.

No nearby district heat networks currently are proposed, however the temple has been designed to allow for connection to a wider network should one be forthcoming in the future. The on-site CHP is anticipated to reduce CO2 emissions by 11%. Space for 160m² of PV panels has been identified on the roof of the multifunctional hall, this is estimated to reduce CO2 emissions by 10%.

CONSULTATION

Local consultees

Local residents, business and schools etc within approximately 350m, or farther if along approach roads, were consulted by letter sent on 6 October (a total of 1467 letters). A press notice and site notices were posted on 11 October and 20 October respectively. Ward Councillors for Fryent and Welsh Harp, Springfield Estate Residents' Association and the QARA Group of Residents' Associations were also consulted.

Objections

To date (3 December) a total of 22 letters of objection have been received. Where multiple objections from one property are received, these are logged as only one objection.

The location (and number) of the objections can be summarised as follows:

Burgess Avenue	4
Church Lane	1
Coniston Gardens	4
Crummock Gardens	2
Elthorne Road	1
Hill View Gardens	1
Kingsbury Road	3
Meadow Way	1
Ruthin Close	1
Springfield Gardens	1
Sunnymead Road	1
Townsend Lane	1
Wakemans Hill Avenue	1

The reasons for objecting (and number) can be summarised as follows:

Principle

Contrary to Core Strategy policy CP20, resulting in loss of employment facility in Kingsbury – 1 resident

Loss of employment uses would establish a precedent for other changes of use – 1 resident

Concern about the fact the scheme has to include counter-terrorism measures – 1 resident

Design

Out of keeping with the character of the area – 6 residents

Traffic and parking

Overspill parking on neighbouring residential streets – 19 residents

Impact of additional traffic on congestion in the area – 16 residents

Traffic impact on highway safety – 8 residents

Impact on residential amenity

Noise pollution – 2 residents

Other

Would result in segregation of communities/benefits only one part of the community – 3 residents

Already sufficient numbers of temples in the borough – 3 residents

Not consulted – 1 residents

Noise and disturbance from construction – 2 residents

Increase in litter – 2 residents

Impact on Jubilee Park – 4 residents

Support

To date (17 November) a total of 426 letters and 8 petitions (with 368 signatories) supporting the scheme have been received. The Hindu Council UK, the Hindu Forum Britain and Barry Gardiner, MP for Brent North, have also written in support.

Statutory consultees

The Greater London Authority (GLA), Transport for London (TfL), Thames Water, Metropolitan Police and the London Borough of Barnet were all consulted on 6 October.

GLA

Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan on the following grounds:

1. Urban design: The applicant is advised to address issues relating to the design of the boundary wall, access to the temple building and car parking layout.
2. Inclusive design: Incorporation of further inclusive design strategies into the scheme is required.
3. Climate change mitigation and adaptation: Provide a table comparing the proposed values for energy efficiency parameters to those used in the 2010 Building Regulations Notional Building; provide a schematic drawing showing all proposed building uses (including the retained office building) and heat loads connected to the centralised boiler room; provide further information on the assumptions used to calculate the carbon dioxide savings from the proposed photovoltaic panels; provide the reduction in tonnes per year of regulated carbon dioxide emissions, and the percentage savings, compared to a 2010 Building Regulations compliant development.
4. Transport: Reduce the level of parking; provide further information on the impact of special events; review the results of trip generation; provide a construction logistics plan and a delivery and servicing plan; provide a car parking management plan and parking accumulation survey.

Discussion and a response to the above is provided in the *Remarks* section, sub-section 7.

TfL

See GLA comments, above

Thames Water

No objection with regards to sewerage infrastructure

Metropolitan Police

No comments received

London Borough of Barnet

No objection

Internal consultees

The Council's Transportation department and Parks service were consulted, along with officers within the Policy section of the Planning service to comment on matters of policy, landscape & trees, section 106 heads of terms and sustainability.

Transportation

No objections on transportation grounds subject to:

Section 106 Agreement to secure:

- (i) implementation of the submitted Travel Plan (to also encompass the retained office floorspace); and
- (ii) a financial contribution of £75,000 towards non-car access/highway safety improvements and/or parking controls in the vicinity of the site; and (iii) widening and resurfacing of the footways of Kingsbury Road and Townsend Lane along the site frontage in accordance with drawing 101392L01B (with a minimum of 3.5m total width along the Kingsbury Road site frontage) to include reinstatement of all existing lengths of redundant crossover to footway/verge and to offer the additional width to Brent Council as highway maintainable at public expense through an agreement under jointly S38/S278 of the Highways Act 1980; together with

and conditions requiring:

- (i) minor amendments to the access drive to include a protective kerbed margin alongside the substation and 4m kerb radii onto Townsend Lane; and
- (ii) a limit on the use of the community hall for major events of over 50 people after 4.30pm at weekends in order to limit the total attendance on the site to a manageable level,

Parks

No comments received.

Landscape & trees

No in principle objection to the proposal but landscape officers have some reservations. These are discussed in greater detail in the *Remarks* section, sub-section 6.

A Section 106 Agreement is required to secure the following:

- (i) Street tree planting along Kingsbury Road and Townsend Lane footways

And subject to conditions requiring:

- (i) A landscape maintenance and management plan
- (ii) Further details of the hard and soft landscape scheme including:
 - (i) A revised selection of trees
 - (ii) 300mm planting strip along southern and western boundaries at the rear of the parking bays, with arbours over some parking spaces
- (iii) Further details of the means of enclosure and specifically the boundary wall/railing on Townends Lane which should be more visually permeable and more sympathetic to the public realm/streetscape.
- (iv) Further details of SUDS

Sustainability

No objections on sustainability grounds subject to:

Section 106 Agreement to secure:

- (i) TP6 score min 50%
- (ii) BREEAM 'Excellent'

- (iii) Site wide CHP & a min. of 160 sqm of PV panels
- (iv) Comply with the ICE Demolition Protocol
- (v) Travel Plan

and conditions requiring:

- (i) Further details of SUDS
- (ii) Greenroof specification and management plan

Policy & S106

See Remarks section, below

REMARKS

Introduction

In summary it is considered that the current proposal is a departure from the adopted Core Strategy policy CP20 which seeks to safeguard Borough Employment Areas (BEAs) and therefore cannot be supported by existing planning policy, however it is possible that development for alternatives uses could be considered on the basis of the proposal being able to satisfactorily address fundamental concerns, these being:

- Retention of sufficient quantum and quality of employment floorspace;
- Requisite provision of car parking; and
- Support for the continuing functioning of the remaining employment area.

and if substantial planning merits are demonstrated.

Key considerations

The following are considered the main planning issues relevant to this application:

1. Principle of development, including employment & community facilities provision and impact on remaining industrial land
2. Impact on nearby residential amenity
3. Parking and access
4. Design
5. Landscaping & trees

1. *Principle*

Sub-section (a) discusses the reasons why your officers consider this particular site suitable for release for other uses—when those other uses are deemed sufficiently beneficial—and the impact of those other uses on the remaining industrial land. Sub-sections (b) & (c) explains the planning merits of the proposed development in terms of the employment uses and community uses respectively and the weight given to these merits in reaching the decision that they are sufficiently beneficial and the recommendation that members support this change of use; sub-section (d) provides a summary.

(a) Release of protected employment land

The site is located within a designated BEA as defined by the Unitary Development Plan—known as a Locally Significant Industrial Site in the London Plan—which the Unitary Development Plan 2004 and Core Strategy 2010 protects for uses that fall within the B2 (general industry), B8 (storage and distribution) use classes and closely related sui generis uses. In reality, use class B1c (light industry) is also generally considered acceptable. BEAs “consist of coherent areas of

land which are, in terms of environment, road access, location, parking and operating conditions well suited for retention in employment use." (UDP 2004: para 7.7.2, p155).

CP20 of the Core Strategy states that proposals for alternative uses will be resisted where this will result in a loss of land in employment use. Employment land is protected for a number of reasons, not least because BEAs are considered locally significant to Brent's economy and as industrial operations generally need to be able to function free from encroachment or interference from neighbouring sensitive land uses. This approach is supported by the London Plan 2008 policy 3B.4 *Industrial Locations* and the SPG *Industrial Capacity* (March 2008).

The latter document includes a classification of the London boroughs according to the approach each should adopt to releasing industrial land; Brent is classified as a borough which should have a limited transfer of industrial land to other uses (Industrial Capacity SPG 2008: para 3.12, p22-23), although the SPG goes on to say that "it will be for boroughs to justify and address these local departures from general market conditions prevailing in their areas." (*Ibid.*: p24).

Notwithstanding this, your officers believe that there are very special circumstances which mean this particular part of the BEA can be released for other uses, summarised as:

- (i) the existing use is unusual and, given the amount of B1 office space, not ideally suited to a BEA with only moderate accessibility; consequently there is a lack of effective demand for the site that has been demonstrated through extensive market research; and
- (ii) the site is physically marginal to the remainder of the BEA and lacks some of the qualities by which the UDP defines BEAs; as such it can be redeveloped without encroaching on or interfering with the remaining industrial land.

These very special circumstances are explained in greater detail below.

(i) Existing use and demand

This employment site is a head office-type development with warehousing and parking for substantial amounts of plant and machinery. This is a specialist function for which there is limited demand; this lack of demand is exacerbated in this location due to the moderate accessibility and the age and poor quality of the original part of the office building. The site was marketed through a commercial agent for industrial use for a reasonable period (at least two years between 2006 to late 2008)—and with potential for industrial redevelopment where this is required to meet the needs of industrial users—with little or no interest from suitable users. This last point is in line with the 'demand based criteria' for releasing industrial land for other uses (*Industrial Capacity* SPG 2008: para 4.13, p37).

In addition, the applicant has submitted an assessment of the feasibility and delivery of the employment proposals, prepared by Strategic Planning Advice Ltd (*Employment Proposals: Feasibility and Implementation Study*, dated 13 August 2010). This contains information on market research carried out to establish demand for commercial units in the Kingsbury Area. Seven agents were questioned and in summary there is a lack of demand for larger office buildings, such as the existing McNicolas House, and there is a considerable supply of vacant office and light industrial buildings in the area and within the Kingsbury Road Industrial Estate. Whilst demand was low, the market research found that what demand there was would be focussed on smaller businesses looking for small units ranging between 15sqm (individual offices) up to 275sqm (a whole floor). Having said that, the agents stated that enquiries for companies seeking industrial premises were more common than enquiries for office space; it should be noted, however, that levels of demand are so low that agents found it difficult to identify particular users who were interested in commercial space in the area.

This research shows that demand for commercial space in the area is low, and those light industrial units which are vacant remain un-let, despite some interest. Demand for the

application site for light industrial users is likely to be more depressed than elsewhere, as the site would require redevelopment before being suitable for light industrial uses, since the main part of the site comprises an office building.

(ii) Impact on remaining industrial land

The release of the site is dependent on it not encroaching on or interfering with the remaining industrial land, either by the redevelopment affecting the industrial land or its presence meaning changes of activities or industrial processes, which may affect the redevelopment, would be resisted by the temple in the future.

This site is physically distinct from the main part of the Kingsbury Industrial Estate by virtue of the ground levels. It is located on its north-east corner and does not benefit from a separate service road; instead it is accessed from Townsend Lane, not the industrial area's internal service roads. This does not compare well with the expected characteristics of sites within BEAs as explained in the UDP: "land which [is], in terms of environment, road access, location, parking and operating conditions well suited for retention in employment use." (UDP 2004: para 7.7.2, p155). As such it is a marginal industrial site which is not as well-served as either other sites within the BEA or within other BEAs in the borough.

Your officers consider that potential conflicts with existing occupiers would occur if visitors to the temple resulted in overspill parking within the BEA itself, or if overspill parking made the approach roads or junctions congested or dangerous. Consideration should also be had to how the retained part of McNicolas House would be affected by the temple and community activities.

The retained part would have a new entrance area which would have its main pedestrian entrance accessed directly from Kingsbury Road and a second entrance accessed from the car park, suggesting that this would remain as an autonomous employment development in its own right.

The transport impact is discussed in sub-section 4, below. This includes discussion of the parking and servicing arrangements of the retained part of McNicolas House.

The applicant has provide a detailed timetable for normal temple activities including the proposed use of the multi-function community hall and the temple classrooms (see also sub-section 1(c)(ii), below); your officers are satisfied that the quality and detail of this timetable and the supporting information in the original Planning, Design & Access Statement, the Transport Assessment & Draft Travel Plans and the revisions to these submitted in the Consultation Responses document (received 02/12/10) gve sufficient evidence that the proposal would not materially affect the operation of the remaining industrial land or the retained part of McNicolas House. As such, the detail of the controls on hours of operation and the management of day-to-day events, weddings and Special Small and Large Religious Events can finalised as part of a clause incorporated into the section 106 agreement.

In terms of overspill parking, your officers do not expect this will affect the BEA as the temple activities would mostly take place in the evenings and at weekends outside normal working hours of business, suggesting that the operational requirements of the remaining industrial land would not be compromised by community or religious activities. Further details regarding the timing and management of special events will be required to ensure any events which occur during working hours are controlled (see sub-section 1(c)(ii), below).

(b) Employment use

The application proposes the change of use of the majority of the site but the retention and refurbishment of the more modern part of the existing office building to provide managed affordable

workspace, subsidised by the applicant, for small and medium-sized business. This space is proposed to provide jobs for up to 90 people. Your officers have given substantial weight to this subsidised provision and this is discussed in greater detail below.

(i) Number of workers employed

The employment capacity of the site in its current format is estimated at 166 jobs, based on worker floorspace ratios of 1 employee to 22 sqm (1:22) for the office space and 1:50 for the warehouse. These figures are derived from *Employment Densities: A Full Guide, July 2001*, by Arup Economics and Planning on behalf of English Partnerships and the Regional Development Agencies.

Your policy and development management officers made the decision to use a likely future redevelopment for business uses as a baseline for establishing a minimum employment requirement; this is because it was considered unlikely that the site would attract a large office occupier seeking the particular format offered, as evidenced by the original unsuccessful marketing of the site and the market research undertaken by the applicant as outlined in the Employment Proposals. Since policy CP20 does not generally support office development in this location, it would be unlikely that the Council would support the redevelopment of the site for a larger office building.

Your policy officers analysed a number of scenarios for different formats to reflect the potential uses the site could be put to within the constraints of policy CP20 of the Core Strategy; the figure of 90 jobs is calculated on the basis of the potential redevelopment of the site for a B1c, B2 or B8 building (or a mix thereof), assuming a plot ratio of 0.45 and an average of estimated jobs generated depending on worker floorspace ratios for those respective use classes of 1:32, 1:34 and 1:50 (Arup Economics and Planning, 2001).

The ratio for the refurbished offices differs from those used to calculate the existing number of workers; the ratio for new office space is taken from the *London Office Policy Review 2009* (LOPR 2009), which has been adopted by the GLA as its benchmark for worker floorspace densities for offices throughout London.

The LOPR 2009 sets an “employment density ratio of 12sqm per worker (net) or 13.8sqm per worker (gross)... The same density ratio is applied uniformly across London.” (Ramidus Consulting, *London Office Policy Review 2009*: para 3.4.8, p51)

This lower ratio reflects the changes in worker densities which are achieved not just by new working practices—for instance new information and communications technologies mean the need for storage space is much reduced—but also from modern, flexible buildings which can more easily accommodate open plan working and are more efficient than older buildings such as the existing McNicholas House buildings, particularly the older block (Ramidus Consulting, *London Office Policy Review 2009*). As such your officers are satisfied with the methodology employed by the Council’s policy officers of applying the higher worker floorspace ratio to the existing office block and the lower for the refurbished block.

(ii) Nature of the proposed managed, affordable workspace

The applicant investigated a number of options for providing the flexible B1 workspace and concludes that a phased fit-out of the building with the land cost and much of the initial construction cost being subsidised by the temple community is “the most prudent and sustainable of the options in that it reduces the risk of heavy up-front expenditure without compromising the overall concept.” (*Employment Proposals*: p27). The space would be available at a reduced rent of £11psf, which is 15% below market rents for a managed centre (*Employment Proposals*, p20). In addition the temple community would seek a reduced return of 15% compared with the industry standard of 25% for a scheme of this nature.

The key figures in the subsidy offered by the applicant in the above proposal are as follows:

1. £760,000 cost of refurbishing the office building
2. £1.4m equivalent cost for the land on which the building is sited
3. Rents of £11 per square foot (15% below market rents)
4. An undertaking to insure the building themselves

Your policy and development management officers find the above generally acceptable but have sought agreement in principle to the provision of the ground floor prior to occupation of the temple, the first floor within one year after occupation and the second floor within two years, to ensure a continuity of employment uses on the site. Moreover, should any floor be not more than 75% occupied for a two year period starting six months after being provided, to pay the Council £100,000 per floor toward local employment land enhancement and training initiatives ('the contingency clause'). This last requirement serves a dual purpose: firstly, the applicant is encouraged to further subsidise the rent for each floor up to a maximum of £100,000, beyond which the clause would be triggered; secondly, if the workspace remains under-occupied, the Council will use the £100,000-300,000 to support and enhance the remaining employment land. The applicants have agreed in principle to these points.

In conclusion, your officers are satisfied that the provision of managed affordable workspace (use class B1) is appropriate for the site and would serve to provide a number of jobs equivalent to redevelopment of the entire site for B1(c), B2 and B8 uses, and sufficient controls have been agreed in principle to ensure its successful delivery; as such, this has potential to meet strategic objectives 2 and 4, thus substantial weight is added to the planning merit of this aspect of the proposed scheme. Without this quantum of workspace, the subsidy provided and the contingency clause, officers would not recommend the release of the land for other uses.

(c) Community uses

Brent has local policy objectives to meet the needs of the borough's diverse community in respect of cultural facilities and sport and recreational activities. This was most recently confirmed by the adoption of the Core Strategy (2010) and in particular strategic objective 6 and policies CP18 and CP23. At the regional level, policy 3A.17 of the London Plan 2008 states the importance of addressing the spatial needs of London's diverse population and boroughs should ensure that they are capable of being met wherever possible; policy 3A.18 states that boroughs should ensure that appropriate facilities are provided within easy reach by walking and public transport of the population that use them and increased provision be sought, both to deal with the increased population and to meet existing deficiencies.

(iii) The temple

In terms of development plan policies, UDP policy CF14 states that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity or unacceptable transport impact (policy TRN1) especially at time of religious festivals. A proposal which conflicts with the plan's priority framework for land uses (former UDP policy STR1, now Core Strategy policy CP1, which like CP20 seeks to protect BEAs for industrial and warehousing uses) may only be permitted where a shortage of places of worship is so serious as to outweigh the potential loss of priority land uses (policy CF14). The UDP also requires that small-scale community facilities should be located in a town or local centre or, if none are available, on a site with moderate or better public transport accessibility (policy CF2).

Starting with policy CF2, your officers consider this to be a small-scale community facility and thus policy CF2 is the appropriate policy to apply in terms of assessing whether the location is

acceptable in principle. Whilst large and small scale facilities are not defined in the UDP, some large facilities such as hospitals and educational facilities are referenced. As a small-scale facility, the site is appropriately positioned in an area of moderate accessibility; the applicant has provided a comprehensive list of alternative sites which they have investigated and dismissed (*Planning Design & Access Statement*: p9) and your officers are satisfied there is no suitable site available within nearby town or local centres.

Turning to policy CF14, the impacts on residential amenity and transport are discussed in sub-sections 3 and 4. The question of shortage of places of worship is discussed below.

Your officers have investigated the question of need themselves by researching the borough's demographics and the number of Hindu temples in the borough. Brent is the most ethnically diverse local authority area in England and Wales (2001 census data) and also one of the most religiously diverse; the population of Brent is 48% Christian, 17% Hindu (45,228 people) and 12% Muslim. This is the second largest percentage of Hindu population in a local authority area in the UK, London Borough of Harrow being the largest, with 20%; this compares with the population of London which is only 4.1% Hindu. Nationally the total Hindu population is 558,342, or 0.98% of the population; thus the 45,228 Hindu residents of Brent represent 8% of the Hindu population of the UK. Combined with Harrow's Hindu population of 40,548 and Barnet's 21,011, this site lies close to 19% of the Hindu population of the UK. The closest wards to the site are Fryent, Queensbury, Welsh Harp, Kenton and Barnhill. The Hindu population of these wards range between 36% (4690, the largest number in the borough) in Queensbury to 17% (2084) in Welsh Harp. Together these five wards have a third of the Hindu population of Brent.

According to the information submitted in the Design & Access statement (figure 2.3: p8), the majority of the temple community live within two miles of the application site; most of those live in Queensbury Ward in Brent or just beyond the boundary in Harrow or in Brent Cross in Barnet.

As acknowledged by the UDP, the "diversity of cultural, ethnic and religious groups within the borough means there is a shortage of adequate premises." (Brent UDP 2004: para 11.11.1, p230). According to the Planning Service's records, Brent has six Hindu temples, of which only one is located in one of the five wards closest to the site, the Mahavir Foundation at 557 Kenton Road, Kenton. Notwithstanding differences in denomination, the six temples in Brent would theoretically serve, on average, 7,538 residents.

The above analysis suggests that there is a shortage of places of worship and as such your officers have given some weight to the planning merit of this aspect of the proposal; however your officers have not attributed significant weight to this aspect as the applicant has not fully addressed the question of whether the shortage of places of worship is so severe as to override policies which define priority land uses (Core Strategy policies CP1 and CP20), and thus that clause of policy CF14 has not been triggered. Moreover this is a relocation of an existing temple, not the provision of a new temple to meet latent need.

(iv) The multi-function community hall

The multi-function community hall has the potential to provide benefits for both the temple community and the various groups—including sports clubs and dancing classes—and the surrounding community and local schools. Brent's Supplementary Planning Document *S106 Planning Obligations* (adopted October 2007) seeks contributions to sports, recreational and community facilities from large developments. In this case the applicant has agreed in principle to a clause in the section 106 agreement to secure a Community Access Plan for not less than 30 hours access a week. The applicant has agreed to the Community Access Plan to include reserving Saturdays (between 09.00 to 16.00) for the wider Brent community, subject to special religious events.

The applicant has submitted a draft timetable for the use of the community hall by the temple's groups, its use as a wedding venue and wider Brent community access in the Consultation Response document received 02/12/10. This will be secured as part of the s106 agreement, with sufficient flexibility to allow the temple to hold their special annual events. Your officers are satisfied that requirements of the temple groups and the wider community/local schools can be accommodated to the satisfaction of all parties. Normal day-to-day activities as set out in the timetable would result in up to 200 people being present on site; the implications of this is included in the Transport Assessment and this is considered acceptable. A draft management plan has been agreed to which means activities with fewer than 200 people on site can be carried out without further planning control provided the community access plan is adhered to.

Your officers have given weight to the benefits the multi-function hall could bring to the local community and nearby schools when judging whether to recommend a departure from the development plan.

(v) Special religious events and weddings

The *Proposals* section, above, outlines the proposed programme of prayer meetings for a typical week and also those occasions when attendance would be higher due to special religious events. Six such events are noted in the Planning, Design & Access Statement (para 5.3.1, p25) and of these two would be particularly large: New Years Day (after Diwali) and the anniversary celebrations, where up to 750 visitors can be expected at peak times. The day New Years falls on varies from year to year, but the anniversary celebrations would be held on a Sunday.

Weddings would be held at the weekend during the summer months between the hours of 09.00-16.00; the total numbers of guests would be similar to the peak temple use, at about 450 visitors, but they may be travelling from further afield and therefore be more likely to use cars. The applicant's transport consultants, Motion, have assumed the ratio of adults to children for weddings would be the same as for the prayer meetings: two-thirds to one-third. Motion has assumed a scenario of all adults driving but with at least one passenger; although assuming no single-occupancy vehicles is not particularly robust it is off-set by the fact Motion have not presumed any visitors would arrive by public transport.

One of the planning merits of the scheme to which weight has been attached in considering whether or not to support the scheme in principle (see sub-section 1(c)(ii), above) has been the offer by the temple community to work with the Council on delivering a community facility which would be open to the wider community for, amongst other things, sporting activities. The Council's standard request is that this be for not less than 30 hours per week and this should include at least one day a weekend, although this could be Saturday morning and then Sunday afternoon, for instance.

The risk from uncontrolled numbers of weddings and larger events is two-fold: (1) the community hall may be regularly unavailable to both the temple community's sports groups and by local residents at weekends and (2) the impact of congestion and overspill parking.

On the first point, harm to community access by not having a specified timetable is clear: lack of continuity means access would not become habitual and the actual use by the wider community would diminish to the point that the planning merit of the scheme would be lost. If temple groups also cannot use the multi-function hall then one of the benefits of relocating from the Golders Green site is lost.

Turning to the second point, congestion and overspill parking has the potential to cause harm both to the operation of the remaining employment land and to residential amenity. This is a

threat at all times when high numbers of visitors are expected but particularly when Monday-Saturday parking controls in the area mean visitors cannot park on Townsend Lane.

It is the amount of potential overspill parking which is the crux of the matter and your officers acknowledge that there will be occasions during the year when overspill parking may well cause nuisance to residents of nearby streets. If these occasions are limited to a small number of recognised religious events then this would be acceptable when balanced with the need to accommodate the special events of people of different faiths. More than that and the cumulative harm to residential amenity would become unacceptable. For this reason, the fact that harm could be caused by weddings on Saturdays—when parking controls are still in place on Townsend Lane and thus overspill parking would go to nearby residential streets or the remaining industrial land, your officers propose to limit weddings to Sundays only. This complements securing the use of the multi-function hall for the wider Brent community on Saturdays.

Furthermore, the main purpose of the temple and the multi-function community hall is as a place of worship and as a community facility respectively: it is not as a function hall and so the site's use for weddings should be ancillary to its main purpose. Moreover, Sunday evenings are the largest weekly prayer evenings; the potential cumulative effect of overspill parking from up to 450 wedding guests from 09.00-16.00 with only a short break before 450 visitors for the 17.00-19.30 prayer meeting would also only be acceptable on a small number of occasions. Your officers believe that large weddings of up to 450 should be limited to twelve Sundays a year, which is the equivalent to one a month; these could be used flexibly so up to two a month could occur during the summer months. The applicants have agreed to this with a clause to be included in the section 106 agreement for a review after one year to allow an assessment to be made of the impact of overspill parking. If the affect of the weddings on overspill parking is acceptable then your officers propose that they be given delegated powers to negotiate an increase on the initial 12 weddings; perhaps for a trial period with a further review after a year of increased wedding numbers. At no time would Saturday weddings be permitted, however.

In the event that the wedding is small enough for all, or close to all, parking to be accommodated on site then that would address the issue of harm from overspill parking either from the wedding itself or the cumulative impact of the wedding and the evening prayer. On the basis of Motion's assumptions, described above, your officers believe weddings with fewer than 300 visitors would be sufficiently small and therefore the hall could be used without limitation on Sundays (between 09.00-16.00) throughout the year.

As mentioned above, there are two events when numbers attending the temple will exceed 600 and peak at 750; your officers have classified these as Special Large Religious Events (SLRE). It is proposed to control these to three SLRE days per year, but these can fall on any day of the week. Although this may cause temporary harm to residents from overspill parking and the industrial land due to congestion, your officers balance this with the limited numbers of days per year and the need to respect the religious calendar of different faiths.

Four Special Small Religious Events (SSRE) are proposed and the numbers are expected to be up to 500 visitors. Due to the fact these could fall on any day of the week as well, your officers propose a separate control category to allow them to fall on Saturdays and disrupt the usual community access arrangement.

Your officers propose that the section 106 agreement contains a clause requiring the submission of a management plan—to include details of the arrangements for its monitoring and implementation, the responsibility of which will rest with the applicant—which imposes the above controls and a strategy within the Travel Plan to managing parking and access issues.

(d) Summary

Your officers have judged the planning merits of the scheme and the specific characteristics of the application site in terms of the ideal characteristics of a site within a BEA in light of recent regional and local policy changes and conclude that the planning merits of the scheme, which include significant retained employment use and the wider community benefits—including to some extent the need for a temple—when weighed with the very special circumstances why this site can be considered for release, mean your officers can support the principle of the proposed scheme despite the fact it represents a departure from the development plans and Core Strategy policy CP20.

2. Impact on Nearby Residential Amenity

Policy CF14 of Brent's UDP 2004 states that the provision of religious meeting places for all denominations is permitted, where there will be no significant loss of residential amenity. The application site is sufficiently far from neighbouring residential uses that the impact on residential amenity would be limited to (a) overspill parking and (b) traffic congestion, particularly at times of special events or potentially when weddings occurs. These matters are discussed in greater detail in sub-section 4, below.

Local residents have objected to the proposal on the basis of, *inter alia*, the noise and disturbance of the construction phase and an increase in litter arising from the temple use; the former is not a material planning consideration, whilst your officers do not believe that there is any evidence to suggest the latter would occur.

Your officers do not believe any material harm would arise in terms of noise & disturbance, particularly since the site is part of a BEA and thus can be used for potentially noisy industrial processes. Despite this, a condition will be imposed to ensure noise not heard beyond the boundaries of the site. Hours of operation of the temple, the community hall and the B1 use will be imposed via condition and the Travel Plan and management plan for special events including weddings will be imposed via the section 106 agreement to ensure neighbouring amenity is not unduly harmed. On the basis of this, your officers believe the proposal is acceptable in terms of its impact on residential amenity and thus would comply with that part of policy CF14.

3. Parking & Access

The scale of this development is such that it is likely to have a significant impact on the local transport network. As such, Policy TRN1 of the adopted UDP 2004 requires the submission of a Transport Assessment and Travel Plan to support the proposal and these documents have been prepared by Motion Transport Planning. Policy CF14 of Brent's UDP 2004 states that the provision of religious meeting places for all denominations is permitted, where there will be no unacceptable transport impact; this would be satisfied if policy TRN1 is complied with.

(a) Parking

Maximum allowances for parking provision are set out in standards PS6 (for businesses) and PS12 (for class D uses) of the adopted UDP 2004.

Being located in an area with moderate accessibility and outside of any town centre, up to one space per 150sqm would be permitted for the employment floorspace; thus up to ten spaces would be allowed for the office building.

Parking standards for the temple and the community hall are based on the peak number of visitors. Figures provided for the temple for a typical week suggest that attendance would peak at about 450 visitors—and ten staff—on a Sunday between about 17.00 and 19.30. During this time the community hall use will be restricted to sports events, which would attract up to 32 visitors plus five staff. This may increase to about 600 people during special religious events on about four occasions each year. For the community hall, the maximum attendance would also total about 450

visitors for Hindu weddings, but these would be timed so as not to coincide with evening prayers in the temple, nor any other activity.

Applying parking standards to these attendance figures gives an allowance of up to about 180 spaces for the temple and about 25 spaces for the community hall. These figures are a maximum standard. The proposed provision of 91 car parking spaces would therefore accord with maximum standards, with the inclusion of five wider spaces for disabled people in a location convenient to each of the three buildings satisfying standard PS15.

TfL have commented that the number of parking spaces on site should be set according to a restraint-based approach. Your officers agree in principle with the restraint-based approach and this is the intention of Brent's UDP, hence the maximum number of 215 spaces (for the office, temple and community hall) the policies could allow is not being sought; in this case consideration needs to be given to the impact of overspill parking on traffic flow and road safety, particularly during larger events at the temple (this is discussed in greater detail below).

The lack of parking controls in the vicinity of the site at peak visitor times means people would not be discouraged from making trips by car as they would be able to park on-street, with attendant highway safety and residential amenity concerns. The applicants have submitted a comprehensive Transport Assessment and this has been analysed by Transportation officers. Your officers believe the parking level proposed will meet most of the demand generated by the site and a more effective reduction in trips by car can be achieved through a well-designed travel plan, as required by policy TRN4 of the UDP.

TfL agree with this approach in an email dated 25 November, subject to a robust Travel Plan and car parking management plan to reduce single occupancy car trips and control vehicle movements. TfL recommend that car parking for the retained office space should be allocated separately from those for the main temple and community building. The 10 spaces allocated for the office will be identified and signage will be erected to ensure the spaces are reserved for the office on Mondays-Fridays and until 16.00 on Saturdays; this will be secured by condition.

Electric vehicle charging points (EVCPs) will be provided for 9 parking bays, in line with emerging best practice and the draft replacement London Plan; this will be secured by condition.

Your officers are satisfied that the amount of parking proposed is acceptable and strikes the right balance between providing on-street parking to prevent the harm of overspill parking, without encouraging excessive car trips.

(b) Cycle parking

In terms of bicycle parking, the provision of 16 spaces to the rear of the office building is sufficient to satisfy standard PS16 for one space per 150m² floorspace. There are no specific standards for the temple or community hall, but the proposed provision of 48 spaces for these uses is welcomed as part of the means by which trips by car could be reduced.

As required by policy TRN11, the cycle parking should be located in a convenient position and be safe, covered and secured with good lighting, further details shall be secured by condition. Showering and changing facilities should be provided for all employees and visitors on site to conform with London Plan policy 3C.22 'Improving conditions for cycling' and draft replacement London Plan policy 6.9 'Cycling'. Employees of the offices and visitors to the temple can use the community hall showers; this will be secured by section 106 agreement, within the Travel Plan.

(c) Servicing

The campus of uses on this site mean parking, servicing and deliveries will to some extent be combined. It is important for the long-term viability of the retained employment function that the

temple and community uses do not hinder its operation or its delivery strategies.

Standard PS19 requires the retained office building to be serviced by 8m rigid lorries. The car park is proposed to accommodate delivery vehicle movements, with a delivery zone being identified on spaces 74-78 for use during weekdays when the car park is expected to be lightly used. The applicant has demonstrated that service vehicles can manoeuvre safely around the car park. The proposed loading area is to be located alongside the proposed refuse store to allow easy collection, although it is not as conveniently located for the offices as possible.

A delivery and servicing plan (DSP), to be secured as part of the section 106 agreement, will be prepared to ensure deliveries are scheduled to avoid peak car park usage, although the peak usage is not expected at the same time as office hours. The DSP will reflect the Special Religious Events strategy to ensure a plan is in place should the Special Religious Event days fall on a weekday. The DSP will also identify efficiency and sustainability measures such as combining deliveries for the office and the other uses to reduce vehicle movements.

Consideration should also be given to accommodating coach journeys to the site for large events to aid the Travel Plan and to comply with policy TRN30 of the UDP. To this end, a commitment to cordon off a section of the car park for coaches when they are expected has been given, in the designated delivery zone. It is expected that most coach journeys would be local schools making use of the community hall and so this would occur during the week but at times of low car park usage. The DSP should therefore include a reserve delivery area when a coach is in place, or ensure deliveries are timed so as not to coincide with coach arrivals.

(d) Vehicular access

The proposed access from Townsend Lane is acceptable in terms of width and sightlines, subject to condition.

(e) Pedestrian access

The footways along both the Kingsbury Road and Townsend Lane frontages of the site would be widened to cater for the predicted increase in pedestrian movements to the site, although a minimum width of 3.5m should be provided along Kingsbury Road, particularly in the vicinity of the bus stop. This would comply with policy TRN10 of the UDP, and Brent Council would wish to see these widened areas of footway adopted as highway maintainable at public expense and the section 106 agreement should reflect this. The applicants have agreed in principle to this.

(f) Traffic Impact

A number of local residents have objected on the basis that the development would result in congestion in the local area. This part of the report looks at numbers of vehicles likely to arrive at and depart from the site, when and how large the peaks would be and the capacity of the local highway network. When considering traffic impact, cognisance should be had of the fact the existing site has up to 97 car parking spaces and would be capable of accommodating a number of larger vehicles, albeit the pattern of use would be different to that proposed.

As the temple is relocating from other premises in North London, it is possible to identify travel patterns of the existing staff and attendees and to apply these to the new site. The Transport Assessment prepared by Motion includes details of a travel questionnaire which was circulated amongst adult visitors to the existing temple in Golders Green, identifying home postcodes, modes of travel to the existing site and likely modes of travel to the proposed site. A total of 184 responses were received from an estimated total attendance of about 400 (incl. children). This response is considered to be good.

The results of this survey showed the average distance of travel to the temple would fall from 3.8

miles to 2.0 miles with the relocation from Golders Green to Kingsbury, thus demonstrating that the new site will sit closer to the heart of its community than the existing premises. The proportion of visitors travelling less than two miles to the temple would also rise dramatically from 11% to 68%, thereby offering plenty of scope to replace car trips with walking and cycling trips.

In terms of the modes of travel used, the questionnaire revealed the following split for the Golders Green temple and the intentions of visitors if the Kingsbury temple is constructed:

Golders Green	Car as driver	46%
	Car as passenger	38%
	Public transport	16%
	Walk	0%
	Cycle	0%
Kingsbury	Car as driver	35%
	Car as passenger	27%
	Public transport	20%
	Walk	15%
	Cycle	3%

This shift in modes of transport can be explained by the relocation of the temple to a site closer to the heart of its catchment area; thus reducing existing car use which, particularly in conjunction with a Travel Plan, which would be of benefit to the road network as a whole.

The questionnaire also assessed when the temple visitors tended to arrive and depart for the main prayer service on Sundays and weekdays; no data was collected for Saturday. Your officers presume this is because the number of visitors is expected to be lower than for the Sunday prayer meeting but the local highway conditions are expected to be the same.

(i) Sunday prayers

Visitors do not tend to stay at the temple throughout the evening prayer period; instead they will typically arrive and depart on a fairly casual basis but try to be present at the temple for a set 15-minute period between 18.30 and 19.00. As a consequence, the peak hour for arrivals on a Sunday is 17.30-18.30 whilst the peak departure period is 18.40-19.40. Peak attendance within the temple is calculated at about 18.30 and is estimated at 450 visitors and 10 staff.

Applying the above intended modal share figures to these arrival and departure profiles produces Sunday evening peak hour vehicular for the temple. Additional journeys were also added for the community hall, however use of the hall during weekend evening worship periods is proposed to be restricted to low key events only (e.g. badminton), so as not to generate too many overall people to the site at any one time. This restriction would be secured by either planning condition or S106 Agreement. The modal share is based on data from Vale Farm and Willesden Sports Centre.

Peak vehicular movements on a Sunday would therefore total 90 arrivals and six departures between 17.30-18.30 and six arrivals and 98 departures between 18.40-19.40.

(ii) Weekday prayers

A similar exercise was undertaken for the weekday evening peak period to coincide with peak movements on the local road network. At this time, the majority of movements out of the site would be associated with staff from the retained McNicolas House building leaving the site at the end of the working day. Minimal temple traffic would be expected, as it would not open until 18.30 on weekdays, whilst only low-key use of the community hall would again be likely at this time. Office movements were based upon likely staff numbers (90), reduced by 40% to allow

for holidays, sickness, working away from the office etc., with modal share being based upon Census data for the local area.

(iii) Conclusion

The above flows were then added to existing flows at the junction of Townsend Lane and Kingsbury Road, as surveyed on Sunday 24th and Tuesday 26th January 2010. The resultant junction capacity was then tested for each period using industry standard software and the results showed the junction to operate well within capacity at all times.

On the basis of this, your officers do not consider the proposed development would result in harmful levels of congestion in the local area when operating at normal levels.

(g) Overspill parking

The other potential traffic impact relating to this proposal concerns overspill parking from the site. Applying the above assumptions regarding the modal split and numbers of vehicles visiting the site, up to 120 cars could be expected to be parked for the temple for a relatively short period during Saturday or Sunday evening prayers. With 91 spaces proposed on site, about 29 cars could be expected to rely on off-site parking in the area, albeit for only a relatively short period.

(i) Parking survey

A parking survey was undertaken by the Transport Consultant to assess the availability of safe off-site parking within a 400 metre radius of the site on Saturday 23rd January 2010 between 19.30-21.00 and Sunday 24th January 2010 between 17.00-19.30.

This survey identified a total of 843 on-street parking spaces in this area and over the course of the two survey periods the occupancy rate for the on-street parking varied from 23% to 26%, leaving between 625-650 spare parking spaces available for overspill parking from this development.

(ii) Normal operation

When consideration is given only to kerbside space within 200 metres of the site (with nearby residential streets such as Burgess Avenue, Coniston Gardens and Mardale Drive excluded from consideration), a total capacity of 142 safe on-street parking spaces was identified (along Kingsbury Road, Townsend Lane and Jubilee Close). Parking on Townsend Lane is restricted by single yellow line between 08.00-18.30 between Mondays and Saturdays but is unrestricted on Sundays.

The surveys showed these spaces closest to the development site to be particularly lightly parked, being constantly less than 5% occupied throughout both survey periods, giving at least 135 available on-street parking spaces. The 24 spaces on Jubilee Close should be discounted and the Travel Plan should include means by which visitors would know not to park there as it is a road within the industrial estate; similarly, visitors should not be allowed to park on Barningham Way. This is to ensure that the remaining industrial land is not interfered with. Omitting these roads there would still be 111 available on-street parking spaces within 200m of the site.

(iii) Weddings and special events

Whilst the above represents a typical weekly situation, this does not account for the proposed wedding events on Sundays or for the Special Small or Large Religious Events, when the overspill parking figures may be greater.

Wedding guests may be travelling from further afield and therefore be more likely to use cars. As such, even though the total number of guests would be similar to the peak temple use, at about 450 visitors the overspill parking is expected to be greater. Motion has estimated this to be in the region of 69 overspill cars, compared with 29 for the Sunday evening prayers. The parking survey identifies up to 111 spaces with 200m of the site. This amount of overspill is thus considered acceptable subject to limiting the number of weddings to no more than 12 a year and the agreement of a bond figure, to be secured in the section 106 agreement, to cover the costs of monitoring parking levels and the possible implementation of a controlled parking zone in the vicinity of the site and a review after one year if the parking impact is proved to be acceptable. The applicants have agreed in principle to this.

There are also about half a dozen special occasions during the year when greater numbers of visitors can be expected, with the peak being quoted as anniversary celebrations, when 750 guests could be expected, although with a maximum of about 600 present on site at any particular time. Up to about 210 cars could therefore be parked for the temple on certain occasions at weekends, giving an overspill of about 120 cars. This exceeds the available on-street spaces on Kingsbury Road and Townsend Lane and there may be some pressure to use the available on-street parking spaces on neighbouring residential roads. As the figures above show, there are up to ca.500 available spaces on these streets. As discussed in sub-section 1(c)(iii), above, the potential disruption is considered acceptable given the mitigating circumstances.

(iv) Conclusion

The applicant has therefore adequately demonstrated that there is sufficient safe on-street parking capacity within a short walk of the site to cater for any overspill parking from the site under normal circumstances, without having to take up parking space in nearby residential streets outside people's houses. The Travel Plan (see below) should restrict parking on Jubilee Close and Barningham Way, to prevent interfering with the remaining industrial land.

The applicant has agreed in principle to a financial contribution (amount to be agreed) for, amongst other things, ensuring the existing waiting restrictions in the area are bolstered as necessary to ensure any overspill parking is confined to safe stretches of road and to eliminate dangerous or obstructive parking and to direct visitors to park on-street in roads where they would not cause a nuisance to local residents. On those occasions when nearby on-street capacity is fully employed there may be a need for a small number (estimated at less than 10) vehicles would need to park on residential streets, but the applicant has shown there to be capacity for this on Sundays, but not on Saturdays. Whilst this would be acceptable on a small number of occasions a year, such as the special events, this cannot be justified for the weddings.

(h) Non-Car Access/Highway Safety

The road accident history in the area was investigated in the Transport Assessment. Road accidents records for the surrounding area over the five year period January 2005 – December 2010 revealed ten accidents within about 120 metres of the site. Five of these occurred at the junction of Townsend Lane and Kingsbury Road and three of those involved pedestrians.

Although there was no particular common cause to these accidents, the width of Kingsbury Road and resultant speed of traffic would have been a major factor, even following the installation of a pelican crossing east of Townsend Lane in early 2007. As such, further improvements to pedestrian facilities in the area would be particularly beneficial; these will be secured in the aforementioned £75,000 financial contribution towards improvements to sustainable transport infrastructure in the vicinity of the site. Typical improvements would include pedestrian crossing facilities, cycle routes, bus stop facilities etc.

(i) Travel Plan

A Travel Plan has been prepared for the temple and community hall and has been appended to the Transport Assessment. This has used the results of the travel survey carried out at the existing premises in Golders Green to establish a baseline against which future car journeys can be measured, with targets being set to reduce the proportion of car drivers further from the initial level over the course of five years. A number of measures have been identified to do this, most prominently promotion and marketing of travel alternatives and promotion of car sharing. However, the level of support for a mooted shuttle bus service between the site and Hendon/Kingsbury stations was not considered to be sufficient to warrant introduction of such a service at the present time, although this can be kept under review.

The Travel Plan was assessed using TfL's ATTrBuTE programme and scored a PASS rating. The Travel Plan should be extended across the whole site to include the retained office floorspace, this will be secured as part of the section 106 agreement. Visitors should be explicitly directed towards safe on-street parking areas away from nearby houses and the remaining industrial land and coach travel amongst larger groups of visitors should where possible be promoted, such as for weddings and the special events; this links to the setting out of an area in the car park where coaches could park. In addition, a management strategy should be developed, including parking and public transport provision and management. This should explain how school parties, large groups and other users of the community facilities will be accommodated. These groups may arrive by mini-buses or coach and should be catered for appropriately. This will ensure general conformity with London Plan policy 3C.2 'Matching development to transport capacity' and draft replacement London Plan policy 6.3 'Assessing transport capacity'

4. Design

The proposal comprises three distinct elements: (a) the traditional, ornate temple faced with carved sandstone; (b) the retained office building with new entrance area; and (c) the multi-function community hall in a modern architectural style.

(a) The temple

The temple would be prominent in the streetscene, located at the junction of two roads and close to the brow of a hill. Although it would be set into the ground by up to 2.5m adjacent to Kingsbury Road, the main part would still appear to be 10m high, rising to 23m at its highest point. Some residents have objected that this scheme would not be in keeping with the character of the area. It would undoubtedly be a dramatic intervention into the streetscene and would have a substantial effect on the character of the area, not only in terms of scale of the proposed temple—the existing office block is generally 8m in height, rising to 10-12m at the ends—but clearly also in terms of the distinctive architecture and stonework.

Your officers do not believe, however, that the effect on the character of the area would be harmful; the proposed temple is a well-proportioned building of high-quality materials that is of a scale and bulk appropriate for its location. Although clearly different to other buildings in the streetscene, the temple is faithful to ancient traditional Hindu architectural styles and has an arrangement and detailing which adheres to the religious symbolism of the community's faith.

The symbolic main entrance to the temple would be via steps to a doorway set within a raised portico; this arrangement has a spiritual connotation as it denotes the transition or journey from human to the spiritual dimension. The GLA note this but have objected that the lack of route for wheelchair users is contrary to policy 4B.5 of the London Plan, which expects all new development to meet the highest standard of accessibility and inclusion, together with the Mayor's Supplementary Planning Guidance 'Accessible London: achieving an inclusive environment'; as such they have requested the inclusion of a ramp or lift to the eastern entrance. Brent's UDP policy BE4 seeks similar inclusive access but allows flexibility where practical considerations dictate

otherwise.

Your officers are of the opinion that the main meeting point would be the public courtyard and not the entrance portico, as the public courtyard will have the space for members of the temple community to mingle before and after prayer meetings. In that respect officers do not think the fact level access is provided via the courtyard fails UDP policy BE4 or London Plan policy 4B.5.

(b) The office building

McNicholas House would be partially demolished and a new entrance area and core would be built to provide a legible access directly from Kingsbury Road and also from the car park. The new core will be constructed and detailed in the same materials as the multi-function hall to provide a consistent language across the site; this is considered acceptable.

(c) The multi-function community hall

A minimalistic approach has been applied to the design of the multi-function building; openings of various sizes are incorporated in the solid building form. The design is of high quality and its built form complements and respects the adjacent temple building: it will be of masonry construction made of semi-glazed brick as well as sandstone that matches the material used for the temple. The design of the multi-functional community building is considered to be of high quality.

Whilst the massing of the multi-function building is similar to that of the temple building, being on average 13m above ground level, due to the topography of the site the three-storey volume would appear a storey below the temple building. Together with its simple yet elegant architectural language, it would appear subservient and acknowledges the rhythm and setting of the main temple.

The building presents a relatively blank wall to the south; however the corner of the building addressed Townsend Lane with a large, projecting bay window. This provides relief to this elevation in conjunction with the reconstituted stone band details and small aluminium windows at regular intervals, with the whole elevation above the stone clad plinth faced in glazed brick. A shadow line between these two materials, accentuated by a projecting stone header above, serves to give further visual interest.

The multi-function building has been designed as a public building in its own right: it would accommodate most hall based sporting activities as well as a number of other community activities. It has its own entrance, reception and a café area, and can be accessed directly from Townsend Lane via the public courtyard. This arrangement would allow other groups of the community to use the facilities at the multi-function building and is therefore supported.

(d) Summary

Your officers are impressed with the quality of the proposed buildings and their setting which meets strategic policies of the UDP STR14 and STR15 and the objectives of Core Strategy policy CP5. Accordingly your officers have given this aspect weight in reaching the recommendation.

5. Landscaping & trees

(a) Landscaping

At present the site lacks any notable landscape features and any planting that does exist would be removed to accommodate the development.

The resulting landscape is dominated by hard surfacing, interspersed with tree planting and raised beds. The boundary of the site is mostly low wall with railings between piers but along the

Townsend Lane boundary this is more difficult to achieve as part of the boundary wall serves as a retaining structure. That part of the wall between the temple steps and the multi-function hall contains a 3m wide double gate and a further 11.5m of 2.2m high railing set into a 3.2m high wall. Both the GLA and the borough's landscape officers have requested further revisions to this boundary so it is more visually permeable. Further details of all boundary walls will be sought—to include details of the railings design—but officers note that the eastern boundary wall has been designed to achieve PAS68 (relating to vehicle impact) on the advice of the Metropolitan Police's Counter-Terrorism Security Advisor (CTSA) and any further design should also achieve this standard; the advice does include, however, the boundaries should be visually permeable with railings (see Planning, Design & Access Statement: p70).

The courtyard is connected to Jubilee Park opposite via these gates and a proposed raised pedestrian crossing over Townsend Lane (to be secured by section 106 agreement). This central space would be surfaced with a mix of high quality materials and planted with new trees. A central water feature would be positioned between the entrances to the temple and the multi-function hall. Structural benches and seats are proposed to break up the space and are clustered to form areas of interest for visiting members of the community. These also serve a dual purpose as a means of preventing vehicles from accessing the courtyard; this aspect has been designed on the advice of the CTSA.

The submitted plans show the footpaths of Kingsbury Road and Townsend Lane widened and resurfaced, with eight proposed new street trees along the edge of Townsend Lane. The applicants have also agreed in principle to a further five street trees to be planted near the back edge of the footpath on Kingsbury Road in order to soften the otherwise hard edge to the boundary there.

Landscape officers raise no objection in principle to the landscape proposal but do have some reservations over the detail of the scheme. In particular officers are concerned about the size of the car park and the lack of planting. Your officers recognise the difficulties in balancing the need to provide a sufficient number of parking spaces with a desire to improve the public and private realm. Further details are to be sought by condition which includes a 300mm deep planting strip along the southern and western boundaries, along the back of the parking spaces. Officers will seek a number of arbours, to cover short runs of three-six parking spaces, over which climbing plants could trail; this would achieve a greater level of soft landscaping in the car park.

As mentioned, standard landscape conditions to secure revisions to the hard and soft landscaping scheme—and a landscape maintenance and management plan—will be imposed. Landscape officers also seek SUDS and more green or brown roofs; these matters have also be sought by sustainability officers and will be included as conditions or requirements of the section 106 agreement.

(b) Trees

An Arboricultural Impact Assessment has been prepared by D F Clark Bionomique Ltd (dated 11 May 2010, refL DFC A 130). This identifies seven individual trees, one young group and shrub planting on site. The report identifies one of these trees (T6) to be in a very poor condition and comments that the remainder of the trees on site are young and as such do not yet contribute fully to the landscape. None of the trees is subject to a tree preservation order (TPO).

It is proposed to remove all trees from the site to facilitate the development, however 14 new trees would be planted. The report also notes that the proposed community building would be closer to street trees T3-5 on Townsend Lane and measures will be taken to protect the roots of these trees during construction; similar measures will be required to protect T15, a street tree on Kingsbury Road, from works to that part of the boundary.

Landscape officers raised no objection to this aspect of the scheme, but a condition will be

imposed requiring a revised selection of trees which could include a more attractive mix of species that compliment the character and scale of the building, add more colour and reflect the stature of the trees in the open space opposite.

6. Response to objectors

Most objections have been addressed in the body of this report.

Loss of employment uses would establish a precedent for other changes of use

The report sets out the special circumstances which mean officers consider this site can be released for other uses where the planning merits of those uses are sufficiently weighty.

Concern about the fact the scheme has to include counter-terrorism measures

It is unfortunately necessary that new public buildings must take sensible precautions, however it is not a reason for refusal.

Traffic impact on highway

Some residents commented that this would affect high safety at Oliver Goldsmith School; the peak use of the site would occur outside of school hours and your officers do not envisage any conflict with the school or harm to pedestrian safety there.

Would result in segregation of communities/benefits only one part of the community

The scheme proposes a Hindu temple but also a multi-function community hall, for which access will be secured for local schools and the wider community, and managed affordable workspace for at least 90 employees; your officers believe there would be benefits to the wider local community from this scheme and have given these benefits significant weight in assessing the principle of the proposal.

Not consulted

Consultation letters were sent to properties far beyond the distance required by statute or the Council's own requirements, and site and press notices were posted.

Noise and disturbance from construction

This is not a material planning consideration.

Impact on Jubilee Park

The scheme proposes a new pedestrian crossing over Townsend Lane, improving access to Jubilee Park and highway safety at that junction. The proposed street trees and widening of the footpath would also improve the setting of the park.

GLA

The following is a summary of the response to the GLA discussed in the report:

1. Urban design: Your officers understand the comments regarding the design of the boundary wall were based on superseded plans, but in any event further details have been secured by condition. Similarly, the applicant has agreed to a condition to revise the landscaping of the car parking layout to increase the amount of planting. A condition is proposed to secure a greenroof to the remaining commercial building to improve the environmental benefits of the site and to mitigate for the large car park, albeit this would not have any visual benefits.
2. Inclusive design: As explained in sub-section 4(a), above, your officers are satisfied with the arguments provided by the applicant regarding the significance of the steps serving the eastern entrance and do not believe this proposal fails to be inclusive for all.
3. Climate change mitigation and adaptation: The applicant have agreed with the GLA that the Stage 1 comments regarding climate change mitigation and adaptation have been addressed satisfactorily in the applicant's Consultation Response document, also provided to the Council. Your officers are also satisfied that any outstanding item can be secured by section 106 agreement.

4. Transport: TfL have since agreed with the Council's approach to the level of parking provided subject to the controls the Council will seek, and the applicant's have agreed in principle too, in the section 106 agreement.

As mentioned above, the applicants have responded to the GLA directly in the Consultation Response document which was also received by the Council. Your officers are satisfied that they have addressed most of the GLA requests for further information and objections; other matters can be secured by condition or within the section 106 agreement.

7. Conclusion

The proposed development does not accord with policy CP20 as it involves the release of protected industrial land for other uses. However, the non-compliance with this policy is considered to be outweighed by the other benefits of the scheme.

In summary it is considered that the negative impacts of the loss of the industrial land are not of sufficient weight to overcome the significant planning merits of the site which include:

- (a) maintaining a significant employment provision on-site in the form of modernised, managed affordable workspace;
- (b) financial contribution to support for the remaining industrial land should demand for the above be lacking;
- (c) helping meet the sporting and cultural needs of the residents of Brent;
- (d) providing a high quality development which makes a positive contribution to the urban environment and enhances the public realm;

and negative impacts such as any impact on the remaining industrial land can be controlled via condition or section 106 agreement. The proposal is in line with central government and London Plan guidance and other UDP and Core Strategy policies.

REASONS FOR CONDITIONS

RECOMMENDATION: Grant Consent subject to Legal agreement

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

Brent Unitary Development Plan 2004
Brent Core Strategy 2010 (save as set out below)
The London Plan 2008
Central Government Guidance
Council's Supplementary Planning Guidance

The proposed development does not accord with policy CP20 as it involves the release of protected industrial land for other uses. However, the non-compliance with this policy is considered to be outweighed by the other benefits of the scheme.

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for the above be lacking;
c) helping meet the sporting and cultural needs of the residents of Brent;
d) providing a high quality development which makes a positive contribution to the urban environment and enhances the public realm;
and negative impacts such as any impact on the remaining industrial land can be controlled via condition or section 106 agreement. The proposal is in line with central government and London Plan guidance and other UDP and Core Strategy policies.

Relevant policies in the Adopted Unitary Development Plan are those in the following chapters:-

Built Environment: in terms of the protection and enhancement of the environment
Employment: in terms of maintaining and sustaining a range of employment opportunities
Open Space and Recreation: to protect and enhance the provision of sports, leisure and nature conservation
Tourism, Entertainment and the Arts: the need for and impact of new tourists and visitor facilities
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning on the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

EX (00) 001 Rev P2; EX (00) 002 Rev P2; EX (00) 003 Rev P2; EX (00) 004 Rev P2;
EX (00) 005 Rev P2; EX (00) 006 Rev P2; EX (00) 007 Rev P2

GA (00) 001 Rev P11; GA (00) 002 Rev P8; GA (00) 003 Rev P8; GA (00) 004 Rev P3

GA (00) 011 Rev P8; GA (00) 021 Rev P2; GA (00) 022 Rev P1

GA (00) 101 Rev P8; GA (00) 102 Rev P9; GA (00) 103 Rev P10; GA (00) 104 Rev P5; GA (00) 111 Rev P4; GA (00) 112 Rev P4; GA (00) 121 Rev P4; GA (00) 122 Rev P2; GA (00) 123 Rev P2; GA (00) 124 Rev P2

GA (00) 201 Rev P7; GA (00) 202 Rev P7; GA (00) 203 Rev P7; GA (00) 204 Rev P4; GA (00) 211 Rev P5; GA (00) 221 Rev P4; GA (00) 222 Rev P4

GA (00) 301 Rev P4; GA (00) 302 Rev P4; GA (00) 303 Rev P4; GA (00) 304 Rev P4; GA (00) 305 Rev P2; GA (00) 306 Rev P2

101392 L01 Rev B; 101392 L02 Rev A; 101392 L03 Rev A; 101392 D01; 101392 D02

Planning Design & Access Statement; Transport Assessment & Draft Travel Plans;

Employment Proposals; Sustainability Appraisal; Energy Statement; Arboricultural Impact Assessment; Consultation Responses

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

- (3) Activities within the temple and the multi-function community hall shall only be permitted between 0800-2200 hours Monday to Sunday, with the premises cleared within 30 minutes after these times, unless otherwise agreed in writing by the Local Planning Authority

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

- (4) Activities within the retained commercial building shall only be permitted between 00.00-24.00 hours Monday to Saturday and at no time on Sundays unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

- (5) The areas designated for car-parking shall be fully completed in accordance with the details hereby approved and such details to be approved by condition prior to occupation of the development or any part thereof and the car-parking area shall be retained as such.

Reasons: To ensure that these areas are provided in compliance with the Council's parking standards, in the interests of the general amenities of the locality.

- (6) Any redundant vehicular crossover from the site onto the highway shall be reinstated to footway/verge at the applicant's expense prior to occupation of any part of the development hereby approved.

Reason: In the interests of pedestrian safety

- (7) The retained commercial building shall be used only for the purpose of Use Class B1 (a), (b) or (c) as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior written permission of the Local Planning Authority.

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

- (8) No demolition/building works hereby approved shall commence until vehicle wheel washing or road washing facilities have been provided in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such facilities shall be used by all vehicles leaving the site and shall be maintained in working order until completion of the appropriate stages of development.

Reason: To ensure that the construction of the proposed development does not prejudice conditions of safety and cleanliness along the neighbouring highway.

- (9) Details of materials for all external work, including samples, shall be submitted to and

approved in writing by the Local Planning Authority before any work is commenced. The work shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development which does not prejudice the amenity of the locality.

- (10) Prior to the commencement of development, further details of the car parking layout shall be submitted to and approved in writing by the local planning authority. Such details to include:
- (i) electric vehicle charging points at a ratio of one to every five spaces; and
 - (ii) the means by which the ten car parking spaces for the commercial building shall be identified

Furthermore the Car Park Management Plan of the Travel Plan shall set out the means by which the use of car parking spaces allocated to the commercial building will be guaranteed for the use of occupants of the commercial building in core office hours of 08.00-18.00 Monday to Friday, 08.00-16.00 on Saturdays and at no time on Sundays.

Reason: to comply with the draft replacement London Plan and to ensure the car parking spaces allocated to the commercial building are available for the occupants of the office building during core office hours

- (11) Notwithstanding any details of soft landscape works referred to in the submitted application, a scheme for the landscape works and treatment of the surroundings of the proposed development (including species, plant sizes and planting densities) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any site clearance, demolition or construction works on the site. Any approved planting, turfing or seeding included in such details shall be completed in strict accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Such a scheme shall include:-

- (i) the identification and protection of existing trees and shrubs not directly affected by the building works and which are to be retained;
- (ii) screen planting along the northern site boundary;
- (iii) adequate physical separation, such as protective walls and fencing, between landscaped and paved areas;
- (iv) provision for the satisfactory screening of habitable room windows to the visiting dignitary's flat with defensive planting and screening of facilities such as refuse and cycle stores;
- (v) all planting including location, species, size, density and number to include a revised selection of trees;
- (vi) areas of hard landscape works and proposed materials;
- (vii) a revised car parking layout to include a 300mm strip along the southern and western boundaries at the rear of the parking bays, with arbours over some of the bays.

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

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

- (12) Details of a scheme showing those areas to be treated by means of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall include a schedule of materials and samples if appropriate. The approved scheme shall be implemented in full prior to first occupation of the development.

Reason: To ensure a satisfactory standard of development in the interests of local visual amenity.

- (13) No development shall commence unless a Landscape Management Plan for maintenance of all hard and soft landscape areas is to be submitted to and approved in writing by the Local Planning Authority. This should comprise a maintenance schedule and any specific management duties and may include any of the following:-
- (i) Regular watering of trees/shrubs, especially during dry periods in the first 2 years of establishment.
 - (ii) Spot weeding and application of appropriate herbicides or fungicides if necessary.
 - (iii) Inspection and checking of all plants and for health and/or damage to plants.
 - (iv) Mowing/grass-cutting regimes to amenity lawns, sports turf, rough grass or wildflower grass.
 - (v) Loosening of tree ties, mulching, necessary removal of tree stakes and pruning if necessary.
 - (vi) Necessary pruning, dead heading, trimming, mulching of shrubs.
 - (vii) Removal of litter, debris or any other detrimental material from all hard and soft landscape.
 - (viii) Digging over, aerating, composting, mulching application of fertilizer as appropriate to soils.
 - (ix) Care not to damage any trees or shrubs by strimming and adding protection as required.
 - (x) Necessary cleaning and repair of all hard materials and elements including permeable paving.

The approved management plan shall be fully implemented.

Reason: To ensure the survival and ongoing vitality and of all plants and soft landscape. To ensure that the environment for the local community and residents continues to remain pleasant and attractive indefinitely. To prevent any financial loss due to neglect, sickness and/or damage to any plants.

- (14) Details of all fencing, railings, walls, gateways and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and the fencing, walls, gateways and means of enclosure shall thereafter be retained at the height and position as approved.

Reason(s): in the interests of the privacy and amenity of the occupants of the application site and neighbouring properties and in the interests of the visual amenity and character of the locality.

- (15) Details of the provision of a minimum of 60 secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of work on site. Thereafter the development shall not be occupied until the cycle parking spaces have been laid out in accordance with the details as approved and these facilities shall be retained. Such details shall include the means of construction including materials if deemed necessary.

Reason: To ensure satisfactory facilities for cyclists.

- (16) No development shall commence until details of the proposed vehicular access have been submitted to and approved in writing by the Local Planning Authority, to include a protective kerbed margin alongside the substation and 4m kerb radii onto Townsend Lane. Thereafter the development shall not be occupied until the vehicular accesses have been laid out in full accordance with the details as approved and these facilities shall be retained.

Reason: In the interests of the general amenities of the locality and the free flow of traffic and general conditions of the highway safety on the neighbouring highway.

- (17) No development shall commence until details of all external lighting including the lux level and a lighting contour map are submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to occupation unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of safety and the amenities of the area

- (18) Suitable and sufficient apparatus for the neutralisation of all effluvia from the processes of cooking, etc., shall be installed in accordance with the approved details prior to commencement of the use of the kitchen and maintained thereafter (details to be submitted to and approved by the Local Planning Authority before works commence on site) and the discharge outlets shall terminate 1m above eaves level.

Reason: To safeguard the amenities of the occupiers of adjoining property.

- (19) Prior to commencement of the development hereby approved, further details which demonstrate a Sustainable Drainage Systems (SUDS) is to be used to attenuated surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in full accordance with the approved details and retained in perpetuity.

Reason: In the interests of preventing localised surface water flooding

- (20) Prior to the commencement of development, details of a greenroof to the retained commercial building shall be submitted to and approved in writing by the local planning authority; such details shall include plans and specifications. The works shall be carried out in accordance with the approved details and retained thereafter.

Reason: in the interests of off-setting the environmental harm of the large car park area

INFORMATIVES:

- (1) Where existing point(s) of access are to be closed, any reinstatement of the crossings proposed or which are deemed necessary by the Local Planning Authority shall be carried out by the Council at the applicant's expense. You are therefore advised to contact the Council's Streetcare Section, Brent House, 349 High Road, Wembley HA9 6BZ Tel 020 8937 5050 for further details as soon as possible.

(2) During construction on site:-

- (i) The best practical means available in accordance with British Standard Code of Practice B.S.5228: 1984 shall be employed at all times to minimise the emission of noise from the site.
- (ii) The operation of site equipment generating noise and other nuisance-causing activities, audible at the site boundaries or in nearby residential properties, shall only be carried out between the hours of 0800 - 1700 Mondays - Fridays, 0800 - 1300 Saturdays and at no time on Sundays or Bank Holidays.
- (iii) Vehicular access to adjoining and opposite premises shall not be impeded.
- (iv) All vehicles, plant and machinery associated with such works shall at all times be stood and operated within the curtilage of the site only.
- (v) No waste or other material shall be burnt on the application site.
- (vi) All excavated topsoil shall be stored on the site for reuse in connection with landscaping.
- (vii) A barrier shall be constructed around the site, to be erected prior to demolition.
- (viii) A suitable and sufficient means of suppressing dust must be provided and maintained.

Reason: To limit the detrimental effect of construction works on adjoining residential occupiers by reason of noise and disturbance.

(3) The loading and transfer of all materials shall be carried out so as to minimise the generation of airborne dust with all material kept damp during handling. Road vehicles loaded with crushed material shall be sheeted or otherwise totally enclosed before leaving the site. In order to prevent dust nuisance to neighbouring properties and residents, there shall be adequate screening and damping-down during all demolition activities, sandblasting, clearance work and other site preparation activities.

Reason: To minimise dust arising from the operation and to safeguard the amenity of neighbouring residents.

(4) With regard to surface-water drainage, it is the responsibility of a developer to make proper provision for drainage to ground-water courses or surface-water sewer, to ensure that the surface-water discharge from the site will not be detrimental to the existing sewerage system. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on- or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 08454 850 2777.

(5) Thames Water would recommend that petrol/oil interceptors be fitted in all car-parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local waterways.

REFERENCE DOCUMENTS:

Any person wishing to inspect the above papers should contact Angus Saunders, The Planning

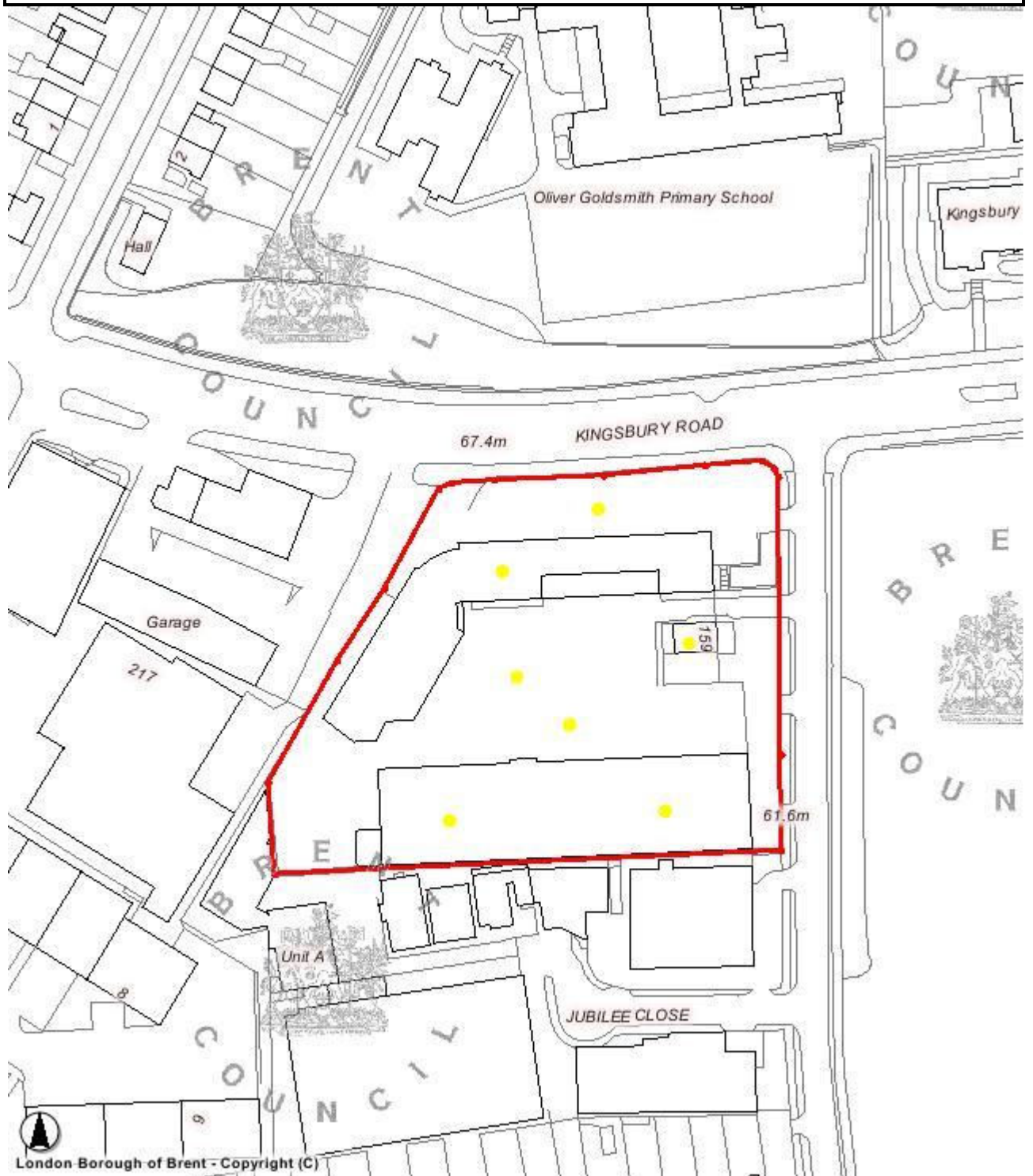
Service, Brent House, 349 High Road, Wembley, Middlesex, HA9 6BZ, Tel. No. 020 8937 5017



Planning Committee Map

Site address: McNicholas House, Warehouses 1 & 3, Front car park & Yard, McNicholas House, Kingsbury Road, London & 159 Townsend Lane, London, NW9

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