

RECEIVED: 19 July, 2013

WARD: Fryent

PLANNING AREA: Kingsbury & Kenton Consultative Forum

LOCATION: Front Car Park, McNicholas House, Kingsbury Road, London, NW9 8XE

PROPOSAL: Temporary change of use of ground floor office (Use Class B1) of approved temple and mixed use building (LPA Ref: 10/2390 for a new build temple / multi-function hall / refurbished office space) to a place of worship (Use Class D1) for up to 400 visitors for a period of 6 months. Hours of use are proposed between 1700 - 2030hrs on Saturdays and 1600 - 2030hrs on Sundays with use of 76 car parking spaces and 6 disabled parking spaces.

APPLICANT: Shree Swaminarayan Sidhant Shjivan Mandal London

CONTACT: Loates-Taylor Shannon

PLAN NO'S:
See Condition 2.

RECOMMENDATION

Approval- temporary consent

EXISTING

The 0.75 hectare site has planning permission for the retention of an existing office building and the re-development of the remainder of the site for use as a Hindu temple and multi-function hall (LPA Ref: 10/2390). The majority of the planning conditions attached to this permission have now been discharged (see Planning History for more information) and the temple is currently under construction.

The site is located to the south west junction of Townsend Road and the Kingsbury Road, within a designated Borough Employment Area (BEA).

The northern boundary, formed by Kingsbury Road, is a four-lane London Distributor Road. On the opposite side of the road is a substantial raised highway verge and beyond this, school playing fields.

The eastern boundary, formed by Townsend Lane, is a traffic-calmed local access road, and beyond this lies the Silver Jubilee Park. To the south lies an area containing a mix of industrial buildings in various uses. 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 some mixed industrial uses, including a number of car repair workshops.

The 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 noted as being 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

Temporary change of use of ground floor office (Use Class B1) of approved temple and mixed use building (LPA Ref: 10/2390 for a new build temple / multi-function hall / refurbished office space) to a place of worship (Use Class D1) for up to 400 visitors for a period of 6 months from 13/09/2013. Hours of use are proposed between 1700 - 2030hrs on Saturdays and 1600 - 2030hrs on Sundays with use of 76 car parking spaces and 6 disabled parking spaces.

HISTORY

12/3307 - *Granted*, 11/03/2013

Minor material amendment for:

- remodelling of glazing to ground, first and second floor of existing office building to north east of site to retain the existing lift location

of full planning permission reference 10/2390 dated 4 Jul 2012 for 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 and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended

12/3306 - *Granted*, 06/02/2013

Details pursuant to condition 17 (apparatus for neutralisation of all effluvia), of full planning permission reference 10/2390 dated 4 July 2012 for 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 and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.

12/3028 - *Granted*, 29/01/2013

Details pursuant to condition 8 (all external materials), of full planning permission reference 10/2390 dated 4 Jul 2012 for 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 and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended.

12/3033 - *Granted*, 24/01/2013

Details pursuant to condition 13 (fencing, railings, walls), of full planning permission reference 10/2390 dated 4 Jul 2012 for redevelopment of McNicholas House

12/2895 - *Granted*, 08/05/2013

Details pursuant to condition 16 (external lighting) of full planning permission reference 10/2390 dated 4th July 2012 for redevelopment of McNicholas House

12/2446 - *Granted*, 10/01/2013

Details pursuant to condition 9 (car park), condition 10 (soft landscaping), condition 11 (hard landscaping), condition 12 (landscape management plan), condition 14 (cycle parking), condition 15 (vehicular access), condition 18 (Sustainable Urban Drainage Systems) and condition 19 (green roof) of full planning permission reference 10/2390 dated 04/07/2012 for redevelopment of McNicholas House

12/2830 - *Refused*, 21/11/2012

Non material amendment remodelling of entrance glazing to ground floor and glazing to 5th floor to accommodate the existing lift location of full planning permission reference 10/2390 dated 4 Jul 2012 for redevelopment of McNicholas House

12/2386 - *Granted*, 31/10/2012

Details pursuant to part of condition 8 (materials for the Temple building), of full planning permission reference 10/2390 dated 04/07/2012 for redevelopment of McNicholas House

12/2029 - *Granted*, 24/08/2012

Details pursuant to part of condition 7 (details of demolition phase wheel wash), of full planning permission

reference dated 4th July 2012 for redevelopment of McNicholas House

10/2390 - Granted, 04/07/2012

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 and subject to a Deed of Agreement dated 25 June 2012 under Section 106 of the Town and Country Planning Act 1990, as amended

POLICY CONSIDERATIONS

The policies that are pertinent to this application are set out below.

National

The National Planning Policy Framework (NPPF) 2012 recognises the importance of the role of community facilities in meeting the diverse needs of local communities.

Regional

London Plan 2011

Strategic planning in London is the shared responsibility of the Mayor of London, 32 London boroughs and the Corporation of the City of London. Under the legislation establishing the Greater London Authority (GLA), the Mayor has to produce a spatial development strategy (SDS) – which has become known as ‘the London Plan’ – and to keep it under review. Boroughs’ local development documents have to be ‘in general conformity’ with the London Plan, which is also legally part of the development plan that has to be taken into account when planning decisions are taken in any part of London unless there are planning reasons why it should not.

Key policies include:

Social Infrastructure

- 3.16 Protection and Enhancement of Social Infrastructure
- 3.18 Education Facilities

Local

The development plan for the purposes of s.38(6) of the Planning & Compulsory Purchase Act 2004 is the Brent Unitary Development Plan 2004, the Brent Core Strategy 2010 and the London Plan 2011.

Brent Core Strategy 2010

The following spatial policies are considered relevant to this application:

- CP1 Spatial Development Strategy
- CP 20 Strategic Industrial Locations and Locally Significant Industrial Sites
Protects these sites for designated industrial employment uses.
- CP 23 Protection of existing and provision of new community and cultural facilities
Encourages new accessible community and cultural facilities and protects existing facilities. Sets a standard for the provision of new community facilities

Brent Unitary Development Plan 2004

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

Strategic

- STR5 Reduces the need to travel, especially by car.
- STR6 Parking controls

Built Environment

BE4 Access for Disabled People

Transport

- TRN1 Planning applications will be assessed, as appropriate for their transport impact on all transport modes including walking and cycling.
- 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
- 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.
- 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.
- PS12 Car parking standards – Class D1
- PS15 Parking standards for disabled people
- PS16 Cycle parking standards

Community Facilities

- CF1 Location of Large Scale Community Facilities.

CONSULTATION

The Council consulted 1,906 neighbours, Fryent Ward Councillors and Welsh Harp Ward Councillors on 19/07/2013.

No representations have been received from Ward Councillors although six representations have been received from local residents.

Of these representations, two people are in support of the development and four are objecting to the proposal. The details of the representations are set out below

Objections:

- Increase in traffic generation
 - Noise from the proposed use, which would result in disturbance to residential uses late in the evening
- The consultation letters have been sent out post commencement of construction therefore it is unclear why the council has consulted on the proposal

REMARKS

1. Key considerations

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

- Site history
- Principle of development, including temporary change of use of office and impact on remaining industrial land
- Impact on nearby residential amenity
- Parking and access

3. Site history

4. The 0.75 hectare site has planning permission for the retention of an existing office building and the re-development of the remainder of the site for use as a Hindu temple and multi-function hall (LPA Ref: 10/2390). The majority of the planning conditions attached to this permission have now been discharged (see Planning History for more information) and the temple is currently under construction.

5. This application seeks a temporary change of use of the retained B1 office building to a temple. The office is not currently in use.

6. Principle of temporary change of use from B1 (office) to temple (D1) and impact on Borough Employment Area

7. 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).

8. 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).

9. The original planning application for the partial re-development of the site and the provision of a temple (D1 use) (LPA Ref: 10/2390) was considered acceptable for the following reasons:

- 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
- 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.

10. Within the original application for the change of use of the majority of the site, 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 was required. This space is proposed to provide jobs for up to 90 people. This application seeks to use the floorspace on a temporary basis as a place of worship. The current B1 office is not in use and would not feasibly be in use until the construction of the temple is completed. As such, and in consideration that the B1 use will be retained on a more permanent basis, it is not considered that there is a departure from policy.

11. In terms the merits of the provision of a temporary use, 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 as set out in Strategic Objective 6 and policies CP18 and CP23 of the Core Strategy (2010). 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.

12. The above analysis suggests that there is a shortage of places of worship and as such weight to the planning merit of this aspect of the proposal has been given; subject to an acceptable impact on residential amenity and parking impact, therefore, the temporary change of use is considered acceptable.

13. With regard to 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). The proposed change of use will 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.

14. Turning to policy CF14, the impacts on residential amenity and transport are discussed in paragraphs 4.1 to 4.3 below.

15. Impact on Nearby Residential Amenity

16. 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.

17. Local residents have objected to the proposal on the basis of, *inter alia*, the noise and disturbance from the use of the temple, why the council has consulted when the development is already being built and an increase in on-street parking.

18. It is not considered any material harm would arise in terms of noise and 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 for the temporary change of use will be imposed via condition and special events will be excluded to restrict any additional and potentially adverse traffic impacts. With regard to the position of why the council has consulted after construction has commenced, as the existing proposal allows for a change of use that was not considered as part of the original application, the council is therefore required to further consult residents who live in close proximity to the development.

19. Parking & Access

20. Car parking allowances for the proposed place of worship (use class D1) are given in standard PS12 of the UDP.

21. The parking allowance for a place of worship is 2 spaces for every 5 visitors, based on the maximum capacity. The applicant has advised that the maximum capacity is 400 and therefore a maximum of 80 parking spaces should be accommodated. The applicant has provided 78 parking spaces, 4 of which are disabled spaces, at the rear of the site. The visitors will use the vehicular entrance south of the site which is accessed from Townsend Lane and the main pedestrian access is from Kingsbury Road. The entrance to the middle of the site, accessed from Townsend Lane, is currently being used for construction works and vehicles and will continue to be used for the works.

22. The temporary site is intended to be used during the weekend when construction works will not be taking place and in addition to this visitors and construction vehicles do have separate entrances therefore the site operating temporarily alongside the construction works is satisfactory from a transportation view.

23. The vehicular entrance for visitors south of the site is 3.6m wide adjacent to the public highway and narrows down to 3.4m adjacent to the site. The width of the crossover should be a minimum 4.1m to allow two way traffic. As the temporary site can still accommodate up to 400 people, the flow of traffic in and out of the narrow entrance is likely to be restricted and lead to an overspill of traffic on Townsend Lane. To mitigate any impact on the highway network, a temporary extension to the crossover (4.1m wide) is required to be implemented by the Council's Transportation Unit. This will be secured via condition, with works to be carried out by Transportation Service Unit.

24. Conclusion

25. The proposed development accords with policy CP20 as long term the employment use will be re-instated. The traffic impact of the proposed temporary use and the impact on adjoining residential amenity is considered acceptable. Approval is recommended subject to conditions.

RECOMMENDATION: Grant Consent

REASON FOR GRANTING

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

Brent Core Strategy 2010
Brent Site Specific Allocations 2011
Brent Unitary Development Plan 2004

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

Built Environment: in terms of the protection and enhancement of the environment
Environmental Protection: in terms of protecting specific features of the environment and protecting the public
Housing: in terms of protecting residential amenities and guiding new development
Employment: in terms of maintaining and sustaining a range of employment opportunities
Town Centres and Shopping: in terms of the range and accessibility of services and their attractiveness
Transport: in terms of sustainability, safety and servicing needs
Community Facilities: in terms of meeting the demand for community services

CONDITIONS/REASONS:

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

GA(00)800P0; GA(00)801P0; Travel Plan by Motion dated 12/09/2013; Office Travel Plan by Motion dated 12/09/2013.

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

- (2) The hours of use are restricted to between 1700 - 2030hrs on Saturdays and 1600 - 2030hrs on Sundays for a maximum of 400 visitors. The premises shall be cleared within 30 minutes after these times, except for routine maintenance or administrative purposes unless otherwise agreed in writing by the Local Planning Authority. No special events or weddings shall take place at the venue.

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

- (3) No music, public address system or any other amplified sound shall be installed on the site which is audible at any boundary outside the curtilage of the premises.

Reason: To safeguard the amenities of the adjoining occupiers.

- (4) This permission shall be for a limited period of 6 months only from the date of this permission (unless a further application has been submitted to and approved in writing by the Local Planning Authority) and the use hereby approved shall be discontinued.

Reason: To accord with the applicants request for a temporary planning consent during the construction period for a permanent religious facility.

- (5) The vehicular crossover serving the access to the proposed visitor's "main vehicular entrance" shown within plan number GA (00)801P0 shall be increased in width to a minimum of 4.1m prior to commencement if the use hereby approved. The above works shall be carried out at the applicants expense, in compliance with a scheme to be submitted to and approved in writing by the Highway Authority, with the works carried out and completed in accordance with these approved details.

Reason: In the interests of highway and pedestrian safety in the locality, in pursuance of Section 278 of the Town and Country Planning Act 1990.

INFORMATIVES:

- (1) The widening of the crossover to the south eastern corner of Townsend Lane shall be constructed at the applicant's expense, and shall be carried out by the council as Highway Authority.

Reason: To comply with Section 184 of the Highways Act 1980.

Any person wishing to inspect the above papers should contact Laura Jenkinson, Planning and Regeneration, Brent Civic Centre, Engineers Way, Wembley, HA9 0FJ, Tel. No. 020 8937 5276