

LOCATION: 64-68 Colindale Avenue, London, NW9 5DR
REFERENCE: H/01635/12 **Received:** 01 May 2012
WARD: Colindale **Accepted:** 01 May 2012
Expiry: 31 July 2012

Final Revisions:

APPLICANT: Jain Network
PROPOSAL: Demolition of existing building and construction of a three storey building providing community facilities and a temple. Provision of three ancillary flats for staff employed on the premises.

Approve Subject to a Section 106 Agreement
RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Highways (controlled parking) £2,000.00**
A contribution towards the cost of required changes to an existing scheme or creation of a new scheme for controlling parking within the vicinity of the development.
- 4 **Requirement to submit Travel Plan £5,000.00**
Requirement to submit a Travel Plan for approval by the Council prior to first occupation of the development and the obligation to provide a contribution towards the Council's costs of monitoring the implementation of a Travel Plan.
- 5 **Special Site-Specific Obligation £10,000.00**
A contribution of £10000 towards the review and implementation of CPZ if required comprising as follows:

A contribution of £5,000 for the review of the CPZ
A contribution of £5,000 for implementation of the amendments to the existing CPZ if required after the review has taken place.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/01635/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Statement form Peter Deer and Associates, Activity Management Plan, Design and Access Statement, Transport Statement, (00)001A, (00)002 B, (00)003 B, (00) 005 D, (00)100, (00)101, (01)001 B, (01)002 B, (01)100 B, (02)001 C, (02)002 C, (02) 100, (02)201, (09)407 B, (09)409, (10)001 B, (10)002 A, (10)003 B,(10)004 B, (10)005 A, (10)006 B, (10)007 B, (10)008 B, (10)009 B Acoustic Report, Flood Risk Assessment Rev 3.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan (00)003 B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 The premises shall be used as a Jain Centre for the purposes set out in the design and access statement and no other purpose (including any other purpose in Class D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

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

- 8 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

10 Part 1

Before development commences other than for investigative work:

- a. A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b. If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-
 - a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

- c. If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF of the Adopted Barnet Core Strategy DPD (2012) and 5.21 of the London Plan 2011.

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 12 The use hereby permitted shall not be open to customers before 8am or after 10pm on any day

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

- 13 The non-residential development is required to meet 'Very Good' environmental standard under BREEAM Bespoke. Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason:

To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

- 14 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

- 15 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Genever and Partners, Ref 4531/BJG/GH, Rev 3, 26 April 2012) and the following mitigation measures detailed within:

- 1 Provision of compensatory floodplain storage on site to a 1 in 100 year standard (with an allowance for climate change) as detailed in Section 7 and shown on drawings in Appendix 8 and 9.
- 2 Identification and provision of safe routes into and out of the site to an appropriate safe place as shown on the 'Building Escape Plan' in Appendix 6.
- 3 Finished floor levels are set no lower than 43.8 metres above ordnance datum.

Reason: To safeguard against flood risk.

- 17 The building shall not be occupied by more than 145 people at any time.

Reason: To safeguard neighbouring amenity and highway safety, in compliance with policies DM01 and DM17 of the Adopted Barnet Development Management Policies.

- 18 Development shall not begin until details of the direct physical works on the access where it connects to the public highway network to facilitate the access arrangements have been approved in writing by the Highways Authority under the Highways Act 1980 and the access shall not be used by construction vehicles including construction plant until that access has been constructed in accordance with the approved details.

Reason: To ensure that the access works are constructed on the public highway to the approved specification of the Highway Authority prior to commencement of use by construction vehicles including construction plant.

19 The residential units hereby approved shall be occupied only by employees of the Jain Centre.

Reason: To safeguard neighbouring amenity and highways safety, in compliance with policies DM01 and DM17 of the Adopted Barnet Development Management Policies.

20 Before the development hereby permitted is occupied the proposed disabled parking spaces shall be provided in accordance with the details submitted with the planning application.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety.

21 Before the development hereby permitted commences, details of cycle parking and cycle storage facilities shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

22 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

23 No site works or works on this development including demolition or construction work, shall commence until a Demolition and Construction Management/logistic Plan are submitted to and approved in writing by the Local Planning Authority. All works must be carried out in full in accordance with the approved details unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 24 Before the development is occupied the Travel Plan shall be submitted to and approved by the Local Planning Authority. This should include the appointment of a Travel Plan coordinator. The Travel plan should be reviewed annually in accordance with the target set out in the Travel Plan.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS1, CS5

Development Management Policies (Adopted) 2012:DM01, DM02, DM03, DM04, DM12, DM13, DM14, DM17.

ii) The proposal is acceptable for the following reason(s): -

The proposed development would provide a community facility and is considered acceptable in terms of its impact on the character and appearance of the general locality and streetscene. The proposals would have an acceptable impact on neighbouring amenity and highway safety. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

iv) In this case formal pre-application advice was sought prior to submission of the application.

- 2 If any existing redundant vehicular crossover(s) are required to be reinstated to footway level then the work has to be carried out by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

The applicant is advised that an application under Section 184 or 278 of the Highways Act (1980) may need to be submitted for the provision of a vehicular access to the property. The access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact Traffic & Development Section - Environment, Planning and Regeneration Directorate, London Borough of Barnet, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Environment Planning and Regeneration Directorate as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays or existing waiting restrictions affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP

The applicant is advised that construction of a vehicular access/crossover may involve alterations to the existing on-street parking bays or waiting restrictions. Alterations to on-street parking bays or waiting restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any related costs for the alterations will be borne by the applicant.

The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Any details submitted in respect of the Demolition and Construction Management /Logistic Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

The applicant is advised that Colindale Avenue is Traffic Sensitive Route from 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday – Friday.

Any works necessary on public highway to facilitate the development may be carried out under rechargeable works or under S278 Agreement.

With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. 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 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

RECOMMENDATION III

That if an agreement has not been completed by 09/04/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/01635/12 under delegated powers for the following reason:

The development would require a legal undertaking to provide highway works in the vicinity of the development, namely a review of the existing Controlled Parking Zone, to prevent residents from obtaining parking permits, and to undertake a travel plan. In the absence of this, the development would harm highway and pedestrian safety, contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012) Policies: CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012) Policies: DM01, DM02, DM03, DM04, DM13, DM14, DM17.

Supplementary Planning Documents and Guidance

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

The Council is currently consulting on the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

Draft Residential Design Guidance:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4342>

Draft Sustainable Design and Construction:

<http://barnet.moderngov.co.uk/ieDecisionDetails.aspx?Id=4343>

Relevant Planning History:

Site Address: 64-68 Colindale Avenue LONDON NW9
Application Number: W01088D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 26/03/1991
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of premises for manufacture of aluminium/glazed windows and doors.**

Case Officer:

Site Address: 64-68 Colindale Avenue, London, NW9 5DR
Application Number: 03053/10
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/10/2010
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from B1 (light industrial/ office) to cultural centre (D1) with ancillary office and storage uses.**

Case Officer: Graham Robinson

Site Address: 64-68 Colindale Avenue, London, NW9 5DR
Application Number: H/01297/09
Application Type: Full Application
Decision: Refuse
Decision Date: 22/06/2009
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Change of use from B2 (general industrial) to A3 (restaurants & cafes) and A5 (hot food takeaway).**

Case Officer: Graham Robinson

70 Colindale Avenue

W00820B - Building for storing of china and glass - Approved - 19/10/1966

W00820E - Use of front half of ground floor and mezzanine area as offices, the remainder of the building for warehousing. - Lawful - 11-09-1998

W00820F - Change of use of existing first floor offices to provide temporary accommodation for trainees and visiting staff working in offices below. Alterations to front elevation. - Approved - 13-04-1999

W00820L/03 - Construction of additional floors to create a part 2 part 3 storey building to be used as office, showroom and warehouse and single storey rear extension. - Refused - 01-09-2003

62 Colindale Avenue

W06684K - Continued use of premises as radio controlled mini cab offices and transport office. - Approved - 01-03-1995

1A Cecil Road

W01027H/02 - Demolition of existing building and construction of a new two-storey light industrial building (Class B1). - Approved - 10-12-2002

Consultations and Views Expressed:

Neighbours Consulted: 189 Replies: 11
Neighbours Wishing To Speak 2

11 objections were received and a petition with 70 signatories

The objections raised may be summarised as follows:

- Impact on traffic, access and parking
- Scale and appearance of the building
- Development is not in keeping with the surrounding environment
- Users of building could cause obstructions which would block road.
- There are other more suitable sites for this sort of development in north-west London.
- Building design and layout

- Lack of economic or community benefits for the neighbourhood
- Lack of regard for environmental concerns
- People using facility do not live in the area

Internal /Other Consultations:

Environment Agency - The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission granted.

Condition The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (Genever and Partners, Ref 4531/BJG/GH, Rev 3, 26 April 2012) and the following mitigation measures detailed within:

- 1 Provision of compensatory floodplain storage on site to a 1 in 100 year standard (with an allowance for climate change) as detailed in Section 7 and shown on drawings in Appendix 8 and 9.
- 2 Identification and provision of safe routes into and out of the site to an appropriate safe place as shown on the 'Building Escape Plan' in Appendix 6.
- 3 Finished floor levels are set no lower than 43.8 metres above ordnance datum.

Reason To reduce the risk of flooding to the proposed development and future occupants in line with Policy 5.12 (Flood Risk Management) of the London Plan.

The measures within the FRA will ensure safe access and egress to and from the site and prevent flooding elsewhere by ensuring that compensatory storage of displaced floodwater is provided.

- Traffic & Development - No objection, comments contained within main report.
- Environmental Health - No objection subject to conditions

Date of Site Notice: 10 May 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey factory building with flat roof on the south side of Colindale Avenue adjacent to the corner with Cecil Road. The surrounding area is mixed with residential uses, some limited retail and some industrial and office units.

It has an outdated appearance and is in a poor state of repair.

The site is located with the area of the Colindale Area Action Plan.

Part of the building is already used by the Jain Centre but is limited by the terms of planning application reference H/03053/10.

Proposal:

The proposal is for the construction of a new three storey Jain community centre with ancillary residential accommodation for staff and off-street car parking.

Parking would be provided in the form of 14 spaces within the curtilage of the site, accessible from Cecil Road. There would also be a drop off lay by to Colindale Avenue.

Three ancillary residential units would be provided within the rear of the building, occupied by staff.

The building would be of three storeys across the entire site.

The building would have a circular feature to Colindale Avenue and domed element to the middle of the building.

A front landscaping area would be formed to the frontages of Colindale Avenue and Cecil Road to the north of the site.

Planning Considerations:

Policy DM01: Protecting Barnet's character and amenity

- a. All development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change mitigation and adaptation.
- b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.
- c. Development proposals should ensure attractive, safe and, where appropriate, vibrant streets which provide visual interest, particularly at street level and avoid blank walls.
- d. Development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime.
- e. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.
- f. Development proposals for lighting schemes should not have a demonstrably harmful impact on residential amenity or biodiversity.
- g. Development proposals should retain private garden amenity space having regard to its character.
- h. Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate
- i. Loss of houses in roads predominantly characterised by houses will not normally be considered appropriate
- j. Development proposals will be required to include hard and soft landscaping that:
 - i. Is well laid out in terms of access, car parking and landscaping
 - ii. Considers the impact of hardstandings on character
 - iii. Achieve a suitable visual setting for the building

- iv. Provide an appropriate level of new habitat including tree and shrub planting
- v. Make a positive contribution to the surrounding area
- vi. Contributes to biodiversity including the retention of existing wildlife habitat and trees
- vii. Adequately protects existing trees and their root systems
- k. Trees should be safeguarded. When protected trees are to be felled the Council will require replanting with suitable size and species of tree where appropriate.

Policy DM02: Development standards

Where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards and those set out in the Council's suite

of Supplementary Planning Documents:

1. By Design, the CABI urban design principles
2. Lifetime homes, the 16 design criteria required by the London Plan policy 3.8
3. Code for Sustainable Homes, the national standard for sustainable homes
4. BREEM, the environmental assessment method for non residential development
5. Wheelchair accessibility, the London Plan policy 3.8
6. Minimum floor space, the London Plan policy 3.5
7. Outdoor amenity space
8. Secured by Design, the national Police initiative
9. Play space, the London Plan policy 3.6

Policy DM03: Accessibility and inclusive design

Development proposals should meet the highest standards of accessible and inclusive design by demonstrating that they meet the following principles:

- i. can be used safely, easily and with dignity by all regardless of disability, age, gender, ethnicity or economic circumstances
- ii. are convenient and welcoming with no disabling barriers, so everyone can use them independently without undue effort, separation or special treatment
- iii. are flexible and responsive taking account of what different people say they need and want, so people can use them in different ways
- iv. are realistic, offering more than one solution to help balance everyone's needs, recognising that one solution may not work for all.

Policy DM04: Environmental Considerations Proposals to locate development that is likely to generate unacceptable noise levels

close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Policy DM13: Community and education uses

Where it can be demonstrated that no town centre or local centre site is available, new community or educational uses should be located where they are accessible by public transport, walking and cycling. New community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety.

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

Policy DM14 states that the loss of a B Class use will only be permitted where it can be demonstrated to the Council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use. Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted.

Policy DM17 provides travel impact and parking standards, and details Road Safety, Road Hierarchy, Development, Location and Accessibility, Transport Assessment, Travel Planning, Local Infrastructure Needs and Parking management

The planning considerations are considered to be:

- Whether the principle of the use and loss of the employment use is acceptable
- Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality
- Whether the impact on highway and pedestrian safety would be acceptable
- Whether the impact on flood risk would be acceptable
- Whether the impact on neighbouring amenity would be acceptable
- Whether the proposals would be acceptable in sustainability terms
- Whether there would be any section 106 planning obligations necessary to make the application acceptable

Whether the principle of the use and loss of the employment use is acceptable

Council policy is generally supportive of religious facilities providing that they are easily accessible and are accessible to people with disabilities. In principle, the Council would look to support the proposed use in this location.

The site has been in use as a Jain Centre within part of the existing centre for some time, following the approval of application reference H/03053/10. Therefore, permission has already been given for the loss of part of the site for employment purposes (Part was to be retained for B8 storage use).

At the time of the previous application for the use of part of the site for non employment uses justification was given for the loss of the employment use.

The existing premises are in poor condition, is very dated and is in need of repair and modernisation. It is considered that there is little prospect of the site being

brought into re-use for employment purposes. Furthermore, the proposals would provide community benefit from its use as a cultural centre.

Whether the proposals would have an acceptable impact on the character and appearance of the streetscene and general locality

The site has existing factory buildings of single and two storey height. These are of utilitarian appearance and are of a poor state of repair.

There are a mixture of residential and commercial buildings within the locality of different scale. There are two storey residential properties to the south on Cecil Road, as well as two storey business/industrial buildings closer to Colindale Avenue. There are a mixture of buildings on Colindale Avenue, including a single storey furniture warehouse at no.70, two storey residential properties, and in the wider locality three storey and larger buildings.

The design has been refined following extensive discussions with the applicant. This has included shaping the building as a more cohesive "single building" with colonnade elements to the parking area. The grain of the building more closely reflects the finer grain of the surrounding local architecture. Rotundal detailing and materials of a finer grain have been provided. The scheme has been designed to ensure that, whilst there is an increase in scale above the existing building, it provides a landmark community building whilst respecting the scale of surrounding buildings and is not detrimental to the character of the wider locality. Use of a good quality stock brick which relates to the local colour of brick will ensure that the appearance of the building is of high quality.

Whether the impact on highway and pedestrian safety would be acceptable

The existing buildings are designed as light industrial buildings with B1 use. Change of use to D1 was approved in 2010 and the buildings are currently being occupied by Jain Centre and used as a temple and for community use. There is a limit on the number of people who can currently use the centre at 75.

The applicant has provided a Transport Statement (TS) and an Activities Management Plan (AMP).

The site is located close to town centre and local amenities. It is within a one hour controlled parking zone which operates from Monday to Friday 2pm-3pm. There are waiting restrictions in place from Monday to Saturday 8.00am to 6.30pm on Colindale Avenue. The site benefits from good public transport facilities and has a Public Transport Accessibility Level (PTAL) of 4.

10 parking spaces including a disabled parking space and a set down area is proposed on Colindale Avenue were originally provided. An additional 4 parking spaces have been proposed as a result of the discussions with the applicant to ensure that the redevelopment has minimum impact on roads in the vicinity of the site. Therefore a total of 14 parking spaces are now proposed. Cycle stands are also proposed.

A survey of the parked vehicles at various times of the day and on various days of the week was carried out on roads in the vicinity of the development site as follows:

<u>Colindale Avenue car parking survey</u>		
Date of survey 4th December 2012 Parking surveyed in parking bays only. Vehicles parked on yellow lines excluded. Waiting restrictions (Mon-Sat 8-6.30pm)		
Location	Available parking spaces in parking bays	Cars parked in parking bays
Times of Survey		5am-6am
Cecil Road	34	20 (59%)
Colindale Ave	23	19 (82%)
Annesley Avenue	84	68 (81%)
Ajax Avenue	21	14 (66%)

Occasional car parked on YW line observed.
 NB: Vehicular parking spaces in parking bays are measured at 5m

<u>Colindale Avenue car parking survey</u>				
Date of survey 8th December 2012 Parking surveyed in parking bays only. Vehicles parked on yellow lines excluded. Waiting restrictions (Mon-Sat 8-6.30pm)				
Location	Available parking spaces in parking bays	Cars parked in parking bays	Cars parked in parking bays	Cars parked in parking bays
Times of Survey		12pm	2pm	4pm
Cecil Road	34	21 (61%)	13 (38%)	14 (41%)
Colindale Ave	23	18 (78%)	16 (69%)	13 (56%)
Annesley Ave	84	58 (69%)	52 (62%)	57 (68%)
Ajax Avenue	21	12 (57%)	8 (38%)	9 (43%)

Occasional car parked on YW line observed.
 NB: Vehicular parking spaces in parking bays are measured at 5m

<u>Colindale Avenue car parking survey</u>				
Date of survey 9th December 2012 Parking surveyed in parking bays only. Vehicles parked on yellow lines excluded. Waiting restrictions (Mon-Sat 8-6.30pm)				
Location	Available parking spaces in parking bays	Cars parked in parking bays	Cars parked in parking bays	Cars parked in parking bays
Times of Survey		12pm	2pm	4pm
Cecil Road	34	21 (61%)	24 (70%)	25 (73%)
Colindale Ave	23	22 (95%)	17 (74%)	17 (74%)

Annesley Ave	84	48 (57%)	56 (66%)	58 (69%)
Ajax Avenue	21	16 (76%)	18 (85%)	18 (85%)
Occasional car parked on YW line observed. NB: Vehicular parking spaces in parking bays are measured at 5m				

Colindale Avenue car parking survey					
Date of survey 12th December 2012					
Parking surveyed in parking bays only. Vehicles parked on yellow lines excluded. Waiting restrictions (Mon-Sat 8-6.30pm)					
Location	Available parking spaces in parking bays	Cars parked in parking bays	Cars parked in parking bays	Cars parked in parking bays	Cars parked in parking bays
Times of Survey		6pm	7pm	8pm	9pm
Cecil Road	34	29 (85%) exc. 1 Car parked on YL	33 (97%) Inc. 3 cars parked next to the temple outside the bays	32 (94%) Inc. 3 cars parked next to the temple outside the bays	31 (91%) Inc. 3 cars parked next to the temple outside the bays
Colindale Ave	23	19 (83%)	20 (87%)	15 (65%) exc. 3 Cars parked on YL	23 (100%) exc. 6 Cars parked on YL
Annesley Avenue	84	59 (70%)	70 (83%) exc. 1 Car parked on YL o/s KFC	73 (87%) exc. 3 Cars parked on YL o/s KFC	71 (84%) exc. 3 Cars parked on YL o/s KFC
Ajax Avenue	21	11 (52%) exc. 2 Cars parked on YL	13 (62%) exc. 2 Cars parked on YL	16 (76%) exc. 2 Cars parked on YL	16 (76%) exc. 2 Cars parked on YL
YW – Yellow line (Waiting Restriction) Cars were observed parking on YW lines after 6.30pm					
NB: Vehicular parking spaces in parking bays are measured at 5m					

It can be seen from the survey that there are parking spaces available on roads in the vicinity of the site.

It was observed on the week day evening survey that visitor parking in Annesley Road and Cecil Road resulted mainly by people visiting the local shops and was short term. This occurred when the waiting restrictions were in force in Colindale Avenue. However, after 6.30 pm when there were no waiting restrictions in force, the visitors to the local shops also parked on Colindale Avenue.

Proposed Vehicular Trip Generation

	Arrivals	Departures	2-way
AM (8.00 to 9.00 hours)	18	21	39
PM (17.00 to 18.00 hours)	5	6	11
Daily (07.30 to 21.00 hours)	69	69	138

The vehicular trip assessment based on information provided in the TS shows that approximately 39 two way vehicle trips during the AM peak and 11 two way vehicle trips are predicted during the PM peak.

For events taking place during the evening or weekends based on the AMP it has been assumed that 150 visitors could be attending with modal split of 48 arriving by non car modes and 102 arriving by car as a driver or as a passenger. The TS indicates the likely car occupancy of 3.35 people per car which means approximately 30 cars would be used. As 14 car parking spaces are to be provided on site, the rest of the parking would take place on roads in the vicinity of the site. The TS also states that 19 cars could be parked on Cecil Road without affecting the residential section of the parking.

The applicant has confirmed that parking would be managed by regular volunteer traffic marshalls and indeed already is when the existing centre has larger functions.

The occupants of the proposed residential units will be prevented from purchasing parking permits. A contribution of £ 2000 is sought towards the necessary traffic order.

A travel Plan will be required to mitigate the possible additional impact on public highway resulting from the redevelopment of the Jain Centre and a contribution of £5000 will be required under S106 Agreement to monitor the objectives of the Travel Plan.

It is considered necessary to secure contributions under S106 Agreement of £10,000 to ensure that in the event there is a detrimental impact of the proposed redevelopment of the site on the existing Control Parking Zone (CPZ) then a review of the CPZ can be carried out and subject to public consultation the CPZ can be revised.

Section 106 Agreement:

- The occupants of the proposed residential units will be prevented from purchasing parking permits. A contribution of £ 2000 is sought towards the necessary traffic order.
- A contribution of £5,000 towards the monitoring of the objectives of the Travel Plan.
- A contribution of £10,000 towards the review and implementation of CPZ if required comprising as follows:
 - A contribution of £5,000 for the review of the CPZ
 - A contribution of £5,000 for implementation of the amendments to the existing CPZ if required after the review has taken place.

Whether the impact on flood risk would be acceptable

The site is located within Flood Zones 2 and 3.

According to the NPPF, non-residential institutions that are not health services, nurseries and educational establishments are defined as a less vulnerable use. This

is the same as the industrial use currently on site. The application would constitute operational development. Therefore, a flood risk assessment and sequential test will be required with the application, and the Environment Agency have been consulted on the planning application.

The applicant has ensured that the most sensitive parts of the site (i.e. residential) will have an entrance/exit above the main flood level, outside flood risk zone 3.

The Local Planning Authority must consider whether the proposals satisfy the sequential test within the NPPF. The applicant has been searching for suitable premises in the area in terms of location, access, scale and cost for several years. The development is considered to meet the exception test in that the development will provide community benefit.

The proposed development will only meet the requirements of the National Planning Policy Framework if measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission granted. Therefore it is suggested that conditions are attached to protect against flood risk.

Whether the impact on neighbouring amenity would be acceptable

The applicant proposes two residential units within the building, to provide accommodation for a member of staff and caretaker. These would be provided in the rear part of the site fronting Cecil Road.

The site is located approximately 20m from the nearest residential property on Cecil Road and 15m from the nearest residential property on Colindale Avenue. Cecil Road is a quieter location more residential in character.

The applicant has indicated the likely level of use of the site in the Activities Management Plan.

Consideration must be given to how the used of the Jain Centre could create additional noise and disturbance through general activity, both through its use as well as people using, entering and leaving the premises, and vehicular movements.

Given the conditions restricting the number of attendees and the hours of use, together with the assessment of the potential highway implications, it is not considered that the range of uses proposed and the level of intensity in which the Jain centre would be used, it is unlikely that the development would materially harm neighbouring amenity.

Whether the proposals would be acceptable in sustainability terms

London Plan policy 5.2 states that development should provide an energy statement and should achieve a reduction in 25% of carbon dioxide emissions.

The Council encourages developments to meet the essential standards on sustainable development including:

- Maximizing use of natural systems
- Conserving energy water and other resources
- Reducing noise, pollution, flooding and microclimatic effects
- Ensure developments are comfortable and secure for users
- Conserve and enhance the natural environment and biodiversity
- Promoting sustainable waste behaviour

The council requires that developers comply with the minimum standards on construction management that are detailed in the London Best Practice Guidance to Control Dust and Emissions from Construction and Demolition. The council requires that for all Major and Large Scale Developments, a code of construction practice must be prepared and signed-off by the council prior to commencement of any demolition or construction activities on site. The council will require a commitment from all applicants for any Major and Large Scale Developments to sign up to the national Considerate Constructors Scheme prior to commencement of any demolition or construction activities.

The scheme would need comply with this and conditions are attached accordingly.

Whether there would be any section 106 planning obligations necessary to make the application acceptable

The proposals would not generate any education, libraries or health requirements in association with the relevant supplementary planning documents.

The proposals are for a charity and therefore would be exempt from Mayoral CIL.

Contributions are necessary to address the highway impacts of the proposed development.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in the main report

Users of building could cause obstructions which would block road. - *There is no specific reason why this development should result in undue obstruction to the highway.*

There are other more suitable sites for this sort of development in north-west London. - *The proposals have to be considered on their own merits.*

Lack of economic or community benefits for the neighbourhood - *The proposals would provide benefits in terms of a new cultural centre.*

Lack of regard for environmental concerns - *The development itself would need to comply with the relevant environmental standard. The proposals would not harmfully increase flood risk and it is considered that the environmental impacts of the scheme would be acceptable.*

People using facility do not live in the area - *It is noted that the Jain community is predominantly based in the wider north-west London region. The proposals have been assessed on their merits and are considered acceptable.*

4. EQUALITIES AND DIVERSITY ISSUES

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

(b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

(c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) Tackle prejudice

(b) Promote understanding

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;

- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

- (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.
- (9) schedule 18 (exceptions) has effect.”

The likely equalities impacts of the development are as follows:

In considering the application, it is unlikely that any specific groups will be unduly affected by the proposals. It has been identified that the scheme would not materially harm the

The proposals would generate some additional vehicular movements however it is not considered that less able road users would be so harmfully affected by the development as to warrant refusal of the application.

It is understood that the property was available on the open market, and that other groups would have had the opportunity to purchase the site.

The proposals would provide a new Jain cultural centre. The site was formerly an industrial unit and has been purchased by the Jain centre.

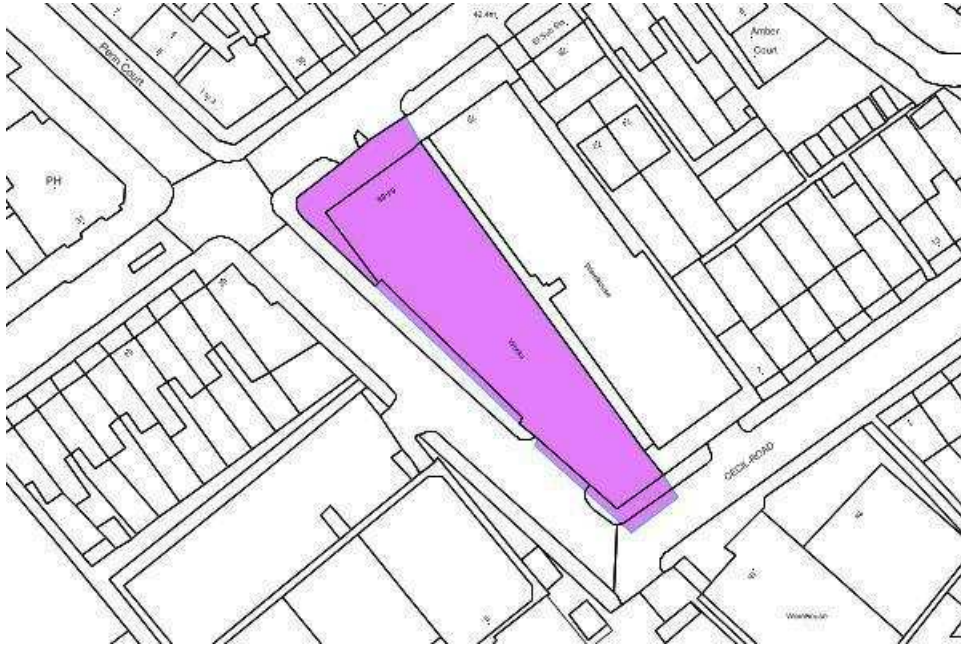
Adequate mitigation for any highways impacts from the proposals has been provided. Therefore, there should not be undue impact on local residents, as highway improvements are proposed and there is some limited capacity to absorb traffic in the vicinity of the site.

5. CONCLUSION

Weighing up the relevant considerations, namely, the loss of the employment use, the community benefit, that the majority of amenity impacts could be overcome by the imposition of conditions, the lack of material harm to highway safety providing that highway improvements are provided; it is considered that the proposals would broadly comply with Council policy and **APPROVAL** is recommended.

SITE LOCATION PLAN: 64-68 Colindale Avenue, London, NW9 5DR

REFERENCE: H/01635/12



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