

**Location**                      **The Hendon 377 Hendon Way London NW4 3LP**

**Reference:**                      **15/05457/FUL**

Received: 28th August 2015

Accepted: 28th August 2015

Ward:                              West Hendon

Expiry 23rd October 2015

Applicant:

Proposal:                      Change of use of first floor from offices to training and development kitchen  
(sui generis) Installation of ventilation/extraction system to rear

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 2664.05.02; 2664.SK4.00; 18935/2; 18935/3; 087278 RevA; 087278 RevA; 087278 RevA; 087278 RevA; environmental noise assessment report dated October 2015.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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     The level of noise emitted from the flue and extraction equipment hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 4 The development shall be implemented in accordance with details of mitigation measures as identified within the environmental noise assessment report dated October 2015 submitted as part of the application before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure a satisfactory amenity in regards to noise levels; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 5 The use hereby permitted shall not be open before 8am or after 8pm on weekdays and Saturdays or before 10am or after 5pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

**Informative(s):**

## **Officer's Assessment**

### **1. Site Description**

The application site is an existing two storey building with rooms in the roof space. The ground floor of the unit is currently occupied as a public house. The upper floor of the building is in use as offices.

### **2. Site History**

Address: The Hendon PH, 377 Hendon Way, London, NW4 3LP

Decision: Approved with conditions

Decision Date: 3 December 1980

Description: Change of use of first floor of premises from public house and manager's flat to office accommodation.

### **3. Proposal**

The application relates to the change of use of first floor from offices to training and development kitchen (sui generis) Installation of ventilation/extraction system to rear.

### **4. Public Consultation**

Consultation letters were sent to 98 neighbouring properties.

8 responses have been received, comprising 7 letters of objection, 1 letter of support and 0 letters of comment.

The objections received can be summarised as follows:

- Loss of office space.
- Would have to consider leaving current job if company was forced to leave existing premises.
- Impact on personal life including, childcare arrangements, less time at home, increased commuting time, financial implications.
- Impact on existing businesses - including financial, personnel changes and struggle to find other suitable premises.
- Potential impact on customers.
- No other suitable offices in NW4 location.
- Work with students from Middlesex it would be a shame for them to lose this opportunity if business moves out.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

#### The Mayor's London Plan 2015

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

#### **Acceptability of the principle of the land use**

The scheme would involve the loss of separate active office accommodation within the existing building and the creation of a corporate training and education facility. Policy DM14 of the Local Plan states that the loss of existing 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 marketing has been undertaken. In addition, 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. Where there is a loss, contributions should be made in mitigation for employment training.

The proposed new use of the premises is as a training centre for catering and bar staff working for Greene King. The premises are laid out with two training kitchens, two classrooms and a training bar. Each class room has capacity for 12 people based on the indicated layout although undoubtedly, there would be capacity for a greater number given that the training kitchen has an approximate floor area of 120sq.m.

Nominally, the use of this facility would be D1 (training and education), however, it is possible to consider that the use could fall under a number of categories. An earlier appeal decision in Wales has previously suggested that the use could be B1, where the process of education/training might lead to the manufacture of processes or goods. However, given that the 'manufacture' would take place at Greene King's portfolio of pubs across the country rather than not necessarily on site it is considered that the B1 use class may not be the nature of the use that would be undertaken. Alternatively, this might also be considered to be ancillary to the A4 use on the ground floor. However, given the size, intensity and impact of the use as well as the fact it would not normally be used for visiting members of the public, it is suggested also that it would not form part of the A3 or A4 use.

In addition, given the nature of the use as a training facility for cooking and catering processes that would also include the necessity for extraction, filtration and ventilation and the combination of both uses and impacts, it could be argued that the use could also be sui generis.

Given these possibilities, it is considered that the nature of the proposed use: training, cooking and preparing/developing services with impacts on noise and air quality would generate a particularly unique form of land use activity that does not fall cohesively into one particular use class.

Given that the proposed use would be sui generis (albeit with a training/education lead) this response now follows on to the acceptability of the principle of change of use. Policy DM14 addresses the principle of the loss and supply of new and existing employment floorspace. There is a clear presumption in this policy for the retention of employment or B1 floorspace and generally, its loss should be exceptional based on an appraisal of its viability to either continue functioning in the short, medium and long term or to be reoccupied within the same timescale. This should be demonstrated through the provision of evidence of a marketing campaign. However, given the nature of the proposed use as a training facility that will also provide employment opportunities within the borough the loss of these offices to be replaced by a training facility would be acceptable.

Given the use of the floorspace as a training facility for staff attached to the ground floor use and for similar premises across the country it is considered that the nature of the use would be consistent with the development and maintaining the commercial interest of the premises. It should also be noted that the policy also requires that contributions should be made in relation to training to mitigate against the loss of the employment floorspace.

However, given that the proposed facility would be a training facility, it is considered that it would not be reasonable to seek this contribution at application stage.

On the basis that this proposed land use would be sui generis for education purposes albeit as an education/training facility, it is considered that policy DM13 would be relevant in the evaluation of the application. New community or education uses are promoted and encouraged and would generally be acceptable subject to particular locational conditions, based on accessibility or general amenity impact for residents and the safety and effectiveness of the highway. The site has a PTAL 4 rating, is close to Hendon Central underground station and also benefits from off street car parking. The traffic and development team have reviewed the application and raise no objections to the proposal. In addition, TfL have commented on the application and have no comments relating to the proposal.

It is acknowledged that the existing offices are currently in occupation and no active marketing has been carried out for the units for B1 use. However, on balance given the type of proposed use which will replace the offices and the benefits of providing education/training facilities within the borough and given that the proposed use will still be an employment generating facility and in accordance with policy DM13 that seeks to encourage education uses it is considered that due to the specific circumstances of this application and the proposed use on balance the loss of the offices is acceptable. This would not set a precedent for the loss of other office uses in the area, given the specific nature of the replacement use.

### **Impact on neighbouring buildings**

Generally, food and drink uses give rise to a range of impacts in relation to air quality, noise generation, servicing and deliveries and hours of use. The scheme under consideration would result in the intensification of the existing use by way of a 120sq.m main training kitchen, a secondary smaller kitchen and a 'development bar'. The application proposal is to change the use of the first floor of the public house from offices to a training kitchen to be used by Greene King. The kitchen will be used to develop new dishes to be rolled out across the country and to train the chefs who will prepare them. This ties in with Greene King's commitment to training and developing its staff, including running an apprenticeship scheme. The training/development kitchen would employ four trainers, two food development chefs and a kitchen assistant. Greene King expect approximately 120 staff will pass through each week.

It is not considered that the proposed intensity of the use will result in harmful movements for the neighbouring residential occupiers.

The environmental health team have reviewed the report submitted as part of the application and raise no objection to the ventilation and extraction system provided.

### **Impact on character and appearance of host property and surrounding area**

Given the fact that the proposed development is principally for a change of use, there would not be any need for substantial physical alterations to the property other than the installation of the extraction flue.

## **5.4 Response to Public Consultation**

Due to the nature of the proposed use it is not considered that the

## 6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## 7. Conclusion

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

