

LOCATION: KFC , Apex Corner, Northway Circus, London, NW7 3ET
REFERENCE: H/03017/12 **Received:** 03 August 2012
Accepted: 10 August 2012
WARD: Hale **Expiry:** 09 November 2012
Final Revisions:
APPLICANT: Sherry Gold No 1 Ltd. c/o Indigo Planning
PROPOSAL: Extension to the time limit for implementing planning permission reference H/02287/09 granted 18/08/09 for 'The erection of a part single, part three and part four storey building plus basement parking to provide hotel with landscaping, site and associated works following demolition of existing building'.

Approve Subject to S106
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 **Libraries (financial) £1,668.16**
A contribution towards Library Facilities and Resources in the borough
- 3 **Mayoral Community Infrastructure Levy £0.00**
A rate of £35 per sqm on the net additional floor space of chargeable development
- 4 **Monitoring of the Agreement £1,583.41**
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 5 **Highways Improvement (local to the site) £30,000.00**
A contribution towards local highway improvements within the vicinity of the development.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: H/03017/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: PL1-050, PL1-051, PL1-100, PL1-101, PL1-110, PL1-111, PL1-120, PL1-130, PL1-700, Planning Investigation: Noise by Adnitt Acoustics, BS5837 Tree Survey and Arboricultural implications assessment, Landscaping Public Realm Strategy, Permanent & Transient Overshadowing Report, Sequential Test Assessment, Planning Statement, Transport statement, Design & Access statement, Sustainability Report.

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 PL1-110 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 and to comply with policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 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 work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site and to comply with policy DM01 of the Adopted Barnet Development Management Policies 2012.

- 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 visual amenities of the locality and to comply with policy DM01 of the Adopted Barnet Development Management Policies 2012.

- 6 The premises shall be used for a hotel and no other purpose (including any other purpose in Class C1 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 and to comply with policy DM01 of the Adopted Barnet Development Management Policies 2012.

- 7 The ground floor rear facing windows shown on plan PL1-110 shall be permanently fixed shut and retained as such thereafter.

Reason:

To safeguard the amenities of neighbouring occupiers and to comply with policy DM01 and DM02 of the Adopted Barnet Development Management Policies 2012.

- 8 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).

- 9 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).

- 10 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).

- 11 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 12 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 14 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 15 The level of noise emitted from the plant machinery 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 Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 16 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development in accordance with policies DM04 of the

Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 17 The non-residential development is required to meet the following generic environmental standard (BREEAM) and at a level specified at Section 6.11 of the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007). 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).

- 18 No development shall take place until details of the arrangements to meet the obligation for education, health and library facilities and the associated monitoring costs have been submitted to and approved in writing by the local planning authority.

Reason:

To ensure the proper planning of the area and to comply with policies CS10, CS11 and CS15 of the Adopted Barnet Core Strategy DPD (2012) and the adopted Supplementary Planning Documents "Contributions to Education", "Contributions to Health Facilities", "Contributions to Libraries" and "Planning Obligations".

- 19 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).

- 20 Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the biomass boiler shall be submitted to and approved by the Local Planning Authority. It should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before the use commences.

Reason:

To ensure that the amenities of neighbouring premises are protected from poor air quality arising from the development.

- 21 Privacy screens shall be installed as shown on plans 'PL1-110' and 'PL1-111' on all first, second and third floor north facing windows. Before the development commences, details of the proposed privacy screen enclosures shall be submitted to and approved in writing by the Local Planning Authority and the screens shall be installed prior to first occupation and permanently retained thereafter.

Reason:

- To safeguard the privacy and amenities of neighbouring occupiers and to comply with policy DM01 and DM02 of the Adopted Barnet Development Management Policies 2012.
- 22 Loading and unloading areas must remain ancillary to the use of the building and shall be available at all times for that purpose.
Reason:
To ensure that satisfactory servicing is maintained and to comply with policy DM17 of the Adopted Barnet Development Management Policies 2012.
- 23 The building hereby approved shall not be used for weddings, conferences or other business or community related events.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and to comply with policies DM01, DM11 and DM17 of the Adopted Barnet Development Management Policies 2012.
- 24 Details of any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.
Reason:
To prevent light pollution of neighbouring property and to comply with policy DM01 of the Adopted Barnet Development Management Policies 2012.
- 25 Before the development commences details of on site renewable energy generation including any CHP and Air Source Heat Pumps as referred to in the Sustainability Report by PSH Consulting Ltd. shall be submitted to and approved in writing by the Local Planning Authority. The systems shall be installed and fully operational prior to the occupation of the building and thereafter permanently maintained.
Reason:
To ensure that the development is sustainable and complies with Strategic and Local Policies and to comply with policy DM04 of the Adopted Barnet Development Management Policies 2012.
- 26 The work zone, living zone, breakfast area, bar, gathering zone, fitness room, and meeting room within the building hereby approved shall only be used by hotel guests staying at the premises and not by any other persons.
Reason:
To ensure that separate uses are not created in this location in the interests of the vitality and viability of the nearby town centre, to ensure that adequate parking provision is available, and to safeguard the amenities of neighbouring occupiers and to comply with policy DM11 of the Adopted Barnet Development Management Policies 2012.
- 27 The roof of the building hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area, without the benefit of the grant of further specific permission in writing from the Local Planning Authority.
Reason:
To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking and to comply with policy DM01 and DM02 of the Adopted Barnet Development Management Policies 2012.

- 28 Before the development hereby permitted commences, details of the proposed access, drop off and exit arrangements for all vehicles and how vehicular movements are to be managed, shall be submitted to and approved in writing by the Local Planning Authority and Transport for London.

Reason:

To ensure the proposal does not result in conditions prejudicial to the safe operation of the highway and to comply with policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 29 No development shall take place until a Travel Plan and details of the provision of contributions towards the associated monitoring costs have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the impacts of the development on traffic generation and demand for on-street parking can be mitigated, in the interests of highway safety, the free flow of traffic and to protect the amenities of neighbouring residents and to comply with policy DM17 of the Adopted Barnet Development Management Policies 2012.

- 30 No development shall take place until details of the provisions of contributions required for necessary highway works including pedestrian, lighting and carriageway improvements within 1km of the site have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the proper planning of the area and to comply with policy DM17 of the Adopted Barnet Development Management Policies 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:CS5, CS10, CS11, CS15

Development Management Policies (Adopted) 2012: DM01, DM2, DM11, DM17

Supplementary Planning Document: Contributions to Libraries

Supplementary Planning Document: Planning Obligations

Supplementary Planning Document: Sustainable Design and Construction

ii) The proposal is acceptable for the following reason(s): - It is considered that a hotel is acceptable in principle in the local context. Overall the scheme is considered to represent high quality design. The proposed development is not considered to significantly harm neighbouring amenity. The proposal is considered to be acceptable with regard to development plan policies, subject to appropriate planning conditions.

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.

- 2 Any alteration to the existing crossover or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2 nd Floor, Oakleigh Road South, London N11 1NP
- 3 The report submitted to the LPA should be written in accordance with the following guidance: 1) NSCA Guidance: Development Control Planning for Air Quality and the Planning Policy; 2) Environment Act 1995 Air Quality Regulations, Planning Policy Statement 23: Planning and Pollution Control, Annex 1: Pollution Control, Air and Water Quality; 3) Local Air Quality Management Technical Guidance LAQM.TG(03); 4) London Councils' Air Quality and Planning Guidance, revised version January 2007; 5) The report should also have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network.
- 4 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £163,485.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability

Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

- 5 Prior to commencement of the development, the applicant will need enter into a section 278 agreement with Transport for London and the Council's Highways Team for associated highways works.
- 6 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern health and safety through all stages of a construction project. The Regulations require clients (ie those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (telephone 0541 545500).
- 7 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 siteshall not be detrimental to the existing sewerage system. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321

- 8 Please note, any street furniture or lighting column affected by the proposed works would be relocated and charged under a rechargeable works agreement by the Council's term contractor for Highway Works.

The applicants will be required to obtain a commercial crossover licence.

RECOMMENDATION III

That if an agreement has not been completed by 05/05/2013, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/03017/12 under delegated powers for the following reason:

The development would require a legal undertaking to provide highway works in the vicinity of the development. 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.

The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health Facilities, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

1. MATERIAL CONSIDERATIONS

The Community Infrastructure Levy Regulations 2010

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy (Adoption version) 2012

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy (CS) is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 16 policies in the CS. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS5, CS10, CS11, CS15

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Development Management Policies is now capable of adoption following receipt of the Inspector's Report in June 2012. The Inspector endorsed all the Council's modifications at EIP and found it sound and legally compliant. Therefore very significant weight should be given to the 18 policies in the DMP. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM04, DM11, DM17

Relevant Planning History:

H/02287/09 - Erection of a part single, part three and part four storey building plus basement parking to provide hotel with landscaping, site access and associated works following demolition of existing building. - Approved - 18/08/2009

Consultations and Views Expressed:

Neighbours Consulted:	139	Replies: 15
Neighbours Wishing To Speak	0	

3 objections were received and a joint letter with 14 signatories objecting to the development.

The objections raised may be summarised as follows:

- Increase traffic flow on Ellesmere Avenue and surrounding roads
- Increased noise, litter and disturbance
- Scale and appearance, would appear an eyesore
- Height of hotel would block sunlight to neighbouring dwellings
- Loss of privacy
- Creation of basement would potentially result in subsidence
- There are already plenty of hotels

One letter of support was received commenting that the proposals would improve the appearance of the site.

Internal /Other Consultations:

- Thames Water Development Control - - Waste Comments
Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Surface Water Drainage - 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.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

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

Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephoning 020 8507 4321

- Planning Policy Section - Requested additional sequential test to account for changes since initial application.
- Mill Hill Preservation Society - The Committee of the MHPS has seen the plans for the above proposed development and, whilst recognizing that some re-development of the site would be acceptable, we wish to object to these plans for the following reasons:
 1. The plans show over-development on the available land. The footprint of the proposed hotel is substantially larger than the existing restaurant and almost fills the site.
 2. The up to four-storey height of the proposed building plus its footprint size would make it overbearing and out of scale and character with any nearby buildings and it would devalue the visual approach to Mill Hill at that point.
 3. We feel that with its large flat roof and glass planks, the design is very unattractive and bears no relationship to any of the local red brick buildings and does nothing to improve the character of Mill Hill.
 4. It would be visually intrusive to the residents of Ellesmere Avenue, whose gardens back onto the site, by virtue of its height and bulk.
 5. Although this site is used as a fast food restaurant at present we feel that, as it is one of the main entrances to Mill Hill, any new building should be designed to reflect this important location and respond to the context of the site.
 6. We can only see a breakfast area with seating for 10 and no restaurant for an 88 room 'budget' hotel.
 7. With the proliferation of new hotels just up the A1 at Borehamwood, is there a justified and sustained need for more hotels in the area?

For these reasons we urge you to refuse this application and request that the developer come forward with a smaller and more attractively-designed proposal.

- Highways Agency - No comments to make
- Traffic & Development - No objection to extension to time limit
- Transport for London, Road Network Development - With respect to the above application, I can confirm that TfL have the following comments:

· In line with London Plan policy 6.13 'Parking' all car parking provided on site should be fitted with 10% active Electrical Vehicle Charging Points with a further 10% passive spaces to allow for future conversion.

· London Plan revised early minor alterations are proposed. Within this, cycle parking will be required at 1 space per 10 visitors for the hotel.

· In accordance with London Plan policy 8.3, *Community Infrastructure Levy*, the Mayor agreed to commence CIL charging for developments permitted on or after 1 April 2012. It is noted that the proposed development is within the London Borough of Barnet, where the Mayoral charge is £35 per square metre Gross Internal Area (GIA). The levy will raise £300 million towards the delivery of Crossrail. Further details can be found at: <http://www.london.gov.uk/publication/mayoral-community-infrastructure-levy>.

Subject to the above, TfL has no objection to the renewal of planning permission.

Environmental Health - The most likely impacts of the development would be:

- Noise from plant
- Poor air quality should a biomass boiler be installed

Most likely impacts on the development:

- High noise and poor air quality

Environmental Health have no objection subject to conditions and informatives - comments included within main report.

Date of Site Notice: 23 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site covers an area of approximately 0.23 hectares, currently occupied by a single storey drive through restaurant. The site is bounded by the A41 to the south, Pike Road to the west and the rear gardens of the inter-war suburban houses on Ellesmere Ave to the north. To the south east of the site is Apex parade, a 3 storey block which incorporates commercial uses at ground floor, with residential above. Apex Corner is designated as a Local neighbourhood Centre in the Borough's retail hierarchy (as detailed in the UDP).

The site is in a very prominent location, at the intersection between the A41 and the A1, and adjacent to the M1 and main railway line. As a result the site will be viewed by thousands of people per day.

Proposal:

The proposed development is for the Erection of a part single, part three and part four storey building plus basement parking to provide hotel with landscaping, site access and associated works following demolition of existing building.

The proposed development would consist of a 88 bedroom hotel.

The proposed design features are dark brown brickwork, a glazed canopy; double glazed windows with dark grey powder coated window frames, copper panels, and inset render panels, and opaque and semi-transparent channel profile glass panels.

A basement car park would accommodate 56 car parking spaces. Site access would be via the existing private road from the Edgware Way (A41). This access road also connects to the A1 travelling north.

It is noted that an ancillary meeting room forms part of the proposal.

Planning Considerations:

The key considerations in the assessment of this proposal are:

- The principle of a hotel use in this location
- Design, character and townscape matters
- Environmental impacts and sustainable design and construction matters
- impacts on the amenities of neighbouring and surrounding occupiers
- transport, access and parking matters
- planning obligation contributions

Policy Context

Planning History

A previous application (REF: H/03931/08) for a four storey hotel was refused on the grounds that:

i) '*The proposed development by reason of its size, siting, scale, bulk and design would be unduly obtrusive in this prominent location and would fail to enhance the quality of the local built environment, to the detriment of the character of the area, contrary to policies GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D7 and L10 of the Barnet Adopted Unitary Development Plan (2006) and Planning Policy Statement 1 - Delivering Sustainable Development (2005).*'

ii) '*The development, by reason of its size, siting and height would result in an overbearing form of development, and lead to an unacceptable sense of enclosure and loss of sunlight, detrimental to the visual and residential amenities of the occupiers of properties situated to the rear in Ellesmere Avenue, contrary to policies GBEnv1, D2, D5 and L10 of the Barnet Adopted Unitary Development Plan (2006).*'

iii) '*The proposal does not incorporate a formal undertaking to meet the extra libraries costs arising as a result of the proposed development, contrary to policies*

CS2 and IMP2 of the Barnet Adopted Unitary Development Plan (2006).'

The scheme was revised to overcome these concerns and subsequently approved under reference H/02287/09.

Principle of a hotel use

The NPPF requires that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale'

It goes on to say that *'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).*

This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made....Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.'*

No objection was raised to the previous application in terms of the proposed use of the site.

The Council has commissioned a Town Centres Floorspace Needs Assessment that was published in April 2009 by GVA Grimley. This states in regards to hotels that:

'The level and type of hotel provision in Barnet, supplemented by various new developments coming forward, is considered reasonable to accommodate the needs of visitors to the Borough. However, we would recommend that provision is closely monitored and remains responsive to market demand. In accordance with the town centres first policy and the sequential approach, new development should be directed towards existing centres and, based on individual merits, appropriate locations well-served by the strategic transport network.'

London Plan Policy 4.5 sets out a need for 40,000 net additional hotel bedrooms by 2031. This sets out a need for increased hotel for increased hotel rooms within London.

A sequential assessment has been submitted in support of the application, which has been updated since the previous application. This has looked at the following sites:

The Railway Hotel, Edgware - The applicant advises that this site already has planning permission and the owner would appear to have plans to redevelop the site accordingly.

Edgware Forumside - More comprehensive redevelopment of this site is sought, and it is unviable and unsuitable.

Edgware Bus Depot - The site is unavailable at present and is owned by TfL. It is unavailable.

Sunley House, High Street - Proposals would result in loss of employment land and is of insufficient size.

46 Watford Way - Proposals are unlikely to be viable at residential and office uses are higher value uses and likely to be permitted on site.

3 Bell Lane - The site has recently been developed and is understood to be unavailable.

Hartley Hall, flower Lane - This site is in the process of being redeveloped for residential and community uses.

Athene House. Mill Hill Broadway - Permission has been given for employment uses and the loss of these is unlikely to be acceptable. The site is also not understood to be available.

Watling Avenue Car Park - The proposals would result in the loss of a market. The site is also located within an area of flood risk and some sort of retail use is likely to be preferable.

3 Burnt Oak Broadway - Permission exists for a mixed use scheme. It is understood that there have been discussions with budget hotel operators but such proposals were not viable.

886-902 High Road, North Finchley - There is existing approval for a mixed use development on site.

915 High Road, North Finchley - The only floorspace available is at ground floor which would not lend itself to hotel use.

Arcadia Avenue - Site has been redeveloped and is not available

Winston House - Permission for a hotel use has already been granted.

281-295 Edgware Road - Servicing arrangements would be inadequate and the loss

of retail uses unlikely to be acceptable.

213-227 West Hendon Broadway - Site would require comprehensive redevelopment of mixed use. This site is therefore not appropriate

Land at Borthwick Road and Ramsey Close - Mixed use development is sought on this site, it is therefore not appropriate.

Philex House, 124 West Hendon Broadway - It is understood that there have been discussions with budget hotel operators but such proposals were not viable. The suitability is limited by the lack of northbound access from the A5.

Anmer Lodge, Stanmore - The site is designated for residential and community uses, and therefore is not appropriate.

Land at Stanmore Station - Residential/Mixed use with car parking is sought, the site is therefore not appropriate.

It is considered that from a policy point of view, the applicant has shown that the proposed site should be considered acceptable for this development as there are no alternatives within or on the edge of town centres in the vicinity.

Design, character and townscape matters

The proposal is stepped in height in that the four storey part is situated to the front, then set down to three storeys and then one storey across the rear section nearest Ellesmere Avenue. It would have a glazed canopy; double glazed windows with dark grey powder coated window frames, copper panels, and inset render panels, and opaque and semi-transparent channel profile glass panels.

The building is considered to be well articulated with recessed sections and the fourth floor being stepped down to either side. There are buildings of similar scale at Apex Parade (3 storey), Northway Court (3 storey) and 615-665 Watford Way (3 Storey).

Whilst the proposed building would be more visible within the streetscene, the existing building is of little merit and the proposal represents an opportunity to improve the visual appearance of this prominent corner. It is considered that the proposed building would be a positive addition to the streetscene the would appear in acceptable scale or proportion with other buildings in the locality. The proposed materials would add visual interest to the building without making it appear obtrusive. It is noted that the building would be larger in footprint than the existing building on site, though this is considered acceptable.

It is considered that the proposed hotel building would have a positive impact on the character and appearance of the streetscene.

Environmental impacts and sustainable design and construction matters

Sustainable development is a key priority of Government and the council. The Council's Supplementary Planning Document on Sustainable Design and

Construction provides guidance on what the council considers to be good quality design and good environmental practice in the management of construction activities. The Council's Supplementary Planning Document on sustainable Design and Construction states that *'The council requires all Major and Large Scale Developments to provide a Carbon Reduction Strategy in support of planning applications. This strategy must show how the development will deliver a minimum of 20% reduction in carbon emissions from total energy needs (heat, cooling and power (including power consumption through occupation)) of the development through on-site generation of renewable energy. In the case of Major Developments, in place of a full Carbon Reduction Strategy, the council will accept a commitment to deliver 20% reduction in carbon emissions from total energy needs (heat, cooling and power) through on-site generation of renewable energy, together with a commitment to build to either Code Level 3 performance against the Code for Sustainable Homes (December 2006) or Excellent Ratings under Ecohomes or BREEAM. Alternatively, an applicant could simply commit to Code Level 4 performance against the Code for Sustainable Homes (December 2006) for all residential units in a scheme but with no requirements for on-site renewable energy. In either case, a full specification of design features and energy measures will be required to which applicants will be conditioned.'*

The applicant has submitted a report outlining the sustainability options for the development. The agent has stated that they expect to meet the 20% reduction. This would be achieved through:-

- *'Beneficial solar heat gains from orientation and appropriately designed solar shading*
- *CO2 controlled ventilation to ensure good air quality and minimising wasted heat*
- *Exposed thermal mass and employment of night time ventilation*
- *Efficient gas condensing boilers and other plant*
- *Heat recovery ventilation where appropriate*
- *Improved U-values and air tight construction of the thermal envelope to minimise air leakage*
- *Minimal use of mechanical cooling*
- *Lighting controls including proximity sensing and daylight dimming*
- *Power factor correction on incoming electricity supplies.'*

Also, a BREEM rating of excellent is being targeted.

Amenities of neighbouring and surrounding occupiers

The building would project to 2m of the boundary with no. 17 Ellesmere Ave, increasing to 3m at its eastmost point. This distance would increase to 9m at 1st and 2nd floor, 12.5m at 3rd floor. The ground floor level would be approximately 3.4m high and sited 2m from the boundary with properties on Ellesmere Avenue. Levels increase to the north across the site. Privacy screens are proposed above ground floor level and it is considered that this adequately prevents overlooking to properties to the rear. At first, second and third floor, there is a distance of approximately 40m to the rear walls of properties on Ellesmere Avenue and 33m at ground floor.

It is noted that the proximity to the boundary, the creation of the basement car park

(incorporating 3 open voids) would allow a limited scope to plant additional screening. Neighbouring residential properties have relatively long gardens of approximately 30-33m in length; it is not considered that the revised scheme would harm the visual and residential amenities that the occupiers of properties on Ellesmere Avenue would enjoy. It is not considered that the proposal would appear unacceptably overbearing nor would it create an unacceptable sense of enclosure.

It is not considered that the proposal as revised would be materially harmful to the residential amenities of the occupiers giving rise to an undue loss of sunlight, privacy and outlook to the detriment of the amenities which nearby residents could reasonably expect to enjoy.

Noise/Environmental Health Issues

The report submitted with the application by Adnitt Consulting is considered to adequately address the impact of noise from the development on residents. It proposes target noise levels. The conclusions are considered satisfactory. It is proposed that standard conditions are attached to cover noise from all plant on the development.

Environmental health officers note that one option for renewables on site is for a biomass boiler. Conditions are attached requesting further details.

Although this is in an area which experiences high noise levels and has poor air quality, our Environmental Health legislation does not consider hotels as being sensitivereceptors. Therefore this is not an aspect which need be considered.

Transport, access and parking matters

56 car parking spaces are proposed to serve the development. The Highways Group have raised no objections to the scheme on transport, access or parking matters, neither have Transport for London.

The site is located adjacent to the Northway Circus on the A41. The site is also in close proximity to the A1. Both roads are dual carriageways where stopping is not permitted except in designated locations.

The proposed customer parking will be contained in the basement. The disabled spaces are located near the lifts which is preferred. The proposed car parking numbers at 56 spaces is acceptable.

Although the width of 3m ramp is too narrow for two way car movement, the revised drawings indicate that a traffic light management system would be installed to inform drivers when the ramp is occupied, therefore this is in accordance with guidelines. The applicants were asked to submit a cross section of the ramp gradient to demonstrate that a ramp gradient within the range of 1:10 and 1:12 can be achieved.

Drawing 05b shows an amended layout which allows cars exiting from the car park to manoeuvre away from the ramp which is an acceptable amendment.

The service road uses the existing entrance/ exit on the site which is acceptable. All

vehicles must turn left only onto the A41. A sign should be installed to this effect.

The location and scale of the proposed central island on the internal road should be reviewed to create better vehicle circulation arrangement.

The Transport Assessment (dwg no 144471/TR/002/3) shows vehicle circulation of a pantehnicon. The servicing space is still limited and requires the pantehnicon to reverse to enter the internal road to exit. A management system should be in place to supervise these deliveries in order to ensure safety of the other vehicles using the site.

Use of the existing slip road is acceptable but vehicle circulation should be one way in the direction of the A1 and existing petrol station to avoid potential traffic conflict.

The existing visibility splays must be retained in accordance with visibility requirements for a dual carriageway.

This proposed scheme is unlikely to result in an intensification of trips on the site from the previous use.

A section 106 agreement is sought for £30,000 for highways improvements in association with the scheme.

The Applicant is also required to enter into an associated 278 Agreement for the costs of all works carried out on the public highway. Any improvements to pedestrian facilities would be on the TfL network, the applicant would need to enter in a section 278 agreement under the Highways Act 1980 with TfL for footway and/or carriageway works required.

Trees and Landscaping

Whilst the proposal may impact some trees to the rear, there are not considered to be any trees of special amenity value on or adjacent to the site. It is noted that the proposed scheme would leave relatively little scope for landscaping on site. The applicant has suggested that construction work is unlikely to impact significantly upon root systems of trees off site.

Planning obligation contributions

In accordance with Barnet's adopted Supplementary Planning Documents the proposed development would be expected to make a contribution of £1,668.16 in respect of the provision of library and lifelong learning services within the borough. A contribution of £1,583.41 would also be expected towards the costs of monitoring any planning obligations associated with the development. This is in addition to the £30,000 sought towards highway improvements.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Increase traffic flow on Ellesmere Avenue and surrounding roads - *Addressed in main report*

Increased noise, litter and disturbance - *Addressed in main report*

Scale and appearance, would appear an eyesore - *Addressed in main report*

Height of hotel would block sunlight to neighbouring dwellings - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Creation of basement would potentially result in subsidence - *This is principally a matter for the building regulations*

There are already plenty of hotels - *Addressed in main report*

4. EQUALITIES AND DIVERSITY ISSUES

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

5. SECTION 106 ISSUES

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

6. CONCLUSION

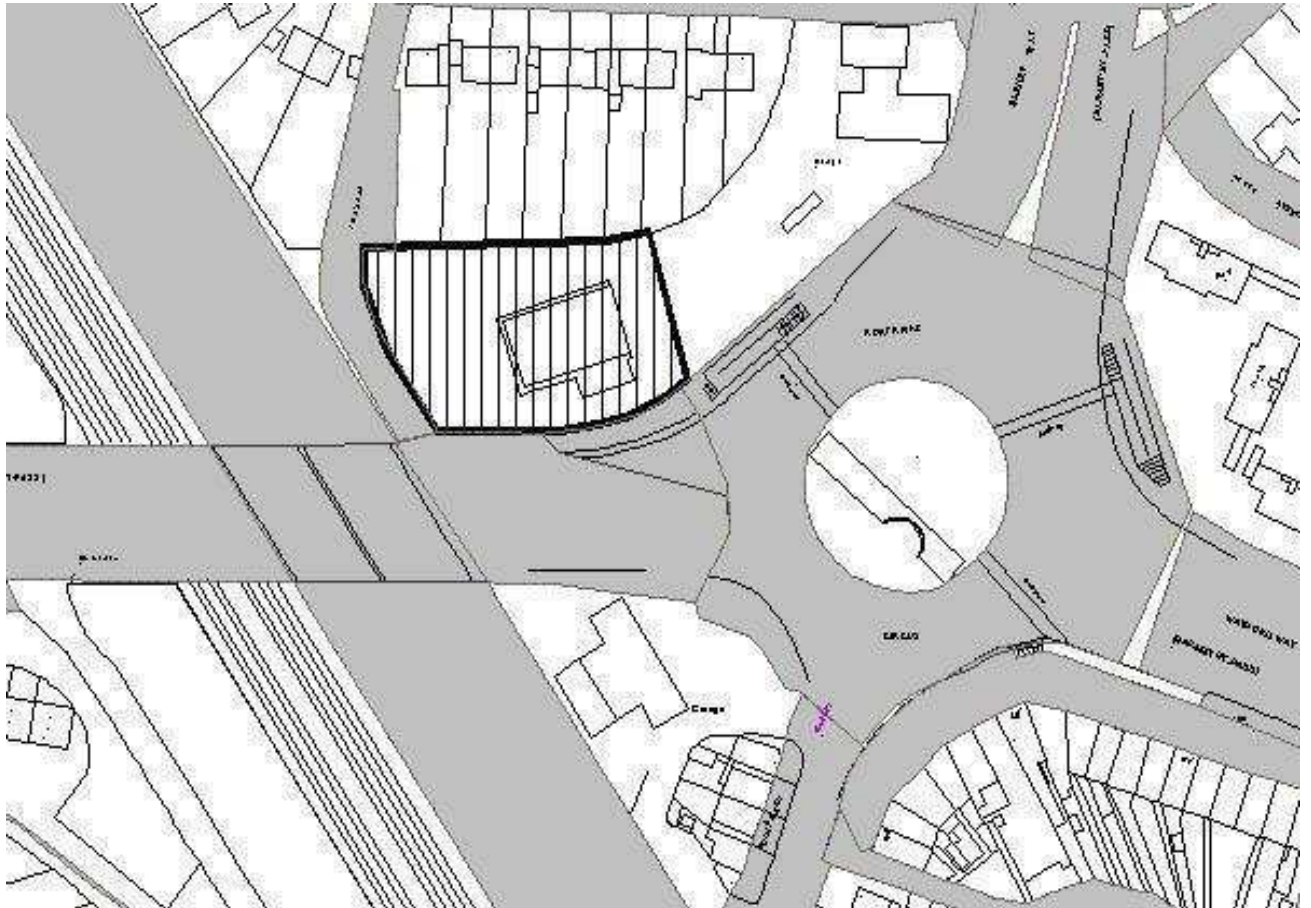
The application is recommended for **APPROVAL**.

SITE LOCATION PLAN:
NW7 3ET

KFC , Apex Corner, Northway Circus, London,

REFERENCE:

H/03017/12



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