

Location **228 - 232 Hendon Way London NW4 3NE**

Reference: **18/6261/FUL**

Received: 18th October 2018

Accepted: 7th November 2018

Ward: West Hendon

Expiry 6th February 2019

Applicant: Mr Bobby Malhotra

Proposal: Demolition of the existing buildings at No. 228-232 Hendon Way and construction of a new two storey building with rooms in the roofspace to provide a 51-room hotel (with conference facilities) across all three sites, plus a basement level with front and rear lightwells. Associated refuse store, cycle storage, hard and soft landscaping, 10 no. parking spaces and new vehicular access [DEPARTURE FROM POLICY]

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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. A financial contribution towards carbon off-setting of £195,264.00 in order to achieve net zero carbon dioxide emissions;
4. Skills/enterprise/training obligation

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing:

Existing Location Plan - HENDW-L001
Existing Front & Rear Elevations - HENDW-E001
Existing Side Elevations - HENDW-E002
Existing Basement Floor Plan - HENDW-P000
Existing Ground Floor Plan - HENDW-P001
Existing First Floor Plan - HENDW-P002
Existing Loft Plan - HENDW-P003
Existing Roof Plan - HENDW-P004
Existing Section AA & BB - HENDW-S001
Existing Section CC - HENDW-S002
(All the above drawings uploaded 18 October 2018)

Proposed:

Proposed Location Plan - HENDW-L201 Revision B (Uploaded 18 February 2020)
Proposed Front and Rear Elevations - HENDW-E201 Revision C (Uploaded 27 May 2020)
Proposed Side Elevations - HENDW-E202 Revision C (Uploaded 18 February 2020)

Proposed Basement Floor Plan - HENDW-P200 Revision C (Uploaded 27 July 2020)

Proposed Ground Floor Plan - HENDW-P201 Revision C (Uploaded 27 May 2020)
Proposed First Floor Plan - HENDW-P202 Revision C (Uploaded 27 May 2020)
Proposed Loft Floor Plan - HENDW-P203 Revision C (Uploaded 27 May 2020)
Proposed Roof Plan - HENDW-P204 Revision C (Uploaded 18 November 2020)
Proposed Section AA and BB - HENDW-S201 Revision B (Uploaded 18 February 2020)
Proposed Section CC and DD - HENDW-S202 Revision B (Uploaded 18 February 2020)
Proposed Bin & Cycle Storage - HENDW-D201 Revision A (Uploaded 06 January 2020)
Proposed Wheelchair Access Detail - HENDW-D202 Revision A (Uploaded 06 January 2020)
Proposed Storage Shed Detail - HENDW-D204 (Uploaded 18 February 2020)

Documents:

Transport Statement by Waterman Infrastructure & Environment Limited dated October 2019

Outline Delivery and Servicing Plan by Waterman Infrastructure & Environment Limited dated October 2019

Outline Construction Logistics Plan by Waterman Infrastructure & Environment Limited dated October 2019

Framework Travel Plan by Waterman Infrastructure & Environment Limited dated October 2019

Sustainable Drainage Strategy by Waterman Infrastructure & Environment Limited dated November 2019

Ecology Assessment and Preliminary Bat Roost Assessment by GS Ecology (report reference ECO2586 report date: 09 June 2020) and Ecological Assessment by GS Ecology (report reference ECO2586b report date: 28 July 2020)

Sustainability and Energy Statement Revision A dated 30 June 2020 by Syntegra Consulting (report reference 20-7047)

Agents email dated 28 January 2020 confirming that the facades that will face the A41 will need acoustic glazing and ventilation away from the main A41 road

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).

- 3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development;
 - xi. Provision of a competent banksman;
 - xii. Confirmation that any hazardous materials (including asbestos) are removed prior to demolition.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Intend to Publish London Plan Policy T7; Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 6 Before development commences, an air quality neutral assessment report shall be written in accordance with the relevant current guidance. This report shall be submitted to and approved by the Local Planning Authority.

The report shall 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 content and recommendations.

a) If the report shows that the site does not conform to the air quality neutral benchmark requirements then a scheme of offset measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior

to development.

b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 3.2, 5.3 and 7.14 of the London Plan 2016.

7 a) Before the installation of any kitchen extraction unit(s) related to use hereby permitted, a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties shall be carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use of the ground floor unit is commenced and retained as such thereafter.

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced odour and smoke in the immediate surroundings in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012) and Policy CS14 of the Local Plan Core Strategy (adopted 2012).

8 Development shall not begin until the following information has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed:

1. Evidence of Thames Water agreement for construction of a new manhole on their existing sewer system;
2. Evidence of Thames Water agreement for discharge to their system (in principal or consent to discharge);
3. Details of overland flood flow routes in the event of system exceedance or failure, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants in the basement or elsewhere; and
4. SuDS detailed design for construction.

Reason: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April, 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage

Systems) and best practice design guidance (such as the SuDS Manual, C753).

- 9 Prior to the first occupation or commencement of the use of the development hereby permitted, a full Delivery and Servicing Plan (DSP) and Travel Plan (TP) shall be submitted to and approved in writing by the Local Planning Authority. The DSP and TP shall be approved in consultation with Transport for London.

The development thereafter shall only be operated in accordance with the delivery and servicing plan and travel plan approved under this condition.

Reason: In the interest of highway safety and to encourage the use of sustainable forms of transport to the site in accordance with London Plan Policy 6.3; Intend to Publish London Plan Policy T7; 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.

- 10 a) Prior to the first occupation or commencement of the use of the development hereby permitted, details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Plan 6.19, 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.

- 11 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments and gates, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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 Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Proposed Ground Floor Plan - HENDW-P201 Revision C (Uploaded 27 May 2020); 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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 13 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) 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.
- c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 14 a) The development hereby permitted is required to meet the BREEAM 'Very Good' rating/level.
- b) 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 Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

- 15 Prior to the first occupation or use of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secure by Design. The development shall be carried out and retained in accordance with the agreed details in perpetuity.

Reason: To ensure that the development meets Secure By Design principles as required by the Metropolitan Police, in accordance with Policy CS12 of Barnet's Core Strategy DPD (2012) and Policy DM01 and DM02 of Barnet's Development Management Policies Document DPD (2012).

- 16 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of

the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 17 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 pm 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 Development Management Policies DPD (adopted September 2012).

- 18 The premises hereby permitted shall be used as a Hotel (Class C1) and ancillary conference facilities and for no other purpose (including any other purpose in Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order, 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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.

- 19 The level of noise emitted from any plant(s) 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 2015.

- 20 All amplified speakers should be acoustically isolated from the structure of the basement and hotel with antivibration mounts and shall be retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the

Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan.

- 21 The development shall be implemented in accordance with the recommendations and mitigation measures, including the timing of development works and special techniques, contained within the Ecological Assessment and Preliminary Bat Roost Assessment by GS Ecology (report reference ECO2586, dated 09 June 2020) and Ecological Assessment (dated 28 July 2020).

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the Building Regulation Part L 2013. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 23 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.

- 24 The dining room/conference room associated with the hotel use (shown on Drawing HENDW-P200 Revision C) shall not be open after 10pm.

Reason: To ensure appropriate use of the site and to safeguard the amenities of occupiers of adjoining residential properties and the surrounding area.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 01.02.2021, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS9 of the Local Plan Core Strategy (adopted September 2012) and Policy DM04 of the Adopted Development Management Policies DPD.

2. The proposed development does not include a formal undertaking to provide an agreement regarding local employment/training. The proposal would therefore fail to comply with Policy CS8 of Barnet's Core Strategy DPD (2012); Policy DM14 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 4.2, Barnet Local Plan SPD: Delivering Skills, Employment, Enterprise and Training from Development through S106 (201\$) and Barnet Local Plan SPD: Planning Obligations (2013).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support

Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides 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, which is also available from the Planning Portal website.

The CIL 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 The submitted Construction Method Statement shall include as a minimum details of:
 - o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 7 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
- Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 8 The site of the proposed development is on Hendon Way, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN, and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN. They advise the following:
- The footway and carriageway on Hendon Way must not be blocked during any works on the site. Temporary obstructions during the conversion must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on Hendon Way.
 - All vehicles associated with the works must only park/stop at permitted locations and within the time periods permitted by existing on-street restrictions.
 - No skips or construction materials shall be kept on the footway or carriageway on the TLRN at any time. Should the applicant wish to install scaffolding or a hoarding on the footway whilst undertaking this work, separate licences would be required with TfL, please see:
<https://tfl.gov.uk/info-for/urban-planning-and-construction/highway-licences>
 - The applicant will need to undertake works to remove the current access point. TfL request the applicant enter a Section 278 agreement with regard to the proposed new access point. The applicant will need to reorganise the on-street parking outside the proposed site.
- 9 The applicant should be aware of the possibility of planting trees in the hard surfaced areas without losing spaces, by using strata-cells or similar products which give protected rooting spaces. These systems can also play a part in providing Suds.

Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change.

The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 10 The proposed limited discharge of 1.0 l/s could result in considerable risk of control device blockage and excessive maintenance with associated costs. SUDS guidelines do not recommend limited discharge of less than 2.0 l/s using a flow control device.
- 11 If at any time following the start of demolition works, a bat roost or evidence of a bat roost is observed, all work would need to cease until a suitably licensed bat ecologist has been consulted and advice sought on how best to proceed under current laws and legislation. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The planning authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Habitats and Species Conservation Regulations 2018 (as amended).

If demolition is delayed for more than one-year after the date of the bat survey (July 2020), repeat bat surveys should be undertaken.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Vegetation clearance should be undertaken in a sensitive manner to allow terrestrial mammals to disperse. Any excavations that need to be left overnight should be covered/fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work-day to prevent animals entering/becoming trapped

- 12 Any matters regarding 'Secure by Design' accreditation shall be discussed and designed in collaboration with the Design out Crime officer.

OFFICER'S ASSESSMENT

This application represents a departure from development plan policy and is therefore to be presented at Strategic Planning Committee.

1. Site Description

The application site comprises three properties situated adjacent to one another along the east side of Hendon Way, in the ward of West Hendon.

The application site is not located within a designated conservation area and does not contain any locally or statutory listed buildings.

With regard to Appendix 5 of the Development Management Policies Document (2012), No. 232 falls within the boundary of Hendon Central Town Centre (but is not designated primary or secondary frontage). The other two properties of No. 228 and 230 do not fall within the designated Town Centre.

No. 230 and 232 Hendon Way are linked and form an existing hotel (named 'The Hide London') [Use Class C1].

No. 228 Hendon Way is a single family dwelling house [Use Class C3]. The residential use is confirmed from a review of the Valuation Officer Records website.

There are no Tree Preservation Orders on site.

The site is not within a Site of Importance for Nature Conservation.

It is within Flood Zone 1 in accordance with the Government's flood map for planning. It is not in a critical drainage area.

2. Site History

Relevant history for No. 230-232 Hendon Way (the hotel):

Reference: W06712N/05

Address: 230-232 Hendon Way London NW4 3NE

Decision: Approved subject to conditions

Decision date: 14 December 2005

Description: Erection of two-storey rear extension, with dormers to rear slope and elevational changes to provide a 24-bedroom hotel. Use of rear garden as car parking area to provide an additional 7 car parking spaces. New roof to front entrance.

Reference: H/01663/09

Address: 230-232 Hendon Way, London, NW4 3NE

Decision: Refused

Decision date: 08 July 2009

Description: Alterations and extensions to roof including rear dormer and infilling of gap between pitched roof sections to facilitate further rooms in the roofspace, Increasing total number of hotel rooms from 24 to 25. Addition of a gable feature over the main front entrance. Installation of heat pumps in new basement compound at the hotel. (AMENDED

DESCRIPTION)

Reference: W06712P/06

Address: 230-232 Hendon Way London NW4 3NE

Decision: Refused

Decision date: 06 December 2006

Appeal decision: Allowed

Appeal decision date: 23 October 2007

Appeal reference: APP/N5090/A/07/2043297

Description: Removal of Condition 5 of planning permission W06712N/05 dated 14.12.05 to allow clear glazed and opening windows to proposed dormer windows in east elevation.

Reference: W06712N/05

Address: 230-232 Hendon Way London NW4 3NE

Decision: Approved subject to conditions

Decision date: 14 December 2005

Description: Erection of two-storey rear extension, with dormers to rear slope and elevational changes to provide a 24-bedroom hotel. Use of rear garden as car parking area to provide an additional 7 car parking spaces. New roof to front entrance.

Reference: W06712M/04

Address: 230-232 Hendon Way London NW4 3NE

Decision: Refused

Decision date: 13 September 2004

Appeal decision: Dismissed

Appeal decision date: 25 May 2005

Appeal reference: APP/N5090/A/04/1164507

Description: Erection of two-storey rear extension, alterations to the roof including a new mansard with dormers to rear slope and elevational changes to provide a 27 bedroom hotel. Use of rear garden as car parking area to provide an additional 7 car parking spaces, accessible after demolition of existing garage on the south facing flank elevation.

Reference: W06712H

Address: 230-232 Hendon Way London NW4

Decision: Approved subject to conditions

Decision date: 07 December 1999

Description: Retention of 2 storey extension to link the 2 properties. Change of use from self contained flats to Hotel/Bed & Breakfast accommodation, provision of 5 parking spaces on the forecourt and 6 parking spaces to the rear

Relevant history for No. 228 Hendon Way (the dwelling):

Reference: 17/5073/HSE

Address: 228 Hendon Way, NW4 2NE

Decision: Approved subject to conditions

Decision date: 28 September 2017

Description: Excavation of the site to facilitate a basement level with side lightwells. Single storey rear extension

Reference: 17/2469/192

Address: 228 Hendon Way, NW4 3NE

Decision: Lawful

Decision date: 16 May 2017

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony, 2no. rooflights to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/1747/192

Address: 228 Hendon Way, NW4 3NE

Decision: Unlawful

Decision date: 12 April 2017

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony, 2no. rooflights to front elevation to facilitate a loft conversion

Reference: 17/1745/HSE

Address: 228 Hendon Way, NW4 3NE

Decision: Refused

Decision date: 12 May 2017

Description: Excavation of the site to facilitate a basement level with side lightwells. Single storey rear extension

Reference: 17/0253/PNH

Address: 228 Hendon Way, NW4 3NE

Decision: Prior approval required and approved

Decision date: 21 February 2017

Description: Single storey rear extension with a proposed maximum depth of 8 metres from original rear wall, eaves height of 2.8 metres and maximum height of 3 metres

Reference: 16/7290/PNH

Address: 228 Hendon Way, NW4 3NE

Decision: Prior approval required and refused

Decision date: 23 December 2016

Description: Single storey rear extension with a proposed maximum depth of 8 metres from original rear wall, eaves height of 2.8 metres and maximum height of 3 metres

Reference: 16/4884/PNH

Address: 228 Hendon Way, NW4 3NE

Decision: Prior approval required and refused

Decision date: 01 September 2016

Description: Single storey rear extension with a proposed maximum depth of 8 metres from original rear wall, eaves height of 2.8 metres and maximum height of 3 metres

Reference: 15/07182/FUL

Address: 228 Hendon Way, NW4 3NE

Decision: Approved subject to conditions

Decision date: 27 January 2016

Description: Change of use from D1 (Non Residential Institutions) to single dwelling house

3. Proposal

The application proposes the demolition of the existing buildings and construction of a new two storey building with rooms in the roof space to provide a 53-room hotel (with conference facilities) across all three sites, including a basement level with front and rear lightwells.

There would be associated refuse/recycling storage, cycle storage, hard and soft landscaping, 10no. parking spaces (7no parking spaces to the rear and 3no parking spaces

to the front) and a new vehicular access.

The new development would visually represent three buildings 'linked' at ground, first and (partly) roof level, in a manner similar to that of the existing hotel at No. 230-232 Hendon Way.

At the front, the proposed building would reflect the character and appearance of the buildings of which they replace; with pitched roofs; front gable projections with two storey bay windows; and cantilevered central bay windows at first floor. A bay window is also proposed at ground floor in the location of the former property at No. 228 Hendon Way.

At the rear, the elevations would be simple in appearance, much like the existing hotel at No. 230-232 Hendon Way. Pitched roofs are proposed with rear dormers on each of the three buildings, in a similar shape and size to the existing rear dormers that can be seen at the existing hotel of No. 230-232 Hendon Way.

There will be roof links across the three buildings. The roof links are approximately 0.8 metres in height and the ridge of the links would be set back from the main front and rear wall by 5.8 to 5.9 metres.

A front entrance/porch is proposed, much in the similar style as the existing one, albeit re-located to be sited in-between No. 228 and No. 230. This porch would have a design feature which mimic the front gable projections, which the current porch does. An access ramp will lead from the driveway to the entrance of the hotel to provide step-free access for users. Steps up to the entrance are also proposed.

Under-croft vehicular access to the rear parking area is proposed adjacent to the boundary of No. 226 Hendon Way, with entrance gates.

New vehicular access to the front is proposed to create a 'carriage' driveway and front boundary wall.

Front and rear lightwells serving the rooms at lower ground level are proposed. The agent has advised that "the lightwells are to be covered with a toughened walk-on glazed finish. No guarding around the lightwells are required, or are therefore proposed." [via email 04 December 2019]. The lightwells are buffered by soft landscaping to the front and rear.

Regarding measurements the building would be 37.8 metres in total width at ground floor. The building would be 14.2 metres in total depth at ground floor.

At first floor, the building would be 37.8 metres in total width. The building would be 12.6 metres in total depth at first floor (including bay windows).

The proposed development would immediately abut the boundary adjacent to No. 234 Hendon Way, but be sited 1.3 metres from the boundary of No. 226 Hendon Way.

The ground floor would project beyond the rear main wall by 1.1 metres in depth in the location of No. 228 Hendon Way. This would have a flat roof of a height of 3 metres.

The building, when viewed from the front elevation, would be 8.9 metres to the ridge height. It would be raised in levels from the road, but so are the existing buildings. It would be no greater in height than the existing buildings on site.

The front porch at ground floor would be 4.5 metres in width and 2 metres in depth. It would

be a total height of 3.4 metres.

The central boundary wall (considering site levels) would be 0.7 metres in height with hedging above. The boundary wall adjacent to the boundary of No.234 Hendon Way would be 1.1 metres in height with hedging above.

The access gates to the under-croft would be 2.1 metres in height and 2.5 metres in width.

An existing storage shed would remain in the rear.

The refuse/recycling storage to the front would measure 1.2 metres in height, 4.4 metres in width and 0.9 metres in depth and be of timber cladding.

The cycle storage to the rear would be 1.13 metres - 1.3 metres in height, 1.96 metres in width and 1.33 metres in depth. It would be PVC coated galvanised steel.

Comparative to the siting of the existing buildings, the northern flank wall of the proposed development adjacent to the boundary of No. 234 Hendon Way, would not alter. The depth adjacent to this boundary would not change.

In relation to No. 226 Hendon Way to the south, the existing building at No. 228 is sited 1.35 metres from the boundary. The rear wall of the existing building at No. 228 is relatively in line with the rear line of No. 226.

The proposed development would be sited 1.3 metres from the boundary adjacent to No. 226 Hendon Way.

At ground floor, the proposed development would project 2.4 metres beyond the rear wall of No. 226 Hendon Way, and then step in 4 metres from the boundary and then project a further 1.1 metres.

This would mean the ground floor would have a total depth 3.5 metres from the rear wall of No. 226 Hendon Way but this depth would be sited 7.8 metres from the boundary.

At first floor the proposed development would 2.5 metres greater in depth than the rear wall of No. 226, set 1.3 metres from the boundary.

4. Public Consultation

A site notice was erected 15 November 2018.

Consultation letters were sent to 336 neighbouring properties.
2 responses have been received, comprising 2 letters of objection.

The objections received can be summarised as follows:

- The ground floor rear extension is out of proportion of existing building and previously refused (application reference 17/1745/HSE). The extension should not be allowed under this application.
- Loss of trees including those in the back of No. 230-232 along the boundary and a tree in No. 228
- The proposed development is not in keeping with the residential area in which it is

located. This will increase traffic, pollution, noise, rodents - there are already issues with the health club

- Loss of light on neighbouring residential houses
- Loss of privacy on neighbouring residential houses
- Noise by end use and construction, including from the basement level
- Dust from construction
- No need for conference facilities
- Visual amenity - out of scale
- Noise Impact Assessment is related to a different application
- Unclear the intended conference facilities
- The area is residential so the proposed application is out of keeping
- Query about Thames Water comments
- Intended use of store room at the rear

Internal and external consultees:

Environmental Health: No objection subject to conditions.

Local Highways Authority: No objection.

SUDS/Local Lead Flood Authority: No objection subject to conditions.

Metropolitan Police: No objection subject to conditions.

Trees: No objection subject to conditions.

Ecology: Upon provision of the applicant's submitted Ecological Assessment of 'The Hide Hotel' by GS Ecology 28th July 2020, no objection subject to conditions.

London Fire Brigade: Confirmed via letter that the Commissioner is satisfied with the proposals.

Thames Water: No objection subject to conditions (link to SUDS recommended condition)

Transport for London: Broadly satisfied with the proposals. Objection to level of car parking, which is discussed in the relevant Highways section in the assessment below.

Waste and recycling: No comments.

Affinity Water Ltd: No comments.

Ward Councillors: No comments

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Government's 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 2016

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.

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

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, CS4, CS5, CS6, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM11, DM16, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- 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:

- Principle of development;
- Impact on character and appearance;
- Impact on amenity of neighbouring occupiers;
- Impact on highways and parking;
- Any other material planning considerations.

5.3 Assessment of proposals

Principle of development

No. 230 and 232 Hendon Way are currently in use as a hotel (Use Class C1), currently named 'The Hide London'.

The property at No. 228 Hendon Way is currently used as a residential dwelling (Use Class C3).

The applicant proposes the demolition of the existing buildings at No. 228-232 Hendon Way and construction of a new a 53-room hotel (with conference facilities) across all three sites.

The proposed development therefore seeks to expand the existing hotel into an additional site, which is currently is use as residential.

The proposal would therefore result in the loss of one single family dwellinghouse at No. 228 Hendon Way.

From the submitted plans, the existing hotel has 23 bedrooms. The proposed hotel would have 51 rooms.

In regard to employment, the agent stated in an email dated 26 October 2020: "...regards to any uplift in jobs in the proposed larger hotel, please note that the existing Hotel, supports two full time employees, plus the use of various contract workers, eg. cleaners, maintenance security etc. The anticipated number proposed employees, would rise to 6 persons in full time employment, whilst retaining access to the various contract workers as is currently the case."

Policy CS4 of Barnet's Core Strategy DPD (2012) states that the Council's aim is to maximise housing choice alongside adequate supply.

Policy DM07 of Barnet's Development Management Policies Document DPD (2012) states that:

"Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
 - b. where need can be demonstrated and;
 - c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies
- or;
- d. the location is no longer environmentally suitable and viable for residential use
- or;
- e. it involves identified regeneration areas with large scale demolition of housing and estates which provides for the net replacement of the total residential units."

The proposal does not involve a local facility (as defined by Policy DM07 and Paragraph 8.1.3 of the supporting text). The applicant has not provided evidence that the location is no longer environmentally suitable and viable for residential use. It is not within an identified regeneration area.

London Plan Policy 3.14 'Existing housing' states:

"Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace."

As such, the proposals fail to comply with Policy CS4 of Barnet's Core Strategy DPD (2012), Policy DM07 of Barnet's Development Management Policies Document DPD (2012) and

London Plan Policy 3.14.

Policy DM08 of Barnet's Development Management Policies Document DPD (2012) sets out the Council's dwelling size priorities. For market housing, homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.

The existing first floor plan submitted (Drawing No. HENDW-P002) shows the property at No. 228 Hendon Way is a 4 bedroom house with a study.

When measuring the size of the study, it meets the bedroom size requirements for a single bed room (Nationally Described Space Standards document 2015), therefore meaning it is capable of being a 5 bedroom house, which falls outside the Council's housing priorities in Policy DM08.

Furthermore, a lawful development certificate has also been approved for roof extensions at the property at No. 228 Hendon Way (application reference 17/2469/192, decision dated 16 May 2017); providing an additional two bedrooms in the loft.

It is also noted that the property at No. 228 Hendon Way was previously in non-residential use (D1 use), before being converted back to a single family dwelling house (approved under reference: 15/07182/FUL, decision dated 27 January 2016).

Although the applicant has not provided evidence that the location is no longer environmentally suitable and viable for residential use, Planning Officers acknowledge that it is less than ideal residential location due to the poor air quality and acoustic environment from the busy Hendon Way (A41).

In support of the proposal, with particular regard to the loss of the single family dwelling house, the applicant's Planning, Design and Access Statement (produced by Drawing and Planning, dated October 2018) states:

"The proposal was brought forward in recognition of a number of factors which include improvements to an existing independent hotel, largely serving the local community with excellent links to/from Central London, the ability to adapt and re-use an existing property on the main thoroughfare within Hendon, close to a variety of amenities to support the increase in provision. From an economic, social and environmental role, the development is compliant with sustainability principles & definition as laid out within the NPPF." [Paragraph 4.2]

The applicant's Statement continues:

"As noted previously, whilst the loss of a dwelling (class C3) forms part of this proposal, this has to be weighed against the benefits of the proposal coupled with the genuine need for the hotel to improve its facilities and guest accommodation. The existing hotel was approved under the same understanding that the use can be met in this location.

The proposal warrants flexibility to be applied when assessing against policy DM07. The general condition of the property and its former use would suggest that the use of No.228 when coupled with its sustainable location, were determining factors to relaxing its original residential use."

Planning Policy have reviewed the planning application regarding the principle of development.

The Council encourage town centres/edge of town centre locations with good PTAL for hotels as opposed to any less accessible residential areas.

Barnet's Development Management Policies Document DPD (2012) in Paragraph 12.2.2 states that "The council will consider hotels and hostels as tourism related development and expect them to locate in a town centre with good public transport links with central London. There are fourteen district and one major town centre in Barnet, of which twelve have tube or rail links with central London. Due to the potential impact on residential amenity the development of hotels or hostels just outside the town centre boundary will not be acceptable."

The main part (No. 232) of the existing hotel building is within the Hendon Central town centre boundary and the extension/expansion to the building will be physically contiguous, such as to constitute a de facto single development forming a salient in the boundary which, in the view of Officers, is not contrary to the policy.

Under normal circumstances the Local Planning Authority would have applied a sequential test to planning applications for main town centre uses but in this instance this application site is already a hotel and seeking to extend. As such, a sequential test is not required.

In the absence of specific policy advice on expansion of hotels in Barnet's Local Plan, London Plan Policy 4.5 'London's visitor infrastructure', Part A (a) states that boroughs should "support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision especially in outer London".

It states in Part (b) that boroughs should "seek to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible".

Part A (c) states that boroughs should ensure that new visitor accommodation is in appropriate locations- beyond the Central Activities Zone (CAZ) it should be focussed in town centres and opportunity and intensification areas, where there is good public transport access to central London and international and national transport termini.

Part B of London Plan Policy 4.5 states that development should (a) contribute towards the hotel provision target and ensure that at least 10 per cent of bedrooms are wheelchair accessible (b) be consistent with the strategic location principles set out above and (c) not result in the loss of strategically important hotel capacity.

The proposed development therefore supports the strategic objectives of the London Plan.

In addition, the London Borough of Barnet's Town Centres Floorspace Needs Assessment (2017) acknowledges that there is scope for town centres to capitalise on the growth of the leisure sector (which includes hotels), redefining their function as leisure 'destinations' in their own right (Paragraph 4.34).

Paragraph 4.32 identifies a strengthened demand from overseas for hotel accommodation. It notes recent growth in hotel accommodation has concentrated on national and international operators such as Travelodge, Premier Inn etc. in many cases as part of wider mixed use developments.

The TCFNA (2017) states that the development of a strong commercial leisure offer can

help to increase footfall, particularly outside of retail hours, and visitors undertaking 'linked trips' between retail, leisure and other uses also spend increased dwell-time in centres (Paragraph 4.34).

The TCFNA (2017) identifies Hendon Central Town Centre as having potential to improve their performance (Paragraph 10.23). Paragraph 10.12 states that with the increase of Brent Cross's attraction, there are risks to nearby centres including Hendon Central, which will need to be closely monitored.

In the view of the Planning Policy Officer, the proposed development subject to this planning application is a good opportunity for a local independent hotel to support an approximate mix of uses and services in order to retain and improve the vibrancy and vitality of Hendon Central Town Centre (by attracting pass-by-trade for its nearby shops).

This is in accordance with the development principle for Town Centres in the Draft Local Plan (Reg 18) which supports a greater diversity of uses, recognising the changing role of Town Centre locations as places that people visit for a variety of reasons, including shopping, working, leisure and community purposes as well as museums and hotels (Paragraph 7.7.1 of Reg 18). This is also a broad aim of Policy CS6 of Barnet's Core Strategy DPD (2012).

In conclusion, the proposed development will represent the loss of one single family dwelling house of which the proposed use would not satisfy the criteria of policy.

However, the proposed development would deliver a number of benefits, including:

- Contributing to the London Plan's strategic objectives of supporting London's visitor economy; improving the range and quality of hotel provision especially in outer London; and helping to achieve an increase in net additional hotel bedrooms in London;
- Improving the performance of Hendon Central Town Centre in light of Brent Cross's increased attraction;
- Encouraging more mixed uses in order to retain and improve the vibrancy and vitality of Hendon Central Town Centre arising from 'linked trips' and passed-by-trade from hotel visitors
- It's Town Centre/Edge of town centre location with good public transport links, which is a preferred location for a hotel use;

On balance, the loss of one residential dwelling would be outweighed by the wider benefits of the proposed expansion of the existing hotel use.

Therefore, the principle of the development is considered acceptable, subject to the scheme proposed being compliant with the relevant development plan policies.

Impact on character and appearance

Policy CS5 of Barnet's Core Strategy DPD (2012) states that "We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design."

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states

in point 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."

The application has been amended during the life cycle of this planning application. Amendments include the removal of the links at roof level between the three buildings.

The proposed development would be of a similar appearance, scale, mass and height to the buildings currently on site.

The proposed development would broadly maintain the appearance of 'dwelling houses', albeit now linked at ground and first floor level across the site of 228 Hendon Way.

The removal of the roof links at roof level upon amendments allows for visual gaps between the buildings. Dormers would be built on the rear roof slope of each three buildings, however they would not be dissimilar in size and appearance to those that exists at the existing hotel of No. 230 and 232 Hendon Way.

For the above reasons, it is considered that the proposed development would not harm the character and appearance of the street scene and surrounding area, and thus comply with Policy CS5 of Barnet's Core Strategy DPD (2012) and Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Impact on amenity of neighbouring occupiers:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point e: "Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users."

To the north of the application site is No. 234 Hendon Way.

It appears, from information available on the Valuation Office Agency website (business rates and council tax records), that the property at No. 234 Hendon Way is mixed use - as a surgery and residential.

The existing hotel at No. 230 and 232 Hendon Way immediately abuts the boundary adjacent to No. 234 Hendon Way at ground and first floor. It steps in 0.7 metres and then projects a further 3 metres in depth at ground and first floor adjacent to the boundary.

The proposed development would have the same siting and depth as the existing development adjacent to the boundary of No. 234 Hendon Way. As such, no harm would arise to the residential and visual amenities of these neighbouring occupiers.

To the south of the application site is No. 226 Hendon Way.

The property has been converted into two self-contained flats (as confirmed by VOA records and planning reference H/04410/11, decision dated 15 December 2011).

The existing building at No. 228 Hendon Way is sited 1.3 metres from the boundary adjacent to this neighbouring property. The rear wall of the existing building at No. 228 is relatively in line with the rear building line of No. 226 Hendon Way. The property at No. 226 Hendon Way is sited 3.8 metres from the boundary.

The proposed development would also be sited 1.3 metres from the boundary adjacent to No. 226 Hendon Way (so the same distance as the existing building).

The proposed development would project 2.4 metres beyond the rear wall of No. 226 Hendon Way at ground floor, and then step in 4 metres from the boundary before projecting a further 1.1 metres in depth. This would mean the ground floor would have a total depth 3.5 metres from the rear wall of No. 226 Hendon Way but this depth would be sited 7.8 metres from the boundary.

At first floor the proposed development would be 2.5 metres greater in depth than the rear wall of No. 226, set 1.3 metres from the boundary.

Although this proposal is for a new development, the measurements would meet the guidance for ground and first floor rear extensions contained within Barnet's Residential Design Guidance SPD (2016).

Furthermore, the property at No. 226 Hendon Way is sited 3.8 metres from the boundary adjacent to the application site, buffered by a single storey garage.

As such, no harm is considered would arise to the residential and visual amenities of these neighbouring occupiers.

There are properties to the east of the site, along Cheyne Walk.

As discussed earlier in this report, the proposed development would have a similar form, scale, size and height as the existing buildings. It would result in one additional rear dormer however, from the plans provided this would be sited over 10.5 metres from the rear boundary, and thus meet the guidance of Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016) which states that in new residential development there should be a minimum distance of 10.5 m to a neighbouring garden. Although this proposal is not residential it provides a benchmark.

Planning Officers acknowledge that the proposed development would result in an intensification of the use. However, it is not considered to give rise to unacceptable increase in noise and disturbance arising from increased activity and comings/goings. The agent has agreed in writing that the facades that will face the A41 will have acoustic glazing and ventilation away from the main A41 road, as recommended by the environmental health officer, meaning windows will not be open a significant period of time. Furthermore there is already a high ambient noise level from the busy A41 road; it is commensurate with the existing character; and there is already vehicular access and parking to the rear, which will not increase in parking spaces. In addition, the environmental health officer has not raised objection to the scheme, subject to conditions. A condition has been attached regarding the hours of use of the conference facility.

In summary, it is not considered the proposed development would harm the amenities of neighbouring occupiers.

Impact on highways and parking:

The existing hotel provides 11 parking spaces (5 to the front and 6 to the rear). The existing house at No. 228 provides off street parking.

The proposed hotel would provide 10 parking spaces- 3 to the front and 7 to the rear.

New vehicular access is also proposed.

The Local Highways Authority has assessed the application and commented:

"The PTAL is 5 (average) with only bus and train available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there likely to be one in place by the time the proposed development is occupied.

Barnet's Local Plan nor the London Plan contain any standards for maximum car parking levels of hotel uses. The development proposes 10 further parking spaces, given the PTAL of the site and current travel patterns of existing users, this should be of a sufficient level to cater for customer vehicles associated with this development.

The TS states there is four delivery's a week associated with the development, a worst case scenario of four further vehicles movements are expected in association with the extension. Its suggested that a delivery service management plan is conditioned to manage the impact of these vehicles. However the detail of this condition should be specified by TfL as they are the highway authority for this section of the TLRN.

Cycle parking for staff and visitors should be provided in line with London Plan stated minimum cycle parking levels hotel/work place uses. Cycle stores should be located conveniently and be secure/ weatherproof.

The applicants will need to negotiate highways agreement with TfL for the proposed access arrangements.

The proposals will not generate a significant negative impact on the performance and safety of the surrounding Barnet highway network or its users, as such a recommendation for approval is supported."

As identified by the Local Highways Authority, the proposed development is located on Hendon Way, this section of the highway network forms part of the Transport for London Road Network (TLRN) as such TfL are the Highway Authority for.

Transport for London were broadly satisfied with the scheme upon amendments and the provision of additional information from the applicant, subject to conditions.

TfL did object to the provision of general parking. They advised that the applicant should provide parking spaces for blue badge holders and operational needs only, and not for the use of staff or visitors of the hotel.

Neither Barnet's Local Plan nor the London Plan contain any standards for maximum car parking levels of hotel uses.

Paragraph 6A.8 of the London Plan states that: "Although no maximum standards are set for hotels, the following approach should be taken for applications referred to the Mayor. In locations with a PTAL of 4 -6, on-site provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing." This is reiterated in London Plan Intend to Publish Policy T6.4.

This application is not referable to the Mayor. Within the context of the existing hotel, no new parking is proposed for the additional hotel rooms.

Paragraph 6A.9 of the London Plan states: Developments should provide for one coach parking space per 50 rooms for hotels. No coach parking space is provided but the applicant has committed in paragraph 4.17 of the Transport Statement that coach trips stop or pick up at designated coach stops, in line with the advice of TfL.

Therefore, although Planning Officer's acknowledge that the proposed development would represent an over-provision of on-site general parking for staff/visitors, contrary to the guidance contained within Para. 6A.8 of the London Plan, compared to the existing situation, no new parking is proposed for the additional hotel rooms, which, on balance, is considered acceptable.

The proposed development is considered acceptable in all other highways and parking regards.

Impact on trees:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states in point k that: "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." It also sets out landscaping policy in point k of Policy DM01.

There are no Tree Preservation Orders on site.

A Tree Officer has assessed the application and commented:

"No arboricultural report has been provided to support this application. However only two small conifer trees will be affected by the proposal. This could with careful design of the frontage, be replaced with trees of a similar size.

Hendon Way is a very busy main arterial road and soft landscape must be provided to reduce the harsh visual appearance of the road for hotel residents."

Regarding tree works: "Loss of two small low value trees in the front garden."

Regarding landscaping: "The design of soft landscaping must be provided that gives relief from the build environment for residents looking out onto the A41 and towards the rear of the site. This will also have the benefit of improving and enhancing the buildings setting on Hendon Way."

As such, the tree officer has raised no objection subject to conditions.

Impact on ecology/biodiversity:

London Plan Policy 7.19 states that development proposal should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. Point c states that proposals should not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified. Policy DM16 of Barnet's Development Management Policies Document DPD (2012) provides similar protection for biodiversity and identified/designated sites.

The application site is not in a Site of Special Scientific Interest nor is it in a Site of Importance for Nature Conservation. It is not a European site.

An ecologist has reviewed the application. They have commented:

"There are no statutory sites of importance for nature conservation or areas of woodland listed on Natural England's Ancient Woodland Inventory within 500m of the application site. The nearest such site is Brent Reservoir Site of Special Scientific Interest (SSSI), located approximately 1.2km west of the application site.

The development does not fall into any of the categories listed by Natural England that would require consultation.

The report [Ecological Assessment of 'The Hide Hotel' by GS Ecology 28th July 2020] states that 'No bats emerged from 228 Hendon Way during the dusk emergence survey. It has therefore been concluded that the building does not currently support a bat roost' Therefore, further bat presence/absence surveys on the buildings are not required."

They concluded: "We are satisfied that the evidence provided by the applicant is sufficient to address potential impacts and implications on biodiversity receptors. We propose that the following issues can be addressed through ecological planning conditions."

Therefore they have raised no objection subject to conditions.

Safety/Security:

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should create safe and secure environments and reduce opportunities for crime and minimise the fear of crime. Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the national and Londonwide standards, which includes Secure by Design.

An Design out Crime Officer from the Metropolitan Police Service has assessed the application. They raise no objection subject to a condition attached to any consent to ensure the development achieves Secure by Design accreditation, prior to occupation.

Flooding and drainage:

Policy DM04 of Barnet's Development Management Policies Document DPD (2012) sets out policies in regards to flooding and run off. London Plan Policy 5.13 sets out policy in regards to drainage.

Upon the provision of further information, the Sustainable Drainage Team have no objections in principle to the proposed development subject to pre-commencement conditions. As such, the proposal is found acceptable in this regard.

Environmental Health:

An Environmental Health officer has assessed the application and deemed it acceptable subject to conditions. No objection has been raised to the proposed parking/access way adjacent to the neighbouring occupier at No. 226 Hendon Way.

Sustainability and Accessibility:

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that Development proposals should achieve a minimum "Very Good" rating. A condition has been attached accordingly.

London Plan Policy 4.5 'Visitor Infrastructure' states that Boroughs should "seek to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible".

Plans have been submitted demonstrating that 10 per cent of the proposed rooms would be wheelchair accessible. A condition has also been attached accordingly.

The applicant has submitted a Sustainability and Energy Statement. Intend to publish London Plan Policy SI 2 requires that major development proposals should include a detailed energy strategy to demonstrate how the zero-carbon target will be met within the framework of the energy hierarchy.

It states that a minimum on-site reduction of at least 35 percent beyond Building Regulations is required for major development (which the proposed development achieves, as advised in the executive summary of the submitted Sustainability and Energy Statement).

London Plan Policy SI 2 states that where it is demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough, either through a cash in lieu contribution to the borough's carbon offset fund or off-site.

The applicant has agreed to a cash in lieu contribution and this figure has been calculated in the submitted Sustainability and Energy Statement. This has been attached as an obligation.

5.4 Response to Public Consultation

Response to neighbours

- The ground floor rear extension is out of proportion of existing building and previously refused (application reference 17/1745/HSE). The extension should not be allowed under this application.

The application has been amended throughout the life cycle of this application, include the depth of the proposed development on the site of the former No. 228 Hendon Way - reduced from 6 metres to 4 metres from the line of the existing rear wall of the current building at No. 228 Hendon Way.

For the reasons explained in the assessment above, the proposed development (as amended) is deemed acceptable.

- Loss of trees including those in the back of No. 230-232 along the boundary and a tree in No. 228

The application has been assessed by a Tree Officer and deemed acceptable subject to conditions.

- The proposed development is not in keeping with the residential area in which it is located. This will increase traffic, pollution, noise, rodents - there are already issues with the health club

The existing hotel is an established use. The proposed development represents an expansion of this established hotel use. It is not considered that, following to the assessment above and consultee comments received, the proposed development would detrimentally impact the amenities of the area or neighbouring occupiers.

- Loss of light and loss of privacy on neighbouring residential houses

For the reasons stated in the assessment above it is not considered it would cause undue loss of light or privacy to neighbouring occupiers. This is because, in summary, the proposed development would be of a similar scale, form and height to the existing buildings on site and would be sited sufficient distance to the neighbouring boundaries.

- Noise by end use and construction, including from the basement level

It is not considered that, subject to conditions, the proposed development would detrimentally impact the amenities of the area or neighbouring occupiers.

- Dust from construction

This matter could be secured by condition.

- No need for conference facilities and unclear the intended conference facilities

The agent stated in an email dated 26 May 2020: "The conference facility proposed is limited by the size of the room available. As such, the use of this space is limited to small groups of between 20-25 guests, wishing to hold meetings and small conferences with guests likely to be staying within the hotel in turn. Such events are likely to be 1-2 events per month and will be booked in advance to ensure capacity where needed. In terms of activity, these events will be limited to meetings and conferences, with speakers looking to host such events as CPD's and presentations to the audience. Light refreshments served, with the meetings likely to utilise the main Hotel facilities(catering/dining) room amenities where necessary."

The environmental health officer assesses no harm arising from this element of the proposed development.

- Visual amenity - out of scale

For the reasons explained in the assessment above, the application is considered acceptable in terms of impact on visual amenity. The scale is similar to the buildings currently in site, albeit linked at ground and first floor, and partly at roof level.

- Noise Impact Assessment is related to a different application

A Noise Impact Assessment for a different application was erroneously uploaded under this application.

In the interests of clarity, the Environmental Health officer has deemed the application acceptable subject to conditions.

- The area is residential so the proposed application is out of keeping

The existing hotel is an established use.

The loss of one residential dwelling house has been assessed at some length in the assessment above and deemed acceptable.

The character of the area is mixed and the application site is located within/adjacent to the designated Town Centre.

- Query about Thames Water comments

Subject to conditions, the application has been deemed acceptable by SUDs officer. This pre-commencement condition includes evidence of agreement from Thames Water.

- Intended use of store room at the rear

The agent has stated in an email dated 26 May 2020: "Please note that the store/outbuilding, is an existing feature on site today. This outbuilding is currently used for storage purposes for the existing Hotel.

No changes are proposed for this structure in terms of its use. Storage of all associated Hotel paraphernalia etc, with access retained via the rear car park as existing."

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 proposed development is for the expansion and reconstruction of an established hotel to incorporate one additional plot (No. 228 Hendon Way). The proposed development would represent the loss of one single family dwellinghouse, contrary to development plan policy.

However, as assessed within the main report, it is considered that the benefits of this particular proposal in supporting strategic objectives at both borough level and regional level outweigh the harm identified to the loss of one residential dwelling house.

The proposed development would represent an over-provision of general parking (for staff/guests) relative to TfL's representations, however considering no new parking is provided for the additional number of hotel rooms beyond the number of existing parking spaces on site, this is considered acceptable.

The application is considered acceptable in all other planning matters, subject to conditions and obligations as attached. This application is therefore recommended for APPROVAL

