LOCATION:

Peacehaven Hotel, 94 Audley Road, London, NW4 3HB

REFERENCE:

H/02203/11

Received: 24 May 2011

11/02203/11

Accepted: 15 June 2011

WARD(S):

West Hendon

Expiry: 10 August 2011

Final Revisions:

APPLICANT:

Mr Tal

PROPOSAL:

Two storey side extension from basement to ground floor level and three storey rear extension from basement to first floor level to facilitate conversion of No. 94 into 3no. self contained maisonettes and 4no. self-contained flats, following demolition of the existing side structure. Formation of parking for 2 spaces.

RECOMMENDATION: Approve Subject to S106

Subject to a Section 106 Agreement

RECOMMENDATION I:

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

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 Education Facilities (excl. libraries)

£30,197.00

A contribution towards the provision of Education Facilities in the borough.

4 Health

£196.00

A contribution towards Health Facilities and Resources in the borough

Monitoring of the Agreement

£1.519.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

Highways (traffic order)

£2,000.00

A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: H/02203/11 under delegated powers subject to the following conditions: -

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

Design and Access Statement; 1053/S-01; 1053/S-02; 1053/S-03; 1053/S-04; 1053/AP5-01; 1053/AP5-02 rev A; 1053/AP5-03; 1053/AP5-04.

Reason:

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

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

Reason:

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

Before development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the

No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Graham Road and Audley Road from a point 2.4 from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

free flow of traffic.

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.

Reason:

To safeguard the visual amenities of the building and the surrounding area.

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

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.

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

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.

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

To ensure a satisfactory appearance to the development.

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

Reason:

To ensure a satisfactory appearance to the development.

10 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.

11 Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

12 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority. Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

13 Before the building hereby permitted is occupied the proposed window(s) in the first and second floor side elevation facing no.19 Graham Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority. Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and reenacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

15 Part 1

Before development commences other than for investigative work:

- A desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.-
- If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from

the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows:
 - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006):GBEnv1, GBEnv2, GParking, D1, D2, D3, D4, D5, L8, M11, M12, M13, M14, H16, H17, H18, H27, GCS1, CS2, CS8, CS13, IMP1, IMP2.

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document: Contributions to Education

Supplementary Planning Document: Contributions to Health

Supplementary Planning Document: Planning Obligations

Core Strategy (Publication Stage) 2010: CS3, CS4, CS5, CS8, CS9.

- ii) The proposal is acceptable for the following reason(s): -
- The proposed development would make efficient use of the site, having an acceptable impact on the character and appearance of the property, wider locality and would not harm the visual or residential amenities of any neighbouring occupier.
- A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- In complying with the contaminated land condition parts 1 and 2: Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites Code of Practice:
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

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.

4 If the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

RECOMMENDATION III

That if an agreement has not been completed by 30/09/2011, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/02203/11 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet extra education, health services costs together with associated monitoring costs and contributions towards highway works arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary development Plan (2006) and Adopted Supplementary Planning Documents.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement PPS1 - Delivering Sustainable Development

Planning Policy Statement PPS3 - Housing

Planning Policy Statement PPS 4 - Planning for Sustainable Economic Growth

Planning Policy Guidance PPG13 - Transport

Planning Policy Guidance PPG 24 - Planning and Noise

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan:

1.1, 2.1, 2.2, 3.5, 3.10, 5.1, 5.3, 6.13, 7.1, 7.2, 7.3, 7.4.

Relevant Unitary Development Plan Policies:

GBEnv1, GBEnv2, GParking, D1, D2, D3, D4, D5, L8, M11, M12, M13, M14, H16,

H17, H18, H27, GCS1, CS2, CS8, CS13, IMP1, IMP2

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document: Contributions to Education

Supplementary Planning Document: Contributions to Health

Supplementary Planning Document: Planning Obligations

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development

Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS3, CS4, CS5, CS8, CS9.

Relevant Development Management Policies: DM01; DM02; DM03; DM04; DM17.

Relevant Planning History:

94 Audley Road -

H/00318/10 - Two storey plus basement side and rear extensions, together with internal and external alterations to the existing property to provide 7 self-contained flats. Demolition of existing out-building. Alterations to the existing front dormer window. Provision of two off-street parking spaces – Refused 9/3/2010 and Dismissed on appeal dated 22/10/2010

Application:PlanningNumber:H/02167/09Validated:30/06/2009Type:APFStatus:DECDate:20/11/2009Summary:REFCase Officer:Matthew Corcoran

Description: Part single, part two storey plus basement rear extension together with internal and external alterations to existing property to provide 8 self-contained flats. Demolition

of existing out-building and erection of a two storey building to provide 3 self-

contained flats. Provision of two off-street parking spaces.

Application: Planning Number: H/02295/08 Validated: 09/07/2008 Type: APF DEC Status: 03/09/2008 Date: Summary: **REF** Case Officer: Emily Benedek

Description: Three-storey rear extension to existing hotel. Demolition of coach house and

erection of two-storey (plus basement) building to be used as extension to hotel.

Application: Planning Number: H/03702/08 Validated: 10/10/2008 Type: APF Status: **WDN** Date: 20/11/2008 Summary: WIT Case Officer: **Emily Benedek**

Description: Three-storey rear extension to existing hotel. Demolition of coach house and

erection of two-storey (plus basement) building to be used as extension to hotel.

Application:

Planning

PDE

Number:

H/04730/08

Validated:

18/12/2008

Type:

APF

Summary:

Status:

Date:

Case Officer: Emily Benedek

Description: Refurbishment and three storey rear extension to the existing hotel and the

demolition of the existing two storey coach house to the side to be replaced with a two storey plus basement building. 11 no. bedrooms to be provided on entire site. Alterations to basement and incorporation of lightwells to provide habitable

accommodation.

Peacehaven Hotel - W02393/G/03 - Erection of a three storey plus basement rear extensions to provide 5 additional hotel rooms. Provision of three additional car parking spaces accessed from Audley Road - Refused - 18/3/03

Application:

Planning

Number:

W/02393/E/99

Validated:

18/10/1999

Type:

191

Status:

DEC

Date:

20/06/2000

Summary:

LW

Case Officer:

Description: Internal alterations in connection with continued use as a hotel (Class C1).

Application:

Planning

Number:

W/06675/A/00

Validated:

17/04/2000

Type:

APF

Status: Summary: **WDN**

Date: Case Officer: 19/01/2001

WIT

Description:

Extension and conversion of existing printing works into a 4 bedroom house

including basement.

Outbuilding (Former Coach House building no.21 Graham Road) -

W06675B/03 - SITE ADJOINING PEACEHAVEN HOTEL, GRAHAM ROAD LONDON NW4 3HB - Demolition of outbuilding (former coach house) and the erection of a two storey, 4 bedroom dwelling with habitable rooms in loft space and front facing dormer window, one off street parking space provided - Refuse - 04/06/2003

Consultations and Views Expressed:

Neighbours Consulted:

61

Replies: 4 letters of objection and

petition of 50 signatories

Neighbours Wishing To Speak

The objections raised may be summarised as follows:

- Query on the plans showing a balcony area
- Finish of the materials should match the existing
- Party wall agreements should be met
- Use of the existing building is difficult to establish
- Should the proposal not be built or used in accordance with the plans if approved
- Issues with drainage and sewerage
- Lack of on-site car parking
- Current parking pressures to park close to where you live
- Application was previously refused then dismissed at appeal
- Building too large for the site
- Too many units on the site

- Council's failure in enforcing the planning law previously to the site
- Barnet's failure in defending the appeal and subsequent award of costs against
- Overdevelopment
- Detrimental to the amenities of neighbouring residents
- Applicant has provided misleading information
- · Coach house is more recently used as a printers work shop and builders storage
- Impacts on road safety
- Over concentration of flats in the road
- New on site car parking space would remove needed garden space and street parking spaces
- The CPZ is only between 10 and 11am. A car free development would not address concerns that future residents would not place unreasonable demand for kerbside parking
- Extensions are wholly excessive
- There will be more occupants on site
- Increase in noise and disturbance
- Increase demand in public services
- · Out of keeping with character or area
- Loud noise and anti-social behaviour
- Light pollution
- Loss of employment
- Residential use would be more disruptive to residents than commercial

Date of Site Notice: 30 June 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a large detached, corner property located at the junction where Graham Road meets Audley Road. The site is approx 500m from Hendon Central Town Centre. The application site includes the former coach house building to the east of 91 Audley Road and is approximately 481 sqm. in total site area. The immediate area is predominantly characterised by single family dwelling houses and various flat conversions. The property is currently used for short term letting's. Previous to this the last known lawful use was for a hotel.

Proposal:

Proposal involves the demolition of the existing outbuilding followed by two storey plus basement side and rear extensions, with internal and external alterations to the existing property to provide in total 7 self contained units. Provision of two off-street parking spaces.

The proposed rear extensions would comprise a two storey plus basement extension designed with a twin rearward projection and gable finished roof. Each rear projection would be approx 4 metres in width, 2.7 metres in depth and approx 8.5 metres in height as measured from pavement level. The basement would extend marginally to the rear by 1m in depth and 10m in width.

The outbuilding would be demolished and replaced by a two storey plus basement

side extension. The basement and ground floor side extension would measure 4.5m in width, 12.8m in length and 6.5m in height. The proposed first floor side extension would be 11m in length, 4.5m in width and 9.8m in height designed with a pitched roof subordinate to the main ridge height.

The proposal would provide the following units -

Unit 1 maisonette - 3 bed

Unit 2 maisonette - 2 bed plus storage areas

Unit 3 maisonette - 3 bed

Unit 4 - 1 bed flat

Unit 5 - 3 bed flat

Unit 6 - 2 bed flat

Unit 7 - 1 bed flat plus study

Planning Considerations:

Policy Context

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of Policy D5 requires new development to safeguard the outlook and light of neighbouring residential occupiers.

Policy H16 requires new residential developments to be well laid out in terms of access, car parking and landscaping, preserve daylight, outlook and residential amenity, provide safe environments, maintain privacy and overlooking and to provide adequate levels of amenity space.

Policy H18 residential housing scheme to have a minimum 5sqm. of amenity space per habitable room

Policy H27 requires proposed extensions to harmonise with existing and neighbouring properties and have no significant adverse effects on the amenity of neighbouring occupiers.

Policy M11 states that the council will taken into account the safety if road users when considering development proposals.

Policy M12 advises that the council will refuse development where proposals will increase conflicting road movements

Policy M14 states that new residential development should meet a minimum

requirement of off street parking.

Policy GCS1 seeks to ensure that there is an adequate supply of land and buildings available for community, religious, educational, health and social care facilities in the borough to meet residents needs.

Planning Policy Statement 3 - Housing requires a high quality of design for new residential developments and states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Furthermore, PPS3 sets out a number of criteria for assessing design quality, including the extent to which a proposed development integrates and compliments neighbouring buildings and the local area in terms of scale, density, layout and access.

Background

The planning application in question follows a recent proposal (ref H/00318/10) for an identical scheme, which was refused at Hendon Area Planning Committee dated 9th March 2010. The application was subject to an appeal which was dismissed by the Planning Inspectorate dated 22nd October 2010. The Inspector concluded that as the application did not include a legal agreement to facilitate amendments to the Traffic Regulation Order, this was sufficient grounds to refuse the application.

The application submitted is for an identical scheme with a supporting legal agreement to accommodate the demands placed on public services outlined in recommendation 1 of the report.

Planning Appraisal

The Inspectors decision of 22nd October 2010 considered the application to be acceptable in principle subject to the completion of the legal agreement and addressed a number of key issues for the proposal.

Character and Appearance

Council policies state that extensions to properties will only be acceptable where it can be proven that there will be no demonstrable adverse impacts on neighbouring residential and visual amenity.

The proposed side extension would be set back from the front building line and off the shared boundary with no.19 Graham Road by 1.5m. The side extension would also be well set down from the ridge and design with a pitched roof of similar style and design to the existing lowered roof above the bay windows.

The removal of the existing outbuilding, followed by the proposed extensions are considered to have an acceptable relationship with the adjoining neighbouring property and would not prejudice the visual or residential amenities of these occupiers, whilst maintaining an acceptable appearance to the host property and streetscene.

With regard to the scale and design of the extensions, the Inspector considered that the proposed extensions would, "enhance the properties contribution to the streetscene" and mindful of the existing use, "would not have an adverse impact on the character or appearance of the area."

Amenities of Neighbouring Occupiers

The Inspector viewed, in taking into account the area around the application site to be a mixture of flats and houses that the proposed extensions and the use of the building for 7 residential flats, would not result in any appreciable increase in disturbance to nearby residents.

The proposal involves a significant reduction in building form with the removal of the large Coach House building on the boundary with no.19 Graham Road. The location of the Coach House building on a largely residential road, adjacent to no.19 Graham Road, with a commercial use could have a significant impact on the residential amenities of nearby residential occupiers. Mindful that the building has been vacant for some time, in a state of disrepair and located in an inappropriate area for light industrial purposes, the loss of the building in employment terms would not be sufficient to reasonably warrant refusing the application.

The window arrangement on the side elevations are to be obscured and would not allow for any appreciable overlooking or loss of privacy that would be detrimental to the amenities of neighbouring occupiers.

In concluding, the Inspector stated, "the proposal would not have an adverse effect on the living conditions of occupiers of adjoining residential properties and would comply with the Policy H16 of the adopted Barnet UDP".

Traffic Issues

In assessing the appeal, the Inspector noted, "in order to ensure that parking demand does not ultimately cause highway safety problems in the surrounding area, I agree with the Council that a restriction preventing residents in the development from purchasing parking permits is required."

Without a submitted legal agreement the Inspector did not consider that the matter could be resolved through the imposition of a condition. With this in mind, he stated, "I therefore conclude that the proposal would have an adverse effect on the demand for car parking in the area, and a consequent adverse effect on highway safety, contrary to saved Policies M14 and IMP2 of the adopted Barnet Unitary Development Plan 2006."

The proposed development involves provision of 2 car parking spaces (1 disabled space), for the occupiers of the development. The level of on site parking does not meet adopted standards. However, it is acknowledged that the site is approx 500m away from Hendon town centre and accessible by public transport. The CPZ near the site restricts parking for only residents with permits for one hour Monday to Friday.

Given the amount of off street parking proposed and that there are only limited available parking spaces for residents with permits in the near vicinity to the application site, the development is required to exempt future residents from purchasing residential permits. To address this issue, the applicant has submitted a legal agreement including a contribution of £2000 towards meeting the cost of amending the Traffic Regulations Order.

Overall, the proposal would convert 11 sub standard units into 7 larger units to comply with adopted space standards. The proposal is considered to have an acceptable impact on the appearance of the property and the character of the area, whilst not harming the visual or residential amenities of any neighbouring resident.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections have been carefully considered and addressed within the body of the main report.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. SECTION 106 ISSUES

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

The proposed development is required to meet the demands placed upon public services and would be required to make contributions towards education (£30,197), health (£196), and monitoring (£1,519) in line with adopted planning supplementary documents, as well as towards amendments to the Traffic Order.

6. CONCLUSION

The proposed development makes efficient use of the property, and bring sub standard living accommodation to acceptable standards. The proposed development would be in keeping with the established pattern of the built environment, acceptable in scale, size and use. In line with the comments made by the Planning Inspectorate, the submission of a legal agreement addresses the issues of highway impact. The application is consequently recommended for approval.

SITE LOCATION PLAN:

Peacehaven Hotel, 94 Audley Road, London,

NW4 3HB

REFERENCE:

H/02203/11



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