

Location **The Pillar Hotel 19 Brent Street London NW4 2EU**

Reference: **19/2674/S73** Received: 10th May 2019
Accepted: 15th May 2019

Ward: West Hendon Expiry 10th July 2019

Applicant: GYG Estates Ltd

Proposal: Variation of Condition 10 (No structures, including marquees and similar structures shall be erected either permanently or temporarily, within the curtilage of the building as indicated on plan 0676 /PS rev A without the prior consent in writing of the Local Planning Authority) of planning permission H/02272/10 dated 28/07/10 for 'Change of use of former hostel areas to C1 hotel, with ancillary parking facilities'. Variation to enable temporary marquees to be erected in the central quadrant

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning 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 his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, 0676/PS Revision A, 0676/MP/1 Revision B, 0676/MP/2 Revision B, 0676/MP/3 Revision B, 0676/MP/4 Revision B, 0676/MP/5, 0676/MP/6.

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

- 2 The 20 parking spaces and cycle parking spaces shown on Plan 0676/PS Rev.A shall not be used for any purpose other than the parking of vehicles in connection with the approved development. These spaces shall remain in perpetuity.

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.

- 3 The premises shall be used for a hotel and no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use

Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 4 No structures, including marquees or similar structures, shall be erected, either permanently or temporarily, on any part of the site as identified on approved drawing Site Plan General Arrangement 676/PS Rev A, except for the erection of temporary marquees within the central quadrant - identified as 'Courtyard' on approved plan 676/PS Rev A. Such marquees shall only be erected for a period not exceeding a maximum combined total of 60no days per calendar year incorporating a maximum combined total of 20no event days, (comprising no more than 20no consecutive days,) without the prior consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control the use of the site to safeguard the residential amenities of occupiers of the self-contained flats within the site and the occupiers of neighbouring properties and to safeguard the safe operation of the adjoining highway.

- 5 The dining and ancilliary facilities shall be used only by paying guests staying at the hotel.

Reason: To safeguard the residential amenities of the occupiers of the self-contained flats within the site.

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. 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.

Officer's Assessment

1. Site Description

The application relates to The Pillar Hotel which is located on the south-western side of Brent Street, within the ward of West Hendon. The site also comprises of The Chapel which fronts onto Brent Street, and separate residential units to the rear of the main building.

The site is located approx. 200m south-east of the designated Brent Street Town Centre.

2. Site History

Reference: 18/3920/192

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Unlawful

Decision Notice: 19.02.2019

Description: Erection of a temporary marquee for up to 20 days per year on the Quad area

Reference: 17/4427/FUL

Address: The Pillar Chapel, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 05.12.2017

Description: Erection of marquee for used for up to 10 events per year

Reference: 15/06705/FUL

Address: Pillar Of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Approved subject to conditions

Decision Notice: 25.01.2016

Description: Demolition of an existing wooden outbuilding and removal of shipping container to be replaced with a brick built structure of identical dimensions to the wooden outbuilding being demolished.

Reference: H/03781/13

Address: The Pillar Hotel And Chapel, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 16.10.2013

Description: Retention of boundary gates and formation of emergency access

Reference: H/01144/12

Address: The Pillar Of Fire Chapel, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 12.07.2012

Description: Use of land at rear for erection of marquee in connection with the chapel. The marquee would be used for up to 40 events per year. Provision of 20 additional parking spaces.

Reference: H/03297/11

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Approved subject to conditions

Decision Notice: 04.11.2011

Description: Retention of alteration to first floor windows and increase to height and depth of existing windows to match.

Reference: H/00273/11

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 28.09.2011

Description: Retention of gates and alterations to fence to facilitate creation of vehicular access to Elm Park Gardens to enable emergency access.

Reference: H/2272/10

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Approved subject to conditions

Decision Notice: 02.08.2010

Description: Change of use of former hostel areas to C1 hotel, with ancillary parking facilities.

3. Proposal

The application seeks to vary condition 10 (Marquees) of planning permission reference H/02272/10 dated 28/07/10, for the 'Change of use of former hostel areas to C1 hotel, with ancillary parking facilities.'

Condition 10 stated:

"No structures, including marquees and similar structures, shall be erected either permanently or temporarily, within the curtilage of the building as indicated on plan 0676/PS revA without prior consent of the Local Planning Authority."

The proposal seeks to alter the wording of the above condition which has been amended during the application process.

4. Public Consultation

Consultation letters were sent to 123 neighbouring properties.

38 responses have been received, comprising 15 letters of objection and 23 letters of support.

The objections received can be summarised as follows:

- Reject any attempt to weaken the previous decision
- Impact from noise and disruption
- No control on the size or number of such structures
- Impact on parking
- allow erection of marquee that is not connected to The Pillar Hotel
- disturb the local residents with late night events and clearing up
- the hotel and chapel appear to operate seamlessly with both entities sharing the same catering equipment, furniture and resources
- disruption to neighbouring areas arising from guest parking in nearby roads
- previous reasons for refusal are still applicable
- people congregating around residential flats on the property
- marquee is erected within centimetres of the residential flats

The letters in support received can be summarised as follows:

- The presence of The Pillar in the neighbourhood has had a very positive influence, not just at an economic level, but also a practical one.
- Limited noise

- establishment which serves the local community
- previous events have not caused a nuisance or disturbed the peace
- The operation has brought huge benefits to the localities
- Since the opening of the hotel, the area is spotless
- Have never been disturbed by any activities at The Pillar
- being able to hold events for the local community and having these events in a marquee has been very convenient
- Efforts are made to ensure that music and guests are kept to acceptable volumes and finish within the legally designated times
- great to have somewhere local for larger events

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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

Barnet's Local Plan (2012)

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

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

For the purposes of planning, the site comprises of separate planning units - The Chapel, The Hotel and residential units.

At the time of application reference H/02272/10, the proposal sought a partial change of use of the former hostel areas to a C1 (hotel) for the purposes of a bed and breakfast hotel. The application was referred to Hendon Area Planning Committee with condition 10 as worded:

'No structures, including marquees and similar structures, shall be erected either permanently or temporarily, within the curtilage of the building as indicated on plan 0676/PS revA without prior consent of the Local Planning Authority.'

Within the submitted Planning Statement, the applicant advises that clarification, from then Councillors, on which elements of the site were restricted by the above condition. It was stated by Planning Officers that the condition related solely to the hotel use and not to any other use on the site. The applicant has submitted two affidavits to confirm this. The application was approved on 28 July 2010. The areas affected by the approved change of use were delineated with a red line in the final revised plans referred to in the decision notice.

As the application only sought the change of use of the planning unit previously utilised as a former hostel, the conditions attached should only relate to development permitted. Therefore, the other planning units cannot be controlled or restricted.

Planning conditions can only be applied if it meets the following 6 tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other aspects.

It is alluded to above that to restrict the use/function of a separate planning unit, i.e. in this instance The Chapel, would not be lawful and therefore only applies to the hotel use, which permission was granted.

As such, taking into account the above considerations and the justification submitted with the application, Officers accept that the proposed nature and intention of the original condition only relates to the approved hotel use.

It is evident from the representations received that there are differing opinions on the associated impact of the marquees when erected and in use. Marquees in the past appear to have been erected in various positions within the site. Those particularly affected would be the residential units within the rear of the main building and the residential dwellings to the rear of the site, within Elm Close and Elm Park Gardens.

In order to mitigate any potential future concerns, Officers have discussed with the agent, revisions to the wording of the condition to ensure that those affected to the rear of the site would not be adversely affected. As such, an agreement has been made that nothing can be erected within the rear tarmac area adjacent to Elm Park Gardens and Elm Close, without the prior consent of the Local Planning Authority. It is considered that by restricting any marquees not to be erected within the rearmost areas, those residential properties who have raised concerns, will not be detrimentally affected.

This application does not change the nature or running of the hotel use.

5.4 Response to Public Consultation

The purpose of this application is to seek clarity on the intended restriction of the condition. The applicant accepts that the condition intended to prevent the approved hotel use from erecting any structure including marquees within the site. This application does not seek to remove that condition.

As the proposal within reference H/02272/10 only related to the hotel use, any imposed planning restrictions can only relate to that which permission is sought. As The Chapel is a separate planning unit and did not form part of the original planning permission, it cannot be lawfully restricted by the planning conditions in reference H/02272/10.

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

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

