

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select an Option

1.	No valid planning application objection in the form of a petition of 20 or more signatures, has been received	☐
2.	Application complies with all relevant planning policies and is acceptable on planning grounds	☐
3.	There is no Committee resolution for the enforcement action	☐
4.	There is no effect on listed buildings or their settings	☐
5.	The site is not in the Green Belt (but see 11 below)	☐

REFUSAL RECOMMENDED: GENERAL

6.	Application is contrary to relevant planning policies/standards	☐
7.	No petition of 20 or more signatures has been received	☐
8.	Application has not been supported independently by a person/s	☐
9.	The site is not in Green Belt (but see 11 below)	☐

RESIDENTIAL DEVELOPMENT

10.	Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha	☐
11.	Householder application in the Green Belt	☐

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

12.	Change of use of retail units on site less than 1 ha or with less than 1000 sq. m other than a change involving a loss of A1 uses	☐
13.	Refusal of change of use from retail class A1 to any other use	☐
14.	Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use.	☐

CERTIFICATE OF LAWFULNESS

15.	Certificate of Lawfulness (for proposed use or Development)	☐
16.	Certificate of Lawfulness (for existing use or Development)	☐
17.	Certificate of Appropriate Alternative Development	☐

CERTIFICATE OF LAWFULNESS

18.	ADVERTISMENT CONSENT (excluding Hoardings)	☐
19.	PRIOR APPROVAL APPLICATION	☐
20.	OUT-OF-BOROUGH OBSERVATIONS	☐
21.	CIRCULAR 18/84 APPLICATION	☐
22.	CORPSEWOOD COVENANT APPLICATION	☐
23.	APPROVAL OF DETAILS	☐
24.	ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where the Heads of Terms have already received Committee approval	☐
25.	WORKS TO TREES	☐
26.	OTHER (please specify)	☐

The delegation powers schedule has been changed. Interim Director of Planning, Regeneration & Public Realm can determine this application

Case Officer:

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informative's are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DETAILS SHOULD BE USED IN THE PS2 RETURNS ODPM

Item No. **Report of the Head of Development Management and Building Control**

Address: THE GREAT WESTERN P.H. DAWLEY ROAD HAYES

Development: Retrospective planning application for a single storey side canopy roof with 12 timber poles to support the canopy roof for the pub.

LBH Ref Nos: **42682/APP/2023/3243**

Drawing Nos: Boundary issues -02 A EX
Existing Elevations - 03 A EX
Proposed Elevations - 04 A EX
Proposed Plans - 05 A PP
Proposed Plans - 01 A PP
Covering Letter

Date Plans received: 08-11-23 **Date(s) of Amendments(s):**

Date Application valid 08-11-23

1. SUMMARY

Retrospective planning permission has been sought for the erection of a single storey canopy.

The canopy has been erected at the site (in close proximity to No.2A Shepiston Lane) and has resulted in the existence of a sheltered eating and drinking space within the confines of the existing pubs curtilage.

A similar application was recently refused at the site (42682/APP/2023/2128). This application differs from the refused scheme with the external canopy will only be used during the hours of:

Sunday - Thursday 11am until 9pm.

Friday and Saturday - 11am until 10pm.

The applicant has also advised that there will be no amplified music below the canopy after 8pm on any day.

Whilst the changes are considered to be improvements on the previous scheme, the development is still considered to be unacceptable for reasons set out below and in this report.

The canopy is providing shelter to an existing outdoor eating and dining space. The canopy would allow for the usage of the space within the day and late evening. It would also be usable in varying weather conditions because of its sheltered nature. Its creation also has the potential to create additional noise in its location due to echoing and increased usage in close proximity to residential properties along Shepiston Lane. It is considered that conditions could not be imposed on the application to alleviate the developments adverse impact and to make it acceptable in planning

terms. Overall it is therefore considered that due to its location, size and likelihood to create increases in people movements, activity and general disturbance at the site, the development would have an adverse impact on the amenities of No.2A Shepiston Lane.

The application has therefore been recommended for refusal.

A detailed assessment of the application has been carried out below.

2. RECOMMENDATION

REFUSAL for the following reasons:

1. NON2 Non Standard reason for refusal

Due to its size, design and proximity to No.2A Shepiston Lane, the canopy would result in increased noise, activity and disturbance from customers, including late into the evening, to the detriment of the amenities of the occupiers of the property. The proposed development is therefore considered to be contrary to Policy DMHB 11 of the London Borough of Hillingdon Local Plan - Part 2, paragraph 135 (f) of the NPPF(2023) and Policies D3 and D14 of the London Plan (2021).

INFORMATIVES

1. I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan (2021) and NPPF (2021).

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

- LPP D14 (2021) Noise
- LPP D3 (2021) Optimising site capacity through the design-led approach
- LPP GG5 (2021) Growing a good economy

3. CONSIDERATIONS

3.1 Site and Locality

The Great Western is a substantial two-storey public house located at the junction of Dawley Road and Pinkwell Lane. There is two-storey residential development to the immediate South and West and retail development to the North. There is a white painted brick wall along the boundary with Dawley Road and a close boarded fence along the side boundary fronting Pinkwell Lane and the rear boundary where it adjoins dwellings in Pinkwell Lane. The property has a pub garden partly laid to grass and part hard surfaced closest to the main building. This area has a number of public house related activities including dining and seating areas, a childrens' trampoline and storage areas for bins and public house related items. There is parking to the front of the site.

The site has a PTAL rating of 2.

3.2 Proposed Scheme

Retrospective planning permission has been sought for the erection of a single storey canopy.

3.3 Relevant Planning History

42682/APP/2023/2128 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES

Retrospective planning application for a single storey side canopy roof with 12 timber poles to support the canopy roof for the pub.

Decision: 10-10-2023 Refusal

42682/APP/2023/3289 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES

(Retrospective application) for reduced size of single storey side canopy roof with timber poles to support the canopy roof for the pub.

42682/APP/2019/2570 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES

Opening of a shisna lounge in garden area with capacity for 80 people. No change of use. The pub will stay and run as normal but the proposed development is for the back area.

Decision: 27-11-2019 No Further
Action(P)

42682/APP/2018/35 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES Middlesex

Erection of a single storey freestanding timber canopy structure to existing Public House

Decision: 27-02-2018 Refusal

42682/APP/2017/3248 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
Canopy to side and landscaping alterations

Decision: 09-11-2017 Refusal

42682/APP/2014/1043 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
Conversion of first floor from A4 to C1. Retention of ground floor to A4 usage. Gross planning class to be above Sui Generis

Decision: 15-05-2014 No Further
Action(P)

42682/ADV/2005/50 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
INSTALLATION OF TWO NON-ILLUMINATED SIGN BOARDS

Decision: 21-06-2005 Refusal

42682/APP/2005/113 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
DETAILS OF PROTECTIVE FENCING AND LANDSCAPING IN COMPLIANCE WITH
CONDITIONS 8 & 9 OF PLANNING PERMISSION REF.42682/APP/2004/2170 DATED
04/01/2004; ERECTION OF SINGLE STOREY REAR EXTENSION, SINGLE STOREY FRONT
EXTENSION, ALTERATION TO FRONT ELEVATION AND FORMATION OF PAVED SEATING
AREA TO FRONTAGE

Decision: 17-02-2005 Approval

42682/ADV/2004/119 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
INSTALLATION OF VARIOUS EXTERNALLY ILLUMINATED PUBLIC HOUSE SIGNS
(INVOLVING RENEWAL OF EXISTING SIGNS)

Decision: 03-02-2005 Approval

42682/APP/2004/2170 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
ERECTION OF SINGLE-STOREY REAR EXTENSION, SINGLE-STOREY FRONT EXTENSION,
ALTERATION TO FRONT ELEVATION AND FORMATION OF PAVED SEATING AREA TO
FRONTAGE

Decision: 22-12-2004 Approval

42682/ADV/2003/84 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
INSTALLATION OF TWO EXTERNALLY ILLUMINATED POSTER FRAMES, TWO NON-
ILLUMINATED FRAME SIGNS & TWO EXTERNALLY ILLUMINATED (THROUGH EXISTING
LIGHTING) FRAME SIGNS (RETROSPECTIVE APPLICATION)

Decision: 21-01-2004 Approval

42682/E/93/3090 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES
Installation of three externally illuminated advertisements and various additional board signage

Decision: 28-09-1993 Approval

42682/C/90/1336 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES

Installation of three bottle banks

Decision: 29-10-1990 Withdrawn (P)

42682/B/89/3556 THE GREAT WESTERN P.H. DAWLEY ROAD HAYES

Installation of externally illuminated pub signs

Decision: 06-10-1989 Approval

Comment on Planning History

The sites planning history is set out in section 3.3 of this report.

It should be noted that planning permission was recently refused for a similar development at the site (42682/APP/2023/2128). The application was refused for the following reason:

Due to its size, design and proximity to No.2A Shepiston Lane, the canopy would result in increased noise, activity and disturbance from customers, including late into the evening, to the detriment of the amenities of the occupiers of the property. The proposed development is therefore considered to be contrary to Policy DMHB 11 of the London Borough of Hillingdon Local Plan - Part 2, paragraph 130 (f) of the NPPF(2021) and Policies D3 and D14 of the London Plan (2021).

Another application (42682/APP/2018/35) for similar works was also refused in 2018 for the following reasons:

The proposed canopy/extension, by virtue of its size, scale and proximity, would result in increased activity at all times of the day/evening to the detriment of adjoining residential occupiers, by reason of increased noise and disturbance. Therefore the proposal would be contrary to Policies OE1, OE3 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date: Not applicable

4.2 Site Notice Expiry Date: Not applicable

5. Comments on Public Consult

9 neighbouring properties were directly notified of the proposal on 21/11/23. Those properties were given 21 days to respond. In response to consultation on the application 4 letters of objection were received. The objections have been summarised below.

1) The proposed development would have an adverse impact on neighbouring amenities. There has been increases in Noise, activity, disturbance. Additionally music has been played from under the canopy resulting in its amplification and vibration.

2) The proposed development would result in increased car movements to the detriment of highway

safety. Rutland Road would also be adversely impacted by additional vehicle movements and parking.

3) The development should be refused for the same reasons as the previous application.

CONSULTEE COMMENTS

Access Officer: I have considered the detail of this planning application and consider this proposal to have no impact on accessibility.

Enforcement Officer: The proposal is likely to have an adverse impact on neighbouring amenities.

Officer Response:

The above has been noted and an assessment of the developments impact on neighbouring amenities, the appearance of the area and highways network has been assessed below.

It should also be noted that the applicant has submitted a plan showing that No.2a has encroached into boundary of the development site. This is considered to be a civil matter and not a material planning consideration.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D14 (2021) Noise

LPP D3 (2021) Optimising site capacity through the design-led approach

LPP GG5 (2021) Growing a good economy

In addition: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)
The Local Plan Part 2 - Development Management Policies (2020)
The Local Plan Part 2 - Site Allocations and Designations (2020)
The West London Waste Plan (2015)
The London Plan (2021)

The National Planning Policy Framework (NPPF) (2023) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Paragraph 135 (f) of the NPPF (2023) states that new development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

Hillingdon Local Plan Part 2: Development Management Policies (2020) Policy DMHB 11 sets out design guidance for all new development in the borough. Part B of the policy states 'development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space'.

Prior to the construction of the canopy (subject of this application) an outdoor courtyard for eating, drinking and other associated pub uses existed to the south of the pub (within its curtilage). The constructed canopy has provided shelter to part of this existing courtyard area.

In terms of size design the canopy is approximately 3m high, 10.5m deep and 10.1m wide. The structure is open air and is held up by 12 timber posts. Due to its moderate size and location the canopy has caused no harmful loss of light or outlook from neighbouring properties, nor is it considered to be visually intrusive.

Whilst it is noted that the outdoor eating and dining space already exists. The submitted covering letter states that the canopy would be used from 11am to 9pm Sunday to Thursday and 11am to 10pm Friday to Saturday. As such it would allow for the usage of the space throughout the day and late evening increasing the likelihood of disturbance and noise in the early hours of the night. Furthermore it would also be usable in varying weather conditions because of its sheltered nature. This would allow for the space to be used all year round, again increasing the likelihood of additional noise and disturbance to neighbours from the site. Due to its design, the canopy is also likely to result in echoing and noise amplification at the site. Due to the increased usability of the pub's outdoor area (provided by the canopy), more people are likely to be outside creating noise, activity and disturbance. The structure is located close to No.2A Shepiston Lane making its residents the subjects of the mentioned adverse impacts.

No noise insulation strategy or noise assessment has been submitted in support of the application to suggest that the development would have an acceptable noise impact on neighbours. Nor has

information been submitted to suggest that there would be no increase in activity or general disturbance.

A condition to control the use, type and level of music is unlikely to meet the tests for putting conditions on planning applications. Nor would a condition restricting the use of the canopy to particular hours, as the canopy is open and people could move freely in and out of the pub, pub garden, via the canopy and it would be hard to determine if they were in the canopy or in the garden.

Overall it is therefore considered that due to its location, size and likelihood to create increases in noise, people movements, activity and general disturbance at the site, the development would have an adverse impact on the amenities of No.2A Shepiston Lane.

7.2 Impact on Street Scene

Paragraph 126 of the NPPF (2021) seeks the creation of high quality, beautiful and sustainable buildings. Parts b) and c) of paragraph 130 of the NPPF (2021) states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and are sympathetic to local character and history, including the surrounding built environment.

Paragraph 135 of the NPPF (2023) states 'Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Hillingdon Local Plan Part 1: Strategic Policies (2012) Policy BE1 states 'The Council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents. All new developments should achieve a high quality of design in all new buildings, alterations, extensions and the public realm which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place'.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states: 'All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including: i) harmonising with the local context by taking into account the surrounding scale of development, height, mass and bulk of adjacent structures; building plot sizes and widths, plot coverage and established street patterns; building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure; architectural composition and quality of detailing; local topography, views both from and to the site;

and impact on neighbouring open spaces and their environment'.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) re-emphasises the need for new development to be well integrated with the surrounding area and provides design criteria as to how this would be achieved.

The constructed canopy structure is approximately 3m high, 10.5m deep and 10.1m wide. The structure is open air and is held up by 12 timber posts. The structure would be sited behind the pub's courtyard wall when viewed from the street as such it would have minimal visual impact on Dawley Road. The pub itself is also set back from the street, further limiting the visual impact of the structure. The structure is 3m high and is therefore not visually prominent when compared with the larger pub, surrounding houses and boundary treatments at the site. For these reasons the development is not considered to cause any significant harm to the character and appearance of the area. Furthermore due to its discrete location, open air design and moderate height the structure would cause no significant harm to the appearance of the pub.

The development is therefore considered to have an acceptable visual impact on the pub and area.

7.3 Traffic Impact/Pedestrian Safety

Policy DMT 2 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states: 'Development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.'

Policy DMT 6 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) states: 'Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

London Plan Policy T4 and T6 seek to ensure that adequate parking is provided for new developments and that proposals do not cause harm to the local highways network and pedestrian and road user safety.

The London Plan was adopted in March 2021, consequently the car parking standards set out in the London Plan take precedence over those in the Local Development Plan, except where the Local Plan specifies lower local maximum standards.

The development is sited within an exiting pub courtyard, it has resulted in no loss of parking space at the site.

The canopy exists over an existing outdoor seating area and therefore does not increase the pubs capacity, thus requiring additional parking.

Overall it is considered that the proposal would have no adverse impact on the local highways network, parking provision or pedestrian and road user safety.

7.4 Carparking & Layout

See above.

7.5 Urban Design, Access and Security Considerations

ACCESSIBILITY

Policy D5 of the London Plan (2021) seeks to achieve inclusive design in new developments. The building would be as accessible as the existing building. There are no accessibility reasons for refusing this application.

7.6 Other Issues

CIL

Policy DMCI 7 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that to ensure development is sustainable, planning permission will only be granted for development that clearly demonstrates there will be sufficient infrastructure of all types to support it. Infrastructure requirements will be predominantly addressed through the Council's Community Infrastructure Levy (CIL).

The Council adopted its own Community Infrastructure Levy (CIL) on 1st August 2014. The Hillingdon CIL charge for residential developments is £95 per square metre of additional floor space. This is in addition to the Mayoral CIL charge of £60 per square metre. CIL rates are index linked. The proposal is not CIL Liable.

8. Reference Documents

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)

The London Plan (March 2021))

National Planning Policy Framework (NPPF) (2023)

National Planning Practice Guidance (NPPG)

Contact Officer: Haydon Richardson **Telephone No:** 01895 250230