

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 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. ADVERTISEMENT 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 Heads of Terms have already received Committee approval ☐
25. WORKS TO TREES ☐
26. OTHER (please specify) ☐

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives 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 DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address THE WHEATSHEAF PH HIGH STREET HARLINGTON

Development: Canopy to rear to cover beer garden and associated fencing

LBH Ref Nos: **13392/APP/2018/4174**

Drawing Nos: 654-(P)-01
 654-(P)-02B
 654-(P)-03A
 Design and Access Statement

Date Plans received : 27/11/2018

Date(s) of Amendment(s):

Date Application Valid: 27/11/2018

1. **SUMMARY**

The application is for a single storey freestanding timber canopy structure for purposes ancillary to the use of the property as a public house. Parts of the structure will be fully covered with roofing, whilst mainly it will be semi open roof structure. The area is intended to be used as a beer garden/seating area, although the site has not been granted permission for this change of use. The applicant has already developed the site.

It is considered that the proposed development does not result in a harmful visual impact in street scene terms. No noise impact assessments have been provided with the application and it is considered that the resultant noise disturbance will be to the detriment of the adjoining neighbours. The adjoining dwellings, including those above the adjoining commercial units, would suffer potential harm as a result of the development. It is considered that in proposals such as this, the issue is not just measurable noise but the possibility of general disturbance.

Previously this application has been refused for the same reasons.

It is recommended that the application be refused.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed/existing 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).

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).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
BE13	New development must harmonise with the existing street scene.
BE15	Alterations and extensions to existing buildings
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures

3 I59 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies (2016). On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

4 I71 LBH worked applicant in a positive & proactive (Refusing)

In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from the 'Saved' UDP 2007, Local Plan Part 1, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service.

The Council has however been unable to seek solutions to problems arising from the application as the principal of the proposal is clearly contrary to its statutory policies and negotiation could not overcome the reason for refusal.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Southern side of High Street, with the property's front elevation facing East. The site comprises of a Public House, namely The Wheatsheaf, which benefits from a rear garden. The pub is located on a corner plot, at the junction of Providence Lane and High Street.

The site adjoins two storey flats to the South, and a MOT service centre to the immediate East. To the North the proposed canopy is separated by a small driveway with a set of terraced properties. There are residential properties above the adjoining commercial properties. The boundary is defined by timber fences and ancillary structures associated with the dwelling. There are habitable rooms facing the site on Providence Lane.

To the immediate South of the location consist of retail units, all other surrounding buildings are predominantly residential.

3.2 Proposed Scheme

The application proposes a canopy to the rear to cover a beer garden. There is no history relating to the rear garden being used as a beer garden initially.

The proposal involves erection of a single-storey freestanding timber canopy with a timber open roof, located to the Western side of the public house. To the very rear the structure will have a completely covered roofing, to be used as a smoking area. A new 1.5 m tall timber fence will also be erected around the proposed canopy structure. It would have a total area of 35.66 square metres and would be approximately 2.76 metres high. The structure is existing.

3.3 Relevant Planning History

13392/APP/2018/2709 The Wheatsheaf Ph High Street Harlington
Canopy to rear to cover beer garden

Decision: 15-10-2018 Refused

Comment on Planning History

Three advertisement applications have been submitted previously, of which two were approved, proposing changes to the facade of the public house. This included new signs and colour changes to the external paint work.

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

A site notice was displayed which expired on 05.01.19. 42 neighbouring properties were also consulted via letter dated 03.12.18. 2 comments were received with concerns regarding the following:

1. Construction for a beer garden has not been granted, however a new build is taking place without authorisation from the council.
2. Construction on the new canopy has already begun.
3. Noise pollution.
4. Too much lighting.
5. Emergency services access loss to the site.

6. Smell from foods taken to the beer garden.

Heathrow Aerodrome Safeguarding has raised no objections.

Planning officer comment: The above concerns will be addressed in the relevant sections of the report.

Access officer:

I have considered the detail of this planning application and have no comments to make.

Trees/Landscape officer:

This site is occupied by a two-storey pub and beer garden on the west side of the High Street, at the junction with Providence Lane. There are no TPO's or Conservation Area designations affecting the site.

COMMENT: No trees or landscape features of merit will be affected by the proposal. The proposal comprises a semi-covered pergola structure at the far end of the garden, extending almost back to the rear elevation of the pub.

RECOMMENDATION: No objection and no need for landscape conditions.

6. UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

BE13 New development must harmonise with the existing street scene.

BE15 Alterations and extensions to existing buildings

BE19 New development must improve or complement the character of the area.

BE20 Daylight and sunlight considerations.

BE21 Siting, bulk and proximity of new buildings/extensions.

BE24 Requires new development to ensure adequate levels of privacy to neighbours.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE3 Buildings or uses likely to cause noise annoyance - mitigation measures

In addition:

7. MAIN PLANNING ISSUES

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

There are residential neighbours surrounding the application site. The canopy is low level and visually subordinate to the public house. There are habitable rooms directly facing the proposed development on Providence Lane, separated by 15 m from the front building line of these properties and the proposed canopy. However, given that the proposed development is of single storey height, with a maximum height of 2.76 m, it is not

considered that the development would result in an overbearing outlook.

The main impact of the development is likely to be potential noise and disturbance from people using the canopy area for eating, smoking or drinking. The provision of a covered and possibly heated and lighted area would clearly encourage a greater level of use. The application has not submitted a noise report showing how noise management plans would be adopted to ensure that a robust approach is taken with regards to protecting the amenities of nearby residents. A Design and Access statement has been provided with this application to give clarification to some of the points relating to the previous reason for refusal. The statement refers to the area already being a noisy area due to the Heathrow airport nearby. Further comments have been added as measures to reduce and control noise. Some of these are measures such as signs installed to the entrance and exit of the garden asking customers to not disturb the neighbourhood. These measures are not considered sufficient to control noise disturbances for neighbours.

Furthermore, the Design and access statement has stated that a management plan will be adopted to ensure that the garden is closed at 9 pm. A condition relating to just this part of the premises would be difficult to enforce and a greater use of this area in such close proximity to adjoining residential occupiers will clearly result in noise and disturbance at all times of the day and evenings to the detriment of the amenities of these occupiers.

Although it is acknowledged that the site shares boundary with a motoring service company which creates loud noises, this is during day time hours and do not extend to late night.

As such, the development would not accord with Policies OE1, OE3 and BE21 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.2 Impact on Street Scene

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) requires all new development to maintain the quality of the built environment including providing high quality urban design. Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) resist any development which would fail to harmonise with the existing street scene or would fail to safeguard the design of existing and adjoining sites.

The proposed canopy structure is 2.76 metres high at its highest point. The canopy is located next to the existing garage and whilst it will still be visible from the street scene it is not such that a refusal could be justified in street scene terms.

Therefore, the development would comply with Policies BE13 and BE15 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

7.3 Traffic Impact/Pedestrian Safety

Highways officer: There are no highway, traffic or transport concerns with this application.

The number of cars accessing the site is not considered likely to materially increase.

7.4 Carparking & Layout

The proposed area is currently being used for staff car parking, and hence would result in a loss of parking space. The existing garage space is also currently inaccessible due to the developed area.

7.5 Urban Design, Access and Security Considerations

The proposed development would not be harmful to the urban design of the area.

7.6 Other Issues

Principle of Development:

The Council has adopted the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012). Policy BE1 advises that new development, in addition to achieving a high quality of design, should enhance the local distinctiveness of the area, contribute to community cohesion and sense of place and make a positive contribution to the local area in terms of layout, form, scale and materials and seek to protect the amenity of surrounding land and buildings, particularly residential properties.

The proposal would be compatible with the current use of the site and the surrounding area, and therefore is acceptable in principle. It is the detail which is at issues.

Since the end of August 2015 applications which are for development which was not authorised need to be assessed as to whether the unauthorised development was intentional. If so, then this is a material planning consideration. In this case officers have no indication that this was an intentional breach of planning control.

Conclusion :

For the reason set out above the proposed development is recommended for refusal

8. Reference Documents

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

Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012)

The London Plan (2016)

National Planning Policy Framework (2018)

Contact Officer: Nurgul Kinli

Telephone No: 01895 250230