

APPLICATION FOR: 47647/APP/2022/2552
14 HIGH STREET HAREFIELD

COMMITTEE: Minor Apps PC

DATE: 8th December 2022

I confirm:-

- All consultations have been completed
- All consultations are reflected in the report.
- The report is free from spelling, typing and grammatical errors.

Final formatting:

Signed:- _____
Case Officer

Signed:- _____
Team Manager

Signed:- _____
Senior Manager

I agree this report can go on the agenda for the above Committee.

Signed:- _____
DC Tech Admin

Item No. Report of the Interim Director of Planning, Regeneration & Public Realm**Address** 14 HIGH STREET HAREFIELD**Development:** Application for planning permission for the permanent retention of the existing outdoor seating area at the rear of the coffee shop and replacing existing fence and floor, previously approved under planning application reference number 47647/APP/2020/2017.**LBH Ref Nos:** 47647/APP/2022/2552**Drawing Nos:** 1570.02.03.Exg.001
1570.02.03.Exg02.002
1570.04.03.Pln02.060
Design and Access Statement
1570.02.03.Exg02.060
1570.04.03.Pln02.002 A**Date Plans Recieved:** 13/08/2022 **Date(s) of Amendment(s):** 13/08/2022**Date Application Valid:** 13/08/2022 17/10/2022**1. SUMMARY**

This application seeks planning permission to permanently retain an existing outdoor seating area at the rear of the coffee shop. This would include replacing the existing fence and paving. No. 14 High Street, Harefield is a Grade II listed building and the site is within the Harefield Village Conservation Area.

Temporary planning permission for outdoor seating was granted during Covid-19 restrictions to enable social distancing (ref. 47647/APP/2020/2017 dated 27-08-20). However, the subsequent planning application seeking to retain the outdoor seating was refused due to the poor quality materials used in the fencing and surfacing. The materials resulted in 'less than substantial harm' to the Harefield Village Conservation Area and Grade II listed building, which were not outweighed by public benefits (ref. 47647/APP/2022/1409 dated 28-06-22).

This application is an amended scheme which comprises better quality fencing and hard surfaces more suitable for the setting of a listed building and within a conservation area. The Council's Conservation Officer does not raise any objection to the revised scheme and no harm is identified to the designated heritage assets. In this regard the application addresses the previous reason for refusal and is therefore recommended for approval subject to conditions.

2. RECOMMENDATION**APPROVAL subject to the following:****1 COM3 Time Limit**

The development hereby permitted shall be completed in its entirety within 4 calendar months from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

2 RES4 Accordance with Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

1570.02.03.Exg.001
1570.04.03.Pln02.002 Rev A
1570.04.03.Pln02.060

and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

3 NONSC Shall not be attached to Listed Building

The fencing hereby approved shall not be attached to the Grade II Listed Building.

REASON

To preserve the historic significance of the designated heritage asset, in accordance with DMHB 1 and DMHB 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policy HC1 of the London Plan (2021) and Chapter 16 of the National Planning Policy Framework (2021).

4 NONSC Hours of Use

The seating area hereby approved shall not be used except between the hours of 0900 to 1800 Mondays to Sundays.

REASON

To ensure that the amenity of the occupiers of adjoining or nearby properties is not adversely affected in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020), Policy EM8 of the Hillingdon Local Plan: Part 2 - Strategic Policies (2012) and Policies D13 and D14 of the London Plan (2021).

5 RES7 Materials (Submission)

No development shall take place until details of the fencing, the wood stain finish and the York stone paving have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 1, DMHB 2, DMHB 11 of the Hillingdon Local Plan Part 2 (2020), Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policy HC1 of the London Plan (2021) and Chapter 16 of the National Planning Policy Framework (2021).

INFORMATIVES

1 152 **Compulsory Informative (1)**

The decision to GRANT 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).

2 153 **Compulsory Informative (2)**

The decision to GRANT 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 national guidance.

DMTC 1	Town Centre Development
DMTC 4	Amenity and Town Centre Uses
DMHB 1	Heritage Assets
DMHB 2	Listed Buildings
DMHB 4	Conservation Areas
DMHB 11	Design of New Development
DMHB 14	Trees and Landscaping
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP D5	(2021) Inclusive design
LPP D8	(2021) Public realm
LPP D13	(2021) Agent of change
LPP D14	(2021) Noise
LPP GG5	(2021) Growing a good economy
LPP HC1	(2021) Heritage conservation and growth
LPP SD6	(2021) Town centres and high streets
LPP SD7	(2021) Town centres: development principles and Development Plan Documents
LPP T6.3	(2021) Retail parking
NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF7	NPPF 2021 - Ensuring the vitality of town centres
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF12	NPPF 2021 - Achieving well-designed places

3 170 **LBH worked applicant in a positive & proactive (Granting)**

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 Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a cafe (Use Class E(b)), occupied by We Love Coffee, located on the west side of High Street, Harefield. The site forms part of the Harefield Village Conservation Area and is designated as part of the Harefield Local Centre and Core Shopping Area as part of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020). Notably, no. 14 High Street is a Grade II Listed Building.

3.2 Proposed Scheme

Planning permission is sought for the permanent retention of an outdoor seating area at the rear of the coffee shop. The seating area would amount to approximately 47 square metres in footprint. The existing reclaimed palette fencing would be replaced with a new fencing enclosure and a York stone hard surface would be provided.

3.3 Relevant Planning History

47647/APP/2020/2017 14 High Street Harefield

Erection of a 2m high fence to form a temporary outdoor seating area at the rear of the coffee shop.

Decision: 27-08-2020 Approved

47647/APP/2022/1409 14 High Street Harefield

Permanent retention of the existing 2m high fence and outdoor seating area at the rear of the coffee shop (previous application ref. 47647/APP/2020/2017) (retrospective application).

Decision: 28-06-2022 Refused

Comment on Relevant Planning History

The relevant planning history is listed above, notably temporary planning permission ref: 47647/APP/2020/2017 which approved for a period of 2 years the erection of a 2m high fence to form a temporary outdoor seating area at the rear of the coffee shop. That temporary approval lapsed on 27 August 2022.

This application is a revised resubmission of planning application ref: 47647/APP/2022/1409 for the permanent retention of the existing 2m high fence and outdoor seating area at the rear of the coffee shop. Application 47647/APP/2022/1409 was refused for the following reason:

1. The development proposal due to the siting, design, materials and construction would result in 'less than substantial harm' to the setting of the Listed Building, would fail to preserve the appearance and character of the Conservation Area and would harm the general visual amenities of the area. As there are no longer exceptional circumstances to justify the development proposal and no public benefits identified to outweigh the harm, the development proposal would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Policies DMHB 1, DMHB 2, DMHB 4 and DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Paragraph 202 of the National Planning Policy Framework (2021).

4. Planning Policies and Standards

Development Plan:

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)

Material Considerations:

The National Planning Policy Framework (NPPF) (2021) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

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

PT1.HE1 (2012) Heritage

Part 2 Policies:

DMTC 1 Town Centre Development

DMTC 4 Amenity and Town Centre Uses

DMHB 1 Heritage Assets

DMHB 2 Listed Buildings

DMHB 4 Conservation Areas

DMHB 11 Design of New Development

DMHB 14 Trees and Landscaping

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP D5 (2021) Inclusive design

LPP D8 (2021) Public realm

LPP D13 (2021) Agent of change

LPP D14 (2021) Noise

LPP GG5 (2021) Growing a good economy

LPP HC1 (2021) Heritage conservation and growth

LPP SD6 (2021) Town centres and high streets

LPP SD7 (2021) Town centres: development principles and Development Plan Documents

LPP T6.3 (2021) Retail parking

NPPF6	NPPF 2021 - Building a strong, competitive economy
NPPF7	NPPF 2021 - Ensuring the vitality of town centres
NPPF16	NPPF 2021 - Conserving & enhancing the historic environment
NPPF12	NPPF 2021 - Achieving well-designed places

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- **28th September 2022**
28th September 2022

6. Consultations

External Consultees

13 neighbours were consulted by letter dated 25-08-22. A site notice was displayed on 06-09-22 and an advertisement was placed in the Gazette.

49 letters of support were received along with a petition in support with 126 signatures.

5 letters of objection were received citing concerns regarding the following (summarised) matters:

- Impact on the fabric of the listed building
- Noise, smoke, smell
- Access, parking, refuse, servicing of the newly approved restaurant at No.12

PLANNING OFFICER COMMENTS:

The fencing would not require any alteration to the main building and as such the historic fabric of the listed building would not be affected. A condition has been included in paragraph 2 of this report to ensure that no part of the fencing enclosure attaches to the listed building. The design and heritage considerations are discussed in the 'Impact on the character & appearance of the area' section at paragraph 7.07 of this report.

Noise and odour are discussed in the 'Impact on neighbours' section at Paragraph 7.08.

Access, parking and refuse arrangements would be unchanged and it is noted the Highways Officer does not raise any concerns. The fencing would be located within the application site and this is not considered to impact on the servicing of the recently approved restaurant at No.12. These matters are discussed in the 'Traffic impact, Car/cycle parking, pedestrian safety' section at Paragraph 7.10.

Internal Consultees

ACCESS OFFICER:

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

CONSERVATION OFFICER:

The application seeks planning permission for the permanent retention of the existing outdoor seating area to the rear of the coffee shop at 14 High Street, Harefield with the replacement of the

fencing and flooring previously approved under planning application reference number 47647/APP/2020/2017 (temporary permission). 14 High Street, Harefield is a grade II listed building that is situated within a prominent location within the Harefield Village Conservation Area.

The Grade II Listed Building probably dates from the early part of the 18th century and has benefitted from mid-19th and 20th century alterations. The existing shop front along the High Street elevation is a 20th century addition. The formal building frontage comprises a symmetrical composition three windows wide with a painted roughcast finish and decorative window surrounds that makes a positive contribution to the street scene.

The rear elevation is much simpler in appearance and reflects the service side of the building. The elevation is characterised partly by a pebble dash render, London stock brick and six over six glazing bar timber sash windows. A later external staircase provides access to the first-floor flats above. Prior to the external seating area being introduced, the rear service area was a functional and untidy space that was used primarily for bin storage / car parking and contributed very little to the character and appearance of the conservation area nor the setting of the listed building.

The creation of a fenced off seating area for the cafe was granted temporary permission two years ago in response to Covid restrictions and the need for social distancing and the avoidance of enclosed spaces to allow the cafe to continue operating. Despite the permission the works were poorly executed and did not accord with the planning approval, introducing reclaimed timber pallets providing an untidy appearance. Rear yards associated with shops are usually enclosed with brick walls with access provided by timber gates. This would be the preferred treatment for enclosing the space. Notwithstanding this, the current enclosures and boundary treatments to the rear of the shops are primarily timber fencing. Timber fencing can, therefore, be supported in this instance as it would have a negligible impact on the character and appearance on this part of the conservation area and little impact on the setting of the listed building.

There are concerns, however, with the proposed grey porcelain floor tiles which would be an inappropriate modern finish to the setting of the listed building and wider conservation area. The floor finishes should be changed to a more traditional paving such as York Stone.

HIGHWAYS OFFICER:

There are no envisaged highway related issues associated with this proposal as pedestrian access is satisfactory as is servicing to the rear of No's 12-16 which would remain broadly unaffected.

PLANNING OFFICER RESPONSE:

In respect to the comments received from the Conservation Officer, the grey porcelain tiles have been revised to York stone to address these concerns. A condition has been included requiring full details of the York stone paving and timber fencing. It is noted that the Council's Access Officer and Highways Officer do not raise any concerns.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The application site is designated as part of the Harefield Local Centre and Core Shopping Area as part of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

Policy E5 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that local parades will be protected, enhanced and managed to ensure they meet the needs of the local community and enhance the quality of life for local residents,

particularly those without access to a car.

Policy DMTC 3 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) The Council will protect and enhance the function of local centres and local shopping parades by retaining uses that support their continued viability and attractiveness to the locality they serve. In considering applications for changes of use of shops the Council will ensure that:

- i) the local centre or shopping parade retains sufficient essential shop uses to provide a range and choice of shops appropriate to the size of the parade, and its function in the Borough shopping hierarchy;
- ii) at least of 50% of the local centre or shopping parade is retained as Use Class A1 shops; and
- iii) the surrounding residential area is not deficient in essential shop uses.

As noted above, there is planning policy support for applications which protect the function of local centres and local shopping parades. Notably, the seating area would not impact on the provision of essential shops within the local centre and core shopping area. Therefore the principle of the development is acceptable, subject to compliance with wider planning considerations.

7.02 Density of the proposed development

Not applicable to this application.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Please see 'Impact on the character & appearance of the area' section of the report at Paragraph 7.07.

7.04 Airport safeguarding

Not applicable to this application.

7.05 Impact on the green belt

Not applicable to this application.

7.07 Impact on the character & appearance of the area

POLICY CONTEXT

The application site comprises a cafe, located on the west side of High Street, Harefield, forming part of the Harefield Village Conservation Area, Harefield Local Centre and Core Shopping Area. Notably, no. 14 High Street is a Grade II Listed Building. The following planning policies are considered relevant:

Paragraph 126 of the National Planning Policy Framework (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 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Paragraph 202 of the NPPF (2021) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policies D1, D3 and D4 of the London Plan (2021) require development proposals to be high quality and to enhance the local context and be delivering buildings and spaces that positively respond to local distinctiveness.

Policy HC1 of the London Plan (2021) states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) states that all new developments should achieve a high quality of design in all new buildings and the public realm contributes to community cohesion and a sense of place.

Policy HE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape, which includes the designated heritage assets such as statutorily Listed Buildings, Conservation Areas and Scheduled Ancient Monuments.

Policy DMHB 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states:

A) The Council will expect development proposals to avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where:

- i) it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;
- ii) it will not lead to a loss of significance or harm to an asset, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss, in accordance with the NPPF;
- iii) it makes a positive contribution to the local character and distinctiveness of the area;
- iv) any extensions or alterations are designed in sympathy, without detracting from or competing with the heritage asset;
- v) the proposal would relate appropriately in terms of siting, style, scale, massing, height, design and materials;
- vi) buildings and structures within the curtilage of a heritage asset, or in close proximity to it, do not compromise its setting; and
- vii) opportunities are taken to conserve or enhance the setting, so that the significance of the asset can be appreciated more readily.

Policy DMHB 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that planning permission will not be granted for proposals which are considered detrimental to the setting of a Listed Building.

Policy DMHB 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) states that new development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness.

Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that all development will be required to be designed to the highest standards and incorporate principles of good design.

Policy DMHB 12 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) advises that development should be well integrated with the surrounding area.

ASSESSMENT

As the fencing is not attached to the building, the Council's Conservation Officer has confirmed that listed building consent is not required. However, it is free standing and planning permission is required and a key consideration in determining the application is the setting of the listed building.

As previously stated by the Council's Conservation Officer, the principle of using the space for outdoor seating is considered acceptable. Albeit the reclaimed pallets used as fencing was not considered an appropriate boundary treatment in relation to the Listed Building and was considered harmful to its setting. It was also not considered to contribute positively to the setting of the listed building or the conservation area.

In general, the seating area is located to the rear of the premises and is not visible from the street scene, however this does not mean that the Conservation Area or the setting of the Listed Building should not be preserved or enhanced.

The constructed fencing does not reflect the approved plans (for a temporary period) but instead appear to be constructed from misaligned reclaimed pallets of varying degrees of maintenance. The visual impact is harmful to the setting of the listed building, the conservation area and the general amenities of the area. The previous application to retain the palette fencing was refused as it is considered to pose 'less than substantial harm', which was not outweighed by public benefits.

However, this revised and resubmitted application now proposes higher quality timber fencing in the form of Harmony Cedar look panel fencing which is considered to be a significant improvement on the existing palette fencing and a more suitable treatment for its sensitive site context. In addition, following the Conservation Officer's comments, the scheme has been amended to provide a traditional hard surface constructed with York stone paving. The specific details of the fencing and paving would be secured by condition. The development proposal would therefore preserve the setting of the listed building and the appearance and character of the Harefield Village Conservation Area.

As no harm is identified to the heritage assets, the resubmission application would overcome the previous reasons for refusal. In this regard, the development proposal would accord with planning policies referred to above.

7.08 Impact on neighbours

Policy D13 (Agent of Change) of the London Plan (2021) states -

A The Agent of Change principle places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. Boroughs should ensure that Development Plans and planning decisions reflect the Agent of Change principle and take account of existing noise and other nuisance-generating uses in a sensitive manner when new development is proposed nearby.

B Development should be designed to ensure that established noise and other nuisance

generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them.

C New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.

D Development proposals should manage noise and other potential nuisances by:

- 1) ensuring good design mitigates and minimises existing and potential nuisances generated by existing uses and activities located in the area
- 2) exploring mitigation measures early in the design stage, with necessary and appropriate provisions including ongoing and future management of mitigation measures secured through planning obligations
- 3) separating new noise-sensitive development where possible from existing noise generating businesses and uses through distance, screening, internal layout, soundproofing, insulation and other acoustic design measures.

E Boroughs should not normally permit development proposals that have not clearly demonstrated how noise and other nuisances will be mitigated and managed.

Policy D14 (Noise) of the London Plan (2021) states -

A In order to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposals should manage noise by:

- 1) avoiding significant adverse noise impacts on health and quality of life
- 2) reflecting the Agent of Change principle as set out in Policy D13 Agent of Change
- 3) mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses
- 4) improving and enhancing the acoustic environment and promoting appropriate soundscapes (including Quiet Areas and spaces of relative tranquillity)
- 5) separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials - in preference to sole reliance on sound insulation
- 6) where it is not possible to achieve separation of noise-sensitive development and noise sources without undue impact on other sustainable development objectives, then any potential adverse effects should be controlled and mitigated through applying good acoustic design principles
- 7) promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.

Policy EM8 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012) states that the Council will seek to ensure that noise sensitive development and noise generating development are only permitted if noise impacts can be adequately controlled and mitigated.

Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) seeks to ensure that development proposals do not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space. The supporting text for this policy states that the Council will expect new development proposals to carefully consider layout and massing in order to ensure development does not result in an increased sense of enclosure and loss of outlook.

The application site forms part of a Core Shopping Area within the Harefield Local Centre. Generally, commercial uses are located at ground floor with residential flats above, including nos. 12 to 22 High Street, Harefield. The proposed seating area would also be

sited approximately 5.2 metres east of the garden space of no.1 Taylor Close and further from nos. 2 and 3 Taylor Close.

In terms of the impact of the proposed seating area on neighbouring residents, it is considered that the proposed fencing would not impact on the outlook from or daylight and sunlight received by neighbouring properties. The fencing would also serve the purpose of containing some of the noise impact associated with the space. The applicant notes that any noise impact would be limited to operating hours which would be between 9am and 6pm Monday to Sunday. A suitable condition is recommended in the event of an approval.

Although the proposed development would be introducing a potential noise impact on neighbouring residents, the nature of a cafe is considered less likely to be associated with significant noise generation. It is noted that local residents have cited concerns regarding noise, odour and smoke. However, given the location of the site within a Core Shopping Area, and the hours of use would be limited to sociable hours (as opposed to unsociable hours), the proposed development is not considered to generate significant harm to neighbouring residents to warrant a refusal on amenity grounds.

As such, the proposal is not considered contrary to Policies D13 and D14 of the London Plan (2021), Policy EM8 of the Hillingdon Local Plan: Part 2 - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).

7.09 Living conditions for future occupiers

Not applicable to this application.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner.

Policy DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) states that proposals must ensure that safe and efficient vehicular access to the highway network is provided, schemes do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents. Also that impacts on local amenity and congestion are minimised and there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads.

Policy DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) requires that proposals comply with the Council's parking standards in order to facilitate sustainable development and address issues relating to congestion and amenity.

The proposal would not generate additional trips that would be considered detrimental to the local highway network. There is also sufficient space for servicing and delivery to continue to the rear of the premises. The site's bin storage provision would be re-sited but would not be compromised in terms of capacity or access. The Council's Highway Officer does not raise any objections.

7.11 Urban design, access and security

URBAN DESIGN

Please see 'Impact on the character & appearance of the area' section of the report at Paragraph 7.07.

ACCESS

Policy D5 of the London Plan (2021) states - Development proposals should achieve the highest standards of accessible and inclusive design. They should:

- 1) be designed taking into account London's diverse population
- 2) provide high quality people focused spaces that are designed to facilitate social interaction and inclusion
- 3) be convenient and welcoming with no disabling barriers, providing independent access
- 4) be able to be entered, used and exited safely, easily and with dignity for all.

Wide access gates are proposed, allowing for access by wheelchair users. The existing surfacing would not be considered suitable for a permanent seating area, however the scheme has been revised with hard surfacing improvements that would improve accessibility.

SECURITY

The security of the site is not considered to be compromised by the proposed development. The proposed use is also considered to increase activity to the rear of the premises which is likely to discourage anti-social behaviour.

7.12 Disabled access

Please see 'Urban design, access and security' section of the report at Paragraph 7.11.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, landscaping and Ecology

Not applicable to this application.

7.15 Sustainable waste management

Not applicable to this application.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

Not applicable to this application.

7.18 Noise or Air Quality Issues

Please see 'Impact on neighbours' section of the report at Paragraph 7.08.

7.19 Comments on Public Consultations

Please see 'External Consultees' section of the report at Paragraph 6.

7.20 Planning obligations

Not applicable to this application.

7.21 Expediency of enforcement action

Not applicable to this application.

7.22 Other Issues

No other issues are identified.

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

For the reasons set out in this report, it is considered that the proposal would comply with the objectives of national, regional and local planning policies and guidance. It is therefore recommended that the application be approved, subject to the imposition of the conditions set out in Section 2 of the Committee Report.

11. Reference Documents

Hillingdon Local Plan: Part 1 - Strategic Policies (2012)

Hillingdon Local Plan: Part 2 - Development Management Policies (2020)

London Plan (2021)

National Planning Policy Framework (2021)

Contact Officer: Christos Chrysanthou

Telephone No: 01895 250230