

Report of the Corporate Director of Planning & Community Services

Address THE WILLOW TREE P.H. JOLLYS LANE HAYES

Development: Change of use for parking of two commercial vehicles, temporary cabin for use as storage and retention of fencing, to include new trellis and landscaping.

LBH Ref Nos: 27337/APP/2009/2490

Drawing Nos: 2497 01 Rev A
2497 02
Design and Access Statement

Date Plans Received: 15/11/2009 **Date(s) of Amendment(s):** 15/11/2009
Date Application Valid: 03/12/2009

1. SUMMARY

The site previously comprised of a public house which has now been demolished and is cleared. However, due to the trees on the frontage it is not considered that this has resulted in a detrimental impact on the street scene or the wider area. Whilst it is accepted that to the south and south west there is some large scale commercial development, it is not considered that this site falls within these areas and it is situated within a residential area. Furthermore, the vehicular access point which serves this site is from Jolly's Lane, a residential road, whereas the commercial development is accessed from Glencoe Road and this gives a legible definition between residential and commercial areas. As such it is not considered the proposed use would be appropriate within this particular setting and therefore the application is recommended for refusal.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed use of the site, by reason of the associated vehicle movements and scale of activities involved would result in noise and general disturbance to the detriment of the amenities of nearby residential properties. The proposal is therefore contrary to policies OE1 and OE3 of the Hillingdon Unitary Development Plan Saved Policies September 2007.

2 NON2 Non Standard reason for refusal

The proposed boundary fencing, by reason of its siting, height and design would appear as an unduly dominant and obtrusive feature, to the detriment of the visual amenities of the street scene, the character and appearance of the area, the amenities of the adjoining property (No 9 Clayton Terrace) and the wider locality. It would result in a visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity. Therefore the proposal would be contrary to policies BE13 and BE19 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

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) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance.

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.
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

3. CONSIDERATIONS

3.1 Site and Locality

The application relates to an open area of vacant land, which previously comprised a Public House on the east side of Jolly's Lane. The Public House has now been demolished and an area of hardstand remains. To the front there are a number of attractive mature trees which provide a limited level of screening to the site. To the south is a row of terrace cottages and to the side and rear is a large surface level car park. The application site is within 'The Willows, Willow Tree Lane' Local Centre as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies, September 2007).

3.2 Proposed Scheme

The application seeks planning permission for the temporary use of this land for the parking of two commercial vehicles (1 x coach and 1 x articulated lorry), and the retention of double gates and a 2.5m high wooden panel fence to the front and part of the south side boundary, with the existing 1.8m high close board fencing left on the remaining boundaries (with the superstore site). Trellis panels would be applied to the fencing on the frontage to allow for additional soft landscaping. A temporary site storage building would be positioned on the north side of the vehicular entrance within the site. This building would be 5m wide by 2.8m deep and finished with a flat roof 2.5m high.

3.3 Relevant Planning History

27337/APP/2008/3303 The Willow Tree P.H. Jollys Lane Hayes

Demolition of The Willow Tree public house (Consultation under Schedule 2, Part 31 of the Town and Country (General Permitted Development) Order 1995).

Decision: 13-01-2009 NO

27337/APP/2008/3495 The Willow Tree P.H. Jollys Lane Hayes

Temporary use of land for parking of two commercial vehicles, provision of 2m high palisade fencing and double gate to frontage, and 3m high palisade fencing to sides and rear of site.

Decision: 06-03-2009 Refused

Comment on Relevant Planning History

The existing Public House was demolished (under the prior notification procedure) as the site had been vacant for some time and the applicants had stated the building was beyond economic repair. The applicants long term aspiration is to redevelop the site, however with the current economy, they have decided to wait until a more suitable time.

This application is a resubmission of a previously refused application (27337/APP/2008/3495), due to:

- by reason of the associated vehicle movements would result in noise and general disturbance through the scale of activities involved to the detriment of the amenities of nearby residential properties.
- The proposed boundary fencing, by reason of its siting, height and design would appear as an unduly dominant and obtrusive feature, detrimental to the visual amenities of the street scene, the character and appearance of the area, the amenities of the adjoining property (No 9 Clayton Terrace) and the wider locality and as such would result in a visually intrusive and an un-neighbourly form of development, resulting in a material loss of residential amenity.

The current application has been revised to show a different boundary treatment, previously consent was sought for a 2m high palisade fence on the front boundary, with a 3m high palisade fence to the remaining boundaries. The current scheme seeks consent to retain the existing unauthorised front and part side solid wooden 2.4m high boundary fence, and to apply trellis to the same to allow for soft landscaping to be planted. The remaining details of the application are the same.

4. Planning Policies and Standards

N/A

UDP / LDF Designation and London Plan

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

Part 1 Policies:

Part 2 Policies:

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.
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
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

A Ward Councillor has requested that the application is put before the South and Central Planning Committee.

28 neighbours were consulted and two responses have been received, which makes the following comments -

We are concerned about

1. Traffic congestion, there is already a heavy flow of traffic into the road and surrounding area.
2. Jolly's Lane is a no through road, used by local residents, we feel this would cause further disruption to the area.
3. Noise pollution - residents working shift patterns will find this unbearable, it will also disrupt sleep patterns if coaches are to be moved in early hours of the morning
4. Crime - due to the recent rise in crime, we feel the proposal will create a hotspot for vandalism
5. If the application is granted - who will enforce the limitation of vehicles allowed to be parked on the premises
6. Emissions - as this is a residential area, we feel these vehicles will increase pollution in the area
7. Safety risk - many children play along Jollys Lane (as it is a no through road) and having large vehicles accessing the premises will have implications on road safety
8. Views- The views will be un-sightly regardless of landscaping.
9. The alleyway to the side is at a lower level than the site, and therefore water run-off collects here, this makes my house damp and the alleyway dangerous when icy. I would like this corrected if permission is granted.

Internal Consultees

EPU - I intend that my advice on the present application is generally consistent with that given by this department on the previous application. I therefore have no objection to the present application subject to restrictions and conditions.

The planning supporting statement states that the proposed use is temporary. I recommend that any planning permission for the proposed use should be given for only a temporary period, although the 5 year period mentioned may be too long.

I have noted that the proposed hours of use of the site stated in section 21 of the application form

have been shortened. I suggest that a condition be imposed restricting the hours of use and number of vehicles. The condition should be based on that proposed for the previous application, and needs clarification to specify exactly what use the hours restriction applies to. For example, would the hours restriction apply to vehicle movements at, into or out of site (since the noise is thought to be caused by vehicle movements)? Would parking of the two vehicles be permitted outside these hours?

Comment: Although the Council's Environmental Protection Officer has not formally objected to this proposal, and has in fact drafted possible conditions, it should be noted that the application is for 5 years (not a lesser period) and a number of serious issues they have raised are not addressed in the application submission.

TREES AND LANDSCAPING - The 0.175ha site is a vacant plot which was formerly occupied by the Willow Tree public house - now demolished. The site is situated at the southern end/ east side of Jolly's Lane and backs onto the western edge of the Tesco car park. No detailed tree survey has been submitted, although some of the onsite (and off site) trees have been indicated on drawing No. 01 Rev a. However, there are no Tree Preservation Orders or Conservation Area designations affecting the trees on, or close to, the site. The site is currently part-screened from the east (Tesco) by the off-site mature boundary planting around the edge of Tesco's car park, which was planted /retained as part of a former planning approval.

The proposal includes the retention of the on-site 'mature' trees including the large Willow in the north-west corner- although there is no survey detail about the quality and value of these trees. There is also a proposal to add trellis to the outside of the 2.5metre high boundary fence, facing Jolly's Lane, which will be planted with climbing shrubs to improve and soften the appearance of the fence.

LANDSCAPE ISSUES - The site can comfortably accommodate two vehicles. The visual impact of these vehicles will depend on their size/height and the effectiveness of the existing tree planting - both on and off-site. No mention is made of additional tree planting on plan, but clearly there would be an opportunity to re-inforce the visual screen with supplementary planting (above eye-level).

The proposal to enhance the appearance of the fence on the Jolly's Lane elevation will benefit the public domain / street scene, although it will not reduce the impact of the high-sided vehicles within the site.

RECOMMENDATION - No objection subject to conditions TL1, TL2, TL3, TL5 and TL6.

HIGHWAYS No objection

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Policy BE13 of the Adopted Hillingdon UDP (Saved Policies, September 2007) states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene, and BE19 states the LPA will seek to ensure that new development within residential areas compliments or improves the amenity and character of the area.

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties, and policy OE3 states buildings or uses which have the potential to cause noise annoyance will only be permitted if the impact can be mitigated.

7.02 Density of the proposed development

Not applicable to this application

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

Not applicable to this application

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

The site is primarily in a residential area, with a row of terraced properties to the south west side and facing residential properties opposite. Whilst it is accepted that there is a large supermarket to the rear with its associated car park, a row of small commercial units, and a petrol filling station on the far side, it is considered this area is well screened from the site with both hard and soft landscaping features, and that Jolly's Lane is residential in nature, serving the local housing. Furthermore, it is also noted Jolly's Lane, does not provide vehicular access to the supermarket or petrol filling station and it is considered that this commercial development and the nearby commercial development (to the south west) is accessed by Glencoe Road, with Jolly's Lane remaining residential. Therefore, the proposed development would be out of keeping with the area to which it relates and the retention of the existing wood panel fencing, given its siting, height and design would appear unduly intrusive and out of character in the street scene. Furthermore, there is a concern that whilst the trellis may enhance the appearance of the proposed fence on the Jolly's Lane elevation, which would benefit the public domain / street scene, it would not reduce the impact of the high-sided vehicles within the site.

As such the proposal is considered contrary to policies BE13, BE15 and BE19 of the UDP (Saved Policies September 2007).

7.08 Impact on neighbours

The environmental protection unit has suggested that if consent were to be granted, in order to safeguard the amenities of surrounding properties, any permission issued should have conditions attached relating to hours of operation and a site management plan. However, whilst the hours of operation could be controlled by condition, the impact from the noise of vehicles manoeuvring during the day cannot be easily controlled. In addition, it is considered that if the proposal were to receive consent it would set a precedent for the use of the site and it would be difficult to control/restrict further vehicles being stored on the site and where they were sited. Therefore, the use of the site for vehicle storage is likely to give rise to noise and disturbance detrimental to the amenities of adjoining residential properties, and as such, the proposal fails to comply with policies OE1 and OE3 of the Unitary Development Plan (Saved Policies September 2007).

With regard to loss of light and outlook, the proposal involves securing the site boundaries with the retention of the wooden panel fencing to the front and part of the south side boundary, with the existing 1.8m high close board fencing left on the remaining boundaries (with the superstore site). The wooden panel fence would be 2.5m high and trellis panels would be applied to the road frontage to allow for climbing shrubs to be planted. The main property to be affected by this development would be No 9 Clayton Terrace, and would result in a 2.5m high wooden panel fence running parallel (approx. 1.1m away) the length of the northern boundary of this residential curtilage, however, due to its height and the access path running between the two sites, this fence would not be considered to result in a material loss of outlook to that property reducing it to below a level they could reasonably expect to enjoy. The proposal is therefore considered to comply with Policies BE20 of the UDP (Saved Policies September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, Car/cycle parking, pedestrian safety

The application is for use of the site to park two commercial vehicles to be used by the nearby specialist driving school. Sweep path analysis has not been provided with the application, however the site is considered large enough to provide sufficient manoeuvring areas for the vehicles. As such, the proposed accord with policy AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

Not applicable to this application

7.12 Disabled access

Not applicable to this application

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, landscaping and Ecology

The Trees and landscape section have been consulted and have stated the proposal includes the retention of the on-site 'mature' trees including the large Willow in the north-west corner- although there is no survey detail about the quality and value of these trees. There is also a proposal to add trellis to the outside of the 2.5metre high boundary fence, facing Jollys Lane, which will be planted with climbing shrubs to improve and soften the appearance of the fence. Whilst, the site can comfortably accommodate two vehicles, the visual impact of these vehicles will depend on their size/height and the effectiveness of the existing tree planting - both on and off-site. No mention is made of additional tree planting on the plan, but clearly there would be an opportunity to re-inforce the visual screen with supplementary planting (above eye-level). The proposal to enhance the appearance of the fence on the Jolly's Lane elevation will benefit the public domain / street scene, although it will not reduce the impact of the high-sided vehicles within the site. Therefore no objection is raised subject to appropriate landscaping conditions being applied and as such the application would comply with Policy BE38 of the UDP (Saved Policies September 2007).

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

Not applicable to this application

7.19 Comments on Public Consultations

The comments received have been addressed in the main body of the report.

7.20 Planning obligations

nNot applicable to this application

7.21 Expediency of enforcement action

7.22 Other Issues

Policy LE1 of the UDP (Saved Policies September 2007) lists the criteria applied to all proposals for industry (B2), warehousing (B8), and Business (B1) development, and

states developments will be assessed by firstly taking into account other policies in this plan, and as it has been considered the development fails to comply with Policies BE13, BE19 (impact on street scene), OE1 and OE3 (detrimental to the amenities of adjoining residential properties) and therefore it is not applicable to apply this policy in this instance.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are 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).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

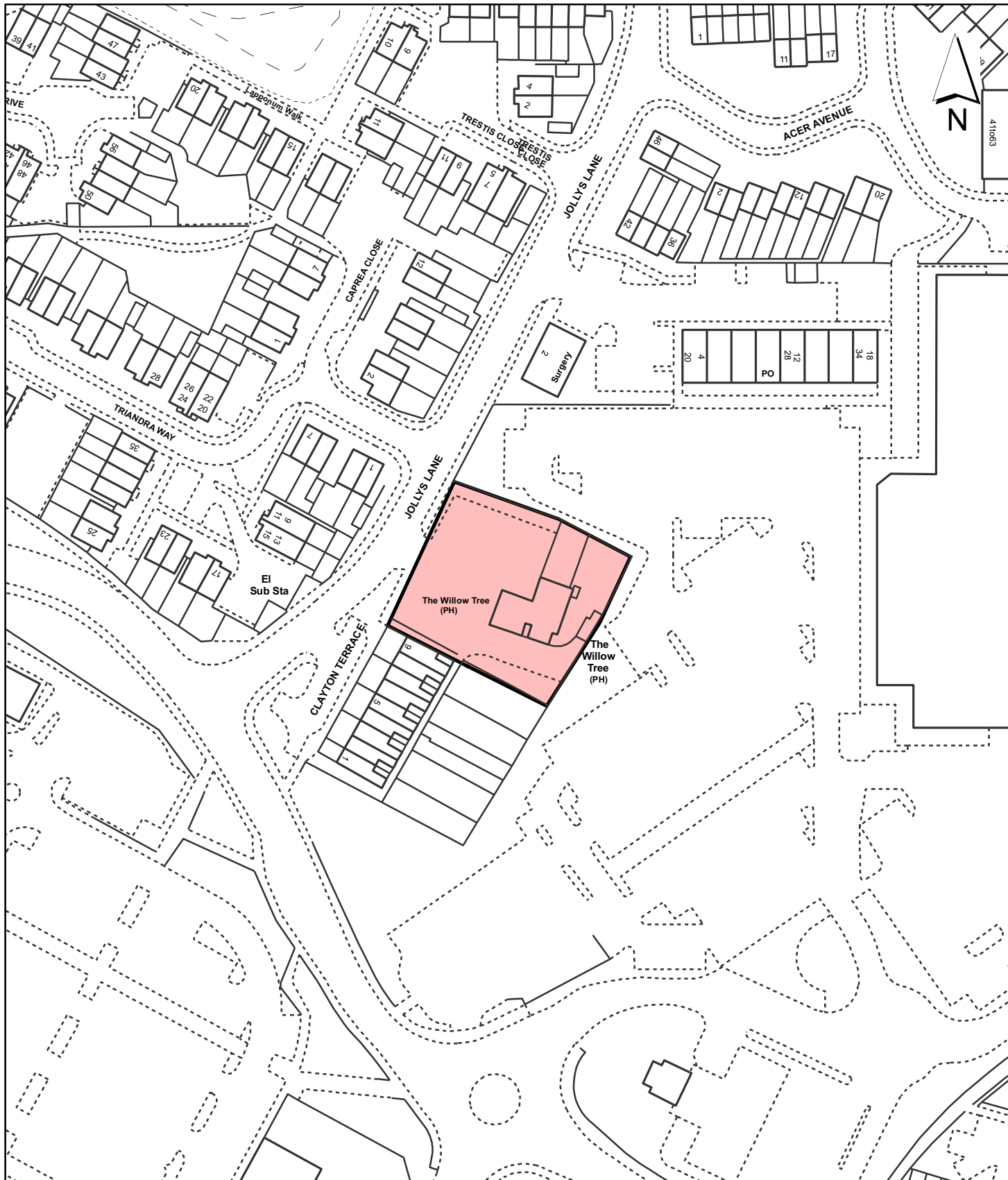
It is considered the proposed use would not be appropriate in a residential setting and could give rise to unacceptable levels of disturbance to nearby properties. In addition the proposed fencing would result in an out of character, incongruous and overly dominant feature in the street scene to its detriment. Therefore the application is recommended for Refusal.

11. Reference Documents

Unitary Development Plan (Saved Policies September 2007)
London Plan Policies (2008)

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Notes



Site boundary

For identification purposes only.

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London Borough of Hillingdon
100019283 2009

Site Address

The Willow Tree Public House
Jollys Lane
Hayes

Planning Application Ref:

27337/APP/2009/2490

Planning Committee

Central and South

Scale

1:1,250

Date

February 2010

**LONDON BOROUGH
OF HILLINGDON**

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