

Report of the Head of Planning & Enforcement Services

Address ST GEORGES MEADOW MILL ROAD WEST DRAYTON

Development: Installation of a 1.85m high mesh boundary fence with associated soft landscaping.

LBH Ref Nos: 33658/APP/2010/2653

Drawing Nos: Supporting Statement
Manufacturing details
1:1250 Site Plan showing location of fence line
J6/01059
Arbooricultural Report
24/11(Tree Protection Plan)

Date Plans Received: 18/11/2010 **Date(s) of Amendment(s):** 18/11/2010
Date Application Valid: 29/11/2010 03/05/2011

1. SUMMARY

Planning permission is sought to erect a 1.85m high mesh fence to the Wise Lane boundary. It is considered that the type of fencing proposed would not result in an intrusive form of development or have a detrimental impact which would detract from the visual amenities of the Wise Lane street scene and the Green Belt and would fail to preserve or enhance the character and appearance of West Drayton Green Conservation Area and the setting of a Grade II Listed Building.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

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

2 TL2 Trees to be retained

Trees, hedges and shrubs shown to be retained on the approved plan shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority.

If any retained tree, hedge or shrub is removed or severely damaged during construction, or is found to be seriously diseased or dying another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial

works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with

BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'. Remedial work should be carried out to BS 3998 (1989) 'Recommendations for Tree Work' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007) and to comply with Section 197 of the Town and Country Planning Act 1990.

3 TL3 Protection of trees during site clearance and development

No site clearance works or development shall be commenced until fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

1. There shall be no changes in ground levels;
2. No materials or plant shall be stored;
3. No buildings or temporary buildings shall be erected or stationed.
4. No materials or waste shall be burnt; and
5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

REASON

To ensure that trees and other vegetation to be retained are not damaged during construction work and to ensure that the development conforms with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

4 TL5 Landscaping Scheme - (full apps where details are reserved)

No development shall take place until detail of the proposed soft landscaping scheme showing the position and species of the hedges has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include: -

- Planting plans (at not less than a scale of 1:100),
- Written specification of planting and cultivation works to be undertaken,
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate,
- Implementation programme.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

5 TL6 Landscaping Scheme - implementation

All soft landscaping shall be carried out in accordance with the approved landscaping

scheme and shall be completed within the first planting and seeding seasons following the completion of the development or the occupation of the buildings, whichever is the earlier period. The new planting and landscape operations should comply with the requirements specified in BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs' and in BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. Thereafter, the areas of hard and soft landscaping shall be permanently retained.

Any tree, shrub or area of turfing or seeding shown on the approved landscaping scheme which within a period of 5 years from the completion of development dies, is removed or in the opinion of the Local Planning Authority becomes seriously damaged or diseased shall be replaced in the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority in the next planting season with another such tree, shrub or area of turfing or seeding of similar size and species unless the Local Planning Authority first gives written consent to any variation.

REASON

To ensure that the landscaped areas are laid out and retained in accordance with the approved plans in order to preserve and enhance the visual amenities of the locality in compliance with policy BE38 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

6 NONSC Non Standard Condition

Development shall not commence until details of spaces beneath the fencing hereby approved to enable wild species to pass under the fence (including hedgehogs), have been submitted to and approved in writing by the Local Planning Authority. The fence shall thereafter be constructed in accordance with the approved details.

REASON:

To permit the cross migration of wild species, in accordance with policy EC3 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

INFORMATIVES

1 I52 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 I53 Compulsory Informative (2)

The decision to GRANT 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 (July 2011) and national guidance.

BE4 New development within or on the fringes of conservation areas

BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OL1	Green Belt - acceptable open land uses and restrictions on new development

3 I2 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

4 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

5 I43 Keeping Highways and Pavements free from mud etc

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act 1980.

6 I51 Notification of Commencement of Works

Written notification of the intended start of works shall be sent to Planning & Community Services, London Borough of Hillingdon, Civic Centre, High Street, Uxbridge, UB8 1UW at least seven days before the works hereby approved are commenced.

7 I15 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health

nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

3. CONSIDERATIONS

3.1 Site and Locality

This application concerns St. Georges Meadow, a four bedroom timber framed house, which is situated in open meadow grounds given to the National Trust in 1960. The land is held by the National Trust, but is not open to the general public.

The house is a Grade II Listed Building and is situated within West Drayton Green Conservation area and the Green Belt.

3.2 Proposed Scheme

The previously refused scheme proposed a 1.8m high palisade fence along the Wise Lane boundary. It was considered that the type of palisade fencing proposed and bright green colour would result in an intrusive form of development which would detract from the visual amenities of the Wise Lane street scene and the Green Belt and would fail to preserve or enhance the character and appearance of West Drayton Green Conservation Area and the setting of a Grade II Listed Building.

This application attempts to overcome the reason for refusal of the previous scheme by proposing a 1.85m high wire mesh fencing painted dark green in colour. The proposed fence would be located at the back edge of the pavement so as to maintain the existing hedge and tree line and would abut the existing fencing. Indigenous hedges are proposed where gaps exist in the centre section of the Wise Lane frontage.

3.3 Relevant Planning History

33658/APP/2009/668 St Georges Meadow Mill Road West Drayton
Installation of 1.8 metre fencing to Wise Lane boundary.

Decision: 28-05-2009 Refused

Comment on Relevant Planning History

The above application was refused for the following reason:

The proposed fence by reason of its design and colour would result in an intrusive form of development which would detract from the visual amenities of the Wise Lane street scene and the Green Belt and fails to preserve or enhance the character and appearance of

West Drayton Green Conservation Area and the setting of a Grade II Listed Building. The proposal is therefore considered to be contrary to Policies BE4, BE10, BE13 and BE19 of the Hillingdon Unitary Development Plan Saved Policies September 2007 and paragraph 3.15 of Planning Policy Guidance Note 2 'Green Belts'.

4. Planning Policies and Standards

PPG 2 Green Belts

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

UDP / LDF Designation and London Plan

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

Part 1 Policies:

- | | |
|--------|---|
| PT1.1 | To maintain the Green Belt for uses which preserve or enhance the open nature of the area. |
| PT1.10 | To seek to ensure that development does not adversely affect the amenity and the character of the area. |

Part 2 Policies:

- | | |
|------|---|
| BE4 | New development within or on the fringes of conservation areas |
| BE10 | Proposals detrimental to the setting of a listed building |
| BE13 | New development must harmonise with the existing street scene. |
| BE19 | New development must improve or complement the character of the area. |
| BE38 | Retention of topographical and landscape features and provision of new planting and landscaping in development proposals. |
| OL1 | Green Belt - acceptable open land uses and restrictions on new development |

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **12th January 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

13 adjoining owner/occupiers and the Wise Lane and Ickenham Residents' Associations have been consulted. The application has also be advertised as a development that affects the character and appearance of the West Drayton Green Conservations Area and the setting of a Grade II listed building known as St Georges Meadow. No comments have been received.

West Drayton & District Local History Society:

'The above planning application refers to St.Georges Meadow, West Drayton. Representing the West & District Local History Society, I wish to make the following comments:-

The proposal is to erect an 8ft wire panel fence along part of the existing boundary. We are surprised the site plan does not show the fence extending along the entire frontage in Wise Lane. The application mentions defensive planting behind the fence. Are there details of this planting?'

West Drayton Green Conservation Panel:

'I am writing on behalf of the West Drayton Conservation Area Advisory Panel. The application does not say why the owners wish to erect such a very substantial fence along their boundary so we have some concern about why they consider it to be necessary; perhaps they have something they wish to hide? We could understand a desire to stop public access to the property if this was causing a nuisance but, were this the case, we do not believe the present application would achieve this because:

1 The proposed fence, as shown on the plans submitted, does not continue for the whole length of the Wise Lane frontage so it would be easy for people to walk round the north-western end of the proposed fence.

2 The eastern boundary of the property is not well fenced, so access across it will continue to be relatively easy.

We do not consider the proposed fence is in keeping with the area as its height and formal appearance would be intrusive and detract from the present semi-rural look of Wise Lane and the West Drayton Green Conservation Area, as was noted in the reasons for refusing a similar application in 2009. We assume that the proposal is to place the fence along the edge of the pavement, in front of the existing wild hedge with its mature trees. We are therefore concerned with the statement in the supporting document that the owners intend to plant defensive planting and/or an indigenous screen planting behind [the fence]. To us this suggests that the existing hedge and the trees in it would be removed despite the assurance in section 16 of the application that existing trees and hedges on the property would not be affected. This would be severely detrimental to the existing street scene.

Officer comments: Details of new planting in the form of hedges between the gaps will be secured by condition. The remaining points are addressed in the report. The fence was reduced in height from 2.4m to 1.8m in height.

Internal Consultees

Urban Design/Conservation:

The site falls within the West Drayton Green Conservation Area and includes a number of listed buildings. At present the boundary of the site along Wise Lane is enclosed by a low timber fence, which is in poor condition. The applicants have expressed concerns re the security of the site with a number of break-ins being reported to the Police. There is no objection in principle to the new fence, which is of simple mesh like construction and to be painted dark green, provided the works include planting to soften its appearance. However, at 2.3-2.4m the proposed fence seems rather high given the lane like character of its location. It was assumed following pre application discussion that the fence would be the same height as that previously applied for i.e. approx 1.8m. The posts should also include a capping to cover the hollow section.

The advice of Ian Tynne should be sought on the impact of the fence on wildlife, as this was one of the concerns of local residents and a ward councillor during the preapplication site visit.

CONCLUSION: No objection in principle, but the height should be lowered to 2m max and if agreed, conditions applied with regards to:

- Additional planting to soften the appearance of the fence
- Capping to finish posts
- Details of the colour and finish to be submitted

Officer comments: The fence has been reduced in height to 1.85m and the applicant has confirmed that there is no capping associated with the finish posts.

Trees/Landscape:

BACKGROUND:

The site comprises part of the Wise Lane boundary to the St George's Meadows, a National Trust property off Mill Road. The boundary is currently insecure and defined by scrub and hedgerow with occasional specimen trees, one of which is hard against the back edge of the Wise Lane footway. There are no Tree Preservation Orders on, or close to, the site. However, it lies within a Conservation Area, a designation which protects trees.

LANDSCAPE CONSIDERATIONS:

Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate. Saved policy OL26 seeks to protect and preserve trees and woodlands and encourage their preservation.

- In this case, there is no intention to remove trees or vegetation. Some minor trimming back of lateral growth may be required to accommodate the proposed fence line along the back edge of the kerb. This is acceptable.
- Of greater concern is the presence of at least one substantial tree, which is hard on the boundary. The fence line will have to be stepped back to create a bay for the tree, which avoids damaging the tree trunk or roots. This tree (and any others like it) need to be identified and details specified.
- The colour of the fence should be specified (including relevant BS /RAL reference) and a sample supplied.
- The height of the fence should be amended to 1.8, or 2 metres, which should be adequate to protect the site.

RECOMMENDATIONS:

No objection, in principle, subject to the amendments /details specified above.

Additional Comments:

I confirm that the survey information and method statement is acceptable and should secure the retention of existing trees and other shrubby vegetation which are worthy of retention. The integrity of the planting along this boundary will be protected during, and after, the installation of the fencing.

I note the recommendation to fell the Poplar (T5) and confirm that no separate Conservation Area notification is required in this case. (A copy of the plan and report / specification will be placed on the planning file and the Conservation Area file.)

7. MAIN PLANNING ISSUES

7.01 The principle of the development

The site is located within the Green Belt, and as such the principle of development is assessed in section 7.05.

7.02 Density of the proposed development

Not applicable.

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

The site is located within a Conservation Area and within the setting of a Listed Building. The impact of the development on the Conservation Area and within the setting of a Listed Building is assessed in conjunction with the impact on the Green Belt in Section 7.05.

7.04 Airport safeguarding

Not applicable.

7.05 Impact on the green belt

Policy OL1 of the Council's UDP states that the following uses/development are acceptable in the Green Belt: agriculture, horticulture, forestry and nature conservation, open-air recreational facilities and cemeteries. PPG2 advises that 'inappropriate development' is, by definition, harmful to Green Belt policy and, therefore, it is clear that strong arguments may need to be advanced, in terms of the 'very special circumstances', why the presumption against inappropriate development should be overridden. The proposal is by definition 'inappropriate development'.

In the supporting documentation, the applicant states that the fence is required for reasons of security and would enclose an open meadow area which surrounds the Grade II Listed Building. It is considered that the siting, height (1.85m) and design of the proposed fence would not unacceptably increase the built-up appearance of the site and design of the proposed fence would not unacceptably obstruct views into and out of the site. The proposal would not therefore detract from the open character and appearance of the site and would not result in an intensification of an existing use. As such, it is considered that the proposed fence would not prejudice the purposes of including land in Green Belts and 'special circumstances' have therefore been demonstrated.

The western boundary of the site which fronts onto Wise Lane has an informal rural setting and the Council's Urban Design Conservation Officer considers that the type of fencing now proposed and its dark green colour would not result in an intrusive form of development but would now harmonise with this attractive rural setting. The simple mesh like construction, design and colour of the proposed fencing is not considered to detract from the visual amenities of the Wise Lane street scene and the Green Belt and as such would preserve or enhance the character and appearance of West Drayton Green Conservation Area and the setting of a Grade II Listed Building.

The proposal is therefore considered to overcome the reason for refusal of the previous scheme and would now comply with policies BE4, BE10, BE13 and BE19 of the adopted Hillingdon Unitary Development Plan (Saved Policies September 2007) and Planning Policy Guidance Note 2 'Green Belts'.

7.07 Impact on the character & appearance of the area

The impact of the development on the character of the Green Belt and Conservation Area is assessed in Section 7.05.

7.08 Impact on neighbours

The siting and size of the proposed fence is not considered to be overdominant in relation to the adjoining residential property 'Treeside' and the properties located on the eastern side of Wise Lane. The proposal would therefore comply with Saved Policy BE21.

7.09 Living conditions for future occupiers

Not applicable.

7.10 Traffic impact, Car/cycle parking, pedestrian safety

Not applicable.

7.11 Urban design, access and security

Not applicable.

7.12 Disabled access

Not applicable.

7.13 Provision of affordable & special needs housing

Not applicable.

7.14 Trees, landscaping and Ecology

The proposal would retain the existing landscaping of merit and will introduce additional hedges in the gaps along the Wise Lane frontage; details of which are to be secured by way of a planning condition. A Poplar is proposed to be felled however this tree is not considered to be worth of retention. The proposal would therefore comply with policy BE38.

With regards to Biodiversity/Nature Conservation, the National Trust Nature Conservation standing advice is that the proposed mesh fence centre will permit the cross migration of toads, frogs, wood mice and bank voles as might commonly exist in the area. For appropriate hedgehog migration, a small extra excavation would be required under the bottom of the fence at an interval of every 5 metres. This can be secured by way of a planning condition (which is recommended should consent be granted).

Badgers and foxes would not be able to negotiate these small openings, however, there does not appear to be any badger activity. Furthermore, there are other exits along the existing fencing around the site for such animals to negotiate.

7.15 Sustainable waste management

Not applicable.

7.16 Renewable energy / Sustainability

Not applicable.

7.17 Flooding or Drainage Issues

Not applicable.

7.18 Noise or Air Quality Issues

Not applicable.

7.19 Comments on Public Consultations

Addressed in the body of the report.

7.20 Planning obligations

Not applicable.

7.21 Expediency of enforcement action

Not applicable.

7.22 Other Issues

None.

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

Planning permission is sought to erect a 1.8m high mesh fence to the Wise Lane boundary. It is considered that the type of fencing proposed would not result in an intrusive form of development or have a detrimental impact which would detract from the visual amenities of the Wise Lane street scene and the Green Belt and would fail to preserve or enhance the character and appearance of West Drayton Green Conservation Area and the setting of a Grade II Listed Building.

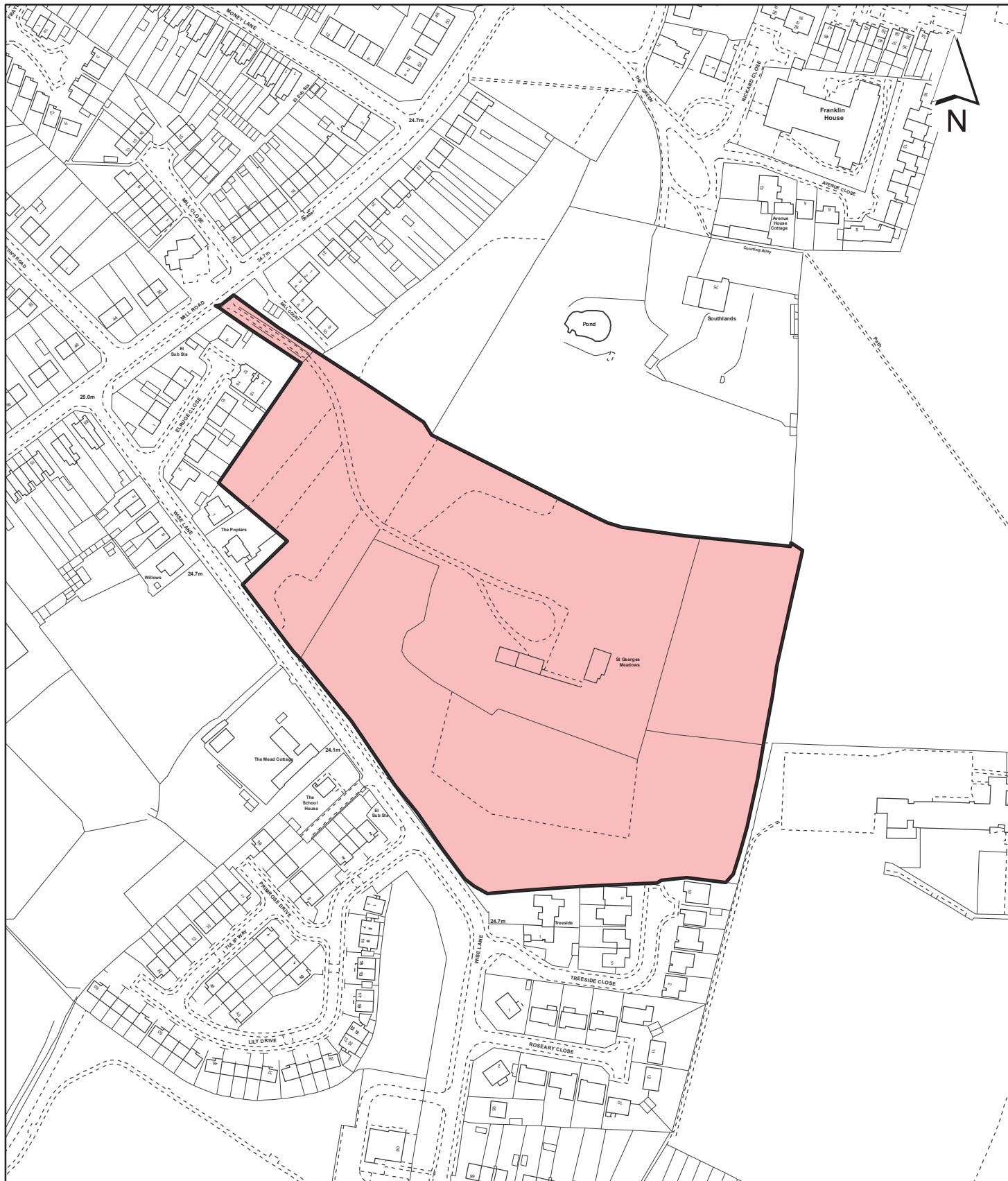
11. Reference Documents

PPG 2 Green Belts

Adopted Hillingdon Unitary Development Plan (Saved Policies September 2007).

Contact Officer: Sonia Bowen

Telephone No: 01895 250230



Notes



Site boundary

For identification purposes only.

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Site Address

**St Georges Meadow
Mill Road
West Drayton**

Planning Application Ref:

33658/APP/2010/2653

Planning Committee

Central and South

Scale

1:2,500

Date

**August
2011**

**LONDON BOROUGH
OF HILLINGDON**
Planning,
Environment, Education
& Community Services

Civic Centre, Uxbridge, Middx. UB8 1UW
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